

AWARD NO. 41/81-82

NAME OF THE VILLAGE : DHEERPUR

NATURE OF ACQUISITION : PERMANENT

PURPOSE OF ACQUISITION : PLANNED DEVELOPMENT OF DELHI.

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act, 1894. The land measuring 980 bighas 02 biswas situated in village Dheerpur was notified u/s 4 of the L.A. Act vide notification No.F.15(304)/61-L&H(11) dated 4.9.1967, for a public purpose namely Planned Development of Delhi. The substance of the notification was given due publicity as required under the law and the objections were invited from the interested persons. After considering the objections u/s 5-A of the L.A. Act, the Delhi Administration issued a declaration u/s 6 of the L.A. Act in respect of 980 bighas 02 biswas of land in village Dheerpur vide notification No.F.15(304)/61-L&H dated 6.3.68 for acquisition of the land for the purpose mentioned above.

At present 6 bighas 12 biswas land is being acquired in the present case. Out of 980 bighas 2 biswas an area of 22 bighas 2 biswas, 3 bighas 4 biswas and 35 bighas 9 biswas has already been acquired vide award Nos.123/80-81, 123A/80-81 and 7/81-82 respectively. The remaining land will be acquired through supplementary award as and when needed. Notices u/s 9 & 10 were issued to the persons interested to file their claims and the claims filed by the claimants are discussed hereinafter under the heading 'Claims'.

MEASUREMENT

The area under acquisition as given in the declaration u/s 6 is 980 bighas 02 biswas out of which as stated above, only 6 bighas 12 biswas land is being acquired at present. The land under acquisition is the subject matter of notice u/s 55 of the D.D.A. Act. The details of Kh.Nos. in form 7A have been prepared under para 55 of the Financial Commissioner's order No.28 which are as under:-

<u>Khasra No.</u>	<u>Area</u>	<u>Kind of land.</u>
292	0-19	
300	5-13	
	6-12	

The land owners have not raised any objection regarding the measurement & classification of land which is based on the entries in the Khasra Girdawari & other relevant records at the time of notification u/s 4.

CLAIMS

In pursuance of notices u/s 9 & 10, one Sh. Gajender Singh has filed ~~like~~ claim requesting for compensation @ Rs. 250/- per sq. yd. plus solatium, interest etc. In support of his claim, he has filed copies of 5 documents which will be discussed under the heading 'Market value'. No other claim from any person has been received.

MARKET VALUE

The market value of the land is to be assessed keeping in view the situation, advantages and potentialities attached to the land on the date of notification u/s 4. The land use also plays an important role in deciding the market value of the land.

The claimant Sh. Gajender Singh has filed 5 documents in support of his contention which are discussed below:-

(i) He has filed copy of sale deed dated 30.8.69 executed between Smt. Chameli vendor and Sh. Gajender Singh, Vendee according to which land measuring 38 bighas 6 biswas was sold for Rs. 50,000/-. This registered deed relates to 30.8.69 whereas notification u/s 4 in this case was issued on 4.9.67. Since the sale deed was executed after the date of notification u/s 4, this has got no significance in the present case and is discarded.

(ii) He has filed a copy of judgement dated 19.3.74 passed by the Addl. District Judge, Delhi in which he had held the market value of the land comprising of Kh. No. 31, 32, 479/30, 483/39 of village Dheerpur @ Rs. 40/- per sq. yd. This land was taken over by Municipal Corporation of Delhi for laying out of water main on the land. A perusal of the said order

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further shows that the learned judge had relied upon the certified copy of the sale deed filed by the petitioner and the municipal corporation did not contest or file any evidence in rebuttal of the sale deeds filed by the petitioner. Moreover, the land in this case is far away from the land under acquisition and is in a better situation. As such, the order of the learned A.D.J. cannot be made applicable in this case.

(iii) He has filed a photostat copy of award No.7A in respect of land comprising of Kh.No.22/2,23/2,24/2 and 26/2 of this village. This land is situated in a better situation behind the Model Town, a well-developed colony and cannot be made basis in this case.

(iv) The claimant has filed copy of appeal order dt.24.7.63 of the Circuit Bench of Punjab High Court in Regular first appeal No.131-D/61. This land is situated on the main road leading from Mall Road to Dheerpar by the side of village abadi. On the other hand, the land under acquisition is situated within the Shah-alam-bund. Hence the land covered by the judgment has got more potential value.

(v) The claimant filed another photostat copy of award No.26/80-81 in respect of Kh.No.237,273 etc. in which the L.A.C had awarded compensation @ Rs.7000/- per bigha. The land in this case is situated in a better position than the land under acquisition. Moreover, the date of notification u/s 4 in this case was issued on 1.11.78 i.e. about 11 years after the date of notification u/s 4 in the present case. Hence, this cannot be made basis in this case. ~~Maximum exposure~~ It would thus be observed from the above that the documents filed by the claimant will not be helpful. Now I proceed to ^{examine the} various awards announced in this village during the proximity of the date of notification u/s 4. The following awards are reported to have been announced in this village:-

S.No.	Award No.	Date of Notification u/s 4	Area	Rate per bigha
1.	1/72-74	22.7.66	141 sq.yds.	Rs.12/- per sq.
2.	22/74-75	8.5.67	0-03	Rs.20000/- P.B.

3.	29-A/74-75	8.5.67	Rs.20000/- P.B.
4.	50/78-79 <i>50-37</i>	8.5.67 <i>8-5-67</i>	Rs.5000/- P.B. <i>P. 5000/- 13</i>
5.	123/80-81	4.9.67	Rs.1200/- P.B.
6.	123-A/80-81	4.9.67	Rs.1400/- P.B.
7.	7/81-82	4.9.67	Rs.1400/- P.B.

Award No.29 and 29A relate to small area. Moreover, the land covered by these awards has got more potential value. As regards Award No.50 and 50A, land covered by these awards ~~it~~ enjoys better situational advantages as compared to the land under acquisition which is situated inside the Shah-alam-bund. Thus, the above awards will not be helpful in the present case. The land covered by award No.123/80-81 and 123-A/80-81 and 7/81-82 is, however, situated near to the land under acquisition. Moreover, the date of notification u/s 4 in all three awards is the same as that of in the present case. These awards will be more helpful to assess the market value in the present case. A sum of Rs.1200/- per bigha has been assessed in award No.123 whereas Rs.1400/- per bigha has been assessed in award No.123-A and 7/81-82. It further appears that land acquired in award No.7 is nearest to the land under acquisition than the land acquired in award No.123 and 123-A. As stated above, a sum of Rs.1400/- per bigha has been awarded in award No.7/81-82 and the date of notification u/s 4 is the same. Having relied upon the market price awarded in award No.7, it would be fair and justified if the market value of the land in the present case is ^{to} assessed @ Rs.1400/- per bigha and I award the same accordingly.

COMPENSATION FOR TREES WELLS & STRUCTURES

There is no tree, well or other structure on the land under acquisition.

SOLATIU

As provided under sub-section(2) of section 23 of L.A.Act, the interested persons will be paid ~~at~~ 15% solatium on the market value of the land for compulsory nature of acquisition.

APPORTIONMENT

The compensation will be paid according to the latest entries in the revenue records. In case of any dispute arising in the apportionment of the compensation, the matter shall be referred to the court of Additional District Judge, Delhi for adjudication u/s 30-31 of the L.A. Act.

LAND REVENUE

Khalsa amount of deduction from the land revenue dues on account of land acquired comes to Rs. 2.66P which will be deducted from the Khalsa Roll of the village from the date of taking over of possession of the land.

SUMMARY OF THE AWARD

Compensation of land measuring 6 bighas	Rs. 9240.00
12 biswas @ Rs. 1400/- per bigha	
15% solatium	Rs. 1386.00

GRAND TOTAL	Rs. 10626.00
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(Rupees Ten Thousand Six Hundred Twenty Six only)

(D.B. KURBA)
LAND ACQUISITION COLLECTOR(N)
DELHI.

*Amended in the award
21/10/17*

*Notes: 1. 12(1) 16/10/17 L.A. Dept. to inform to the
2. 15% solatium
21/10/17*