

A W A R D No. 2166

Name of the village: DHIRPUR
Nature of acquisition: PERMANENT
Purpose of acquisition: PLANNED DEVELOPMENT OF DELHI

A W A R D

There are proceedings for determination of compensation u/s 11 of the Land Acquisition Act. The land measuring 16 biswas situate in village Dhir Pur now under acquisition was put under notification u/s 4 of the Land Acquisition Act, 1894, vide No. F.15(III)/59-L&G dated 13.11.59 at the public expense for the public purpose namely for Planned Development of Delhi. The Delhi Administration issued declaration u/s 6 of the Act for the acquisition of the above mentioned area vide notification No F.7(25)/01-L&H dated 16.7.60. In pursuance of above notification notices u/s 9 & 10 of the Act were issued to all the persons interested in the land under acquisition. The claims filed by the claimants are discussed hereafter under the heading 'CLAIMS'.

1. MEASUREMENT:

The area under acquisition as given in the notification u/s 6 is 16 biswas and the same was found correct at the time of measurement made by the field staff.

2. CLASSIFICATION OF LAND:

The details of khasra Nos. in form 7-A have been prepared under para 55 of the Financial Commissioner's order No.28 which are as under:-

S.No.	Khasra No.	Area Big.Bis.	Kind of land
1.	92	0 - 16	G.M. Plot

The land owners have not raised any objection regarding the measurement and classification of land. At present there is no other alternative left with me except to agree with the classification and measurement as proposed by the Naib Tehsildar (LA) on the basis of entries of Khasra Girdawri and other relevant record. At the time
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of publication of notification u/s 4 the classification of land is as under:-

Kind of land	Area Big. Bis.
G.M. Plot	0 - 16

3. POSSESSION:

This area is being acquired at public expense for public purpose, namely, for Planned Development of Delhi and the possession has not so far been taken by the department concerned.

4. CLAIMS:

Only one claim by Shri J.R. Sehgal has been filed and has requested that the acquisition is illegal which should not be proceeded with and has also demanded compensation @ Rs.50/- per sq.yd. on account of the location of this area near well developed colonies like Nirankari Colony and good approach for this site by pucca roads.

Shri J.R. Sehgal has given his statement to corroborate his claim without producing any evidence in support of his claim. Hence the compensation cannot be fixed as desired. On the other hand, it shall be fixed according to facts and figures collected from the revenue record.

5. MARKET-VALUE:

This village is not governed under Delhi Land Reforms Act, 1954, and is of urban type.

The area now under acquisition is only 16 biswas and whole of the area is quite plain and can be assessed at flat rate.

In calculating the amount of compensation to be awarded, certain points as mentioned under section 23(1) of the Land Acquisition are to be kept in view. In order to determine the market value, many other factors enter into reckoning which are also necessary, for instance, the sale transactions of village concerned that took place during 5 years preceding the date of publication of notification u/s 4 of the Act, i.e. 13.11.59, nearness of the

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land to any pucca road, the size and shape of the land now under acquisition, all the previous transactions, situation and use to which it can be put to, rise and fall in prices due to demand of it in the market and the land acquired previously in the village concerned. It is a fact that exact market value is not likely to be fixed in any case, but it cannot be denied that every possible effort should be made to fix up the correct market value prevailing on the date of notification u/s 4. The claims of the right-holders already discussed are also to be kept in view for fixing the market value.

The perusal of the record reveals that during 5 years preceding the date of publication of notification u/s 4 i.e. 13.11.59 no sale took place either out of the area under acquisition or of other area in the vicinity of this land. However it cannot be ignored to have the idea of yearwise sales which took place during these years. The yearwise statement has been prepared which is as under:-

S.No.	Year	Area Big.Bis.	Amount	Average price per bigha
1.	1954-55	81 - 11	Rs.69398/-	Rs. 850-99
2.	1955-56	14 - 06	Rs.32249-56	Rs.2604-93
3.	1956-57	14 - 02	Rs.72800/-	Rs.5517-73
4.	1957-58	195 - 19	Rs.201660/-	Rs.1029-14
5.	1958-59	3-9- 13	Rs.98925/-	Rs.2494-96
Total:		345 - 11	Rs.475032-56	Rs.1374-71

The above table shows that the average price for 5 years preceding the date of publication of notification comes to Rs. 1374-71. As mentioned above no sale took place either in the vicinity of or out of the area now under acquisition even then I feel it necessary to mention below the highest and the lowest price per bigha fetched during all these 5 years.

1954-55:- The highest and the lowest price of the land per bigha during this year was Rs.8750-06 & Rs.234-38 respectively

1955-56:- The highest and the lowest price of the land per

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bigha during this year was Rs.7885-71 & Rs.350/- respectively.

1956-57:-The Highest and lowest price of the land per bigha during this year was Rs.42105/36 & Rs.1428-57 respectively.

1957-58:-The highest and lowest price of the land per bigha during this year was Rs.10943-40 & 179-99 respectively.

1958-59:- The highest and lowest price of the land per bigha during this year was Rs.42105-26 & 69-41 respectively. It is a fact that the lowest price of the land is ^{if let} which is under lease for 99 years. The next lowest price per bigha comes to Rs. 400/-.

The highest and the lowest prices per bigha of the land mentioned above have no effect on the market value of the land now under acquisition because this land is not ~~even~~ near to the present site.

The notification u/s 4 for the acquisition of this area was issued on 13.11.59. Several awards have already been drawn in this village but at this stage only those awards which were drawn under notification issued either on the above mentioned date or prior to it are to be taken into account which are as under:-

S.No.	Award No.	Date of Notification under section 4	Price fixed
1.	901	21.8.58	Rs. 3/- per sq.yd.
2.	979	3.10.59	Rs. 1000/- & Rs. 700/- per bigha
3.	658	11.12.42	Rs. 4000/- & Rs. 500/- per bigha.
4.	874	4-1-57	Rs. 4/- & Rs. 3/- per sq.yd.
5.	1074	21.12.56	Rs. 1160/- per bigha
6.	1108	24.4.59	Rs. 1500/-, Rs. 1160/- & Rs.580/- per bigha.

Notifications for drawing awards mentioned at S.No. ³ 2 & 5 were issued many years prior to the publication of notification u/s 4 for the acquisition of present land. Moreover the area acquired under these awards is also not near to the site. Hence it will be of no use to go into detail about the prices of these awards. Similarly the

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area acquired under awards mentioned at S.No. 1 & 6 is not near the site which is now under acquisition. Hence it is also of no use to discuss the prices fixed at the time for that land.

Area lying towards western side of the area now under acquisition was acquired vide award No. 658 drawn under notification issued on 11.12.42. The price awarded is very low and long time has passed since this award was drawn. Hence it is of no use to go into detail regarding the fixation of price.

Award No. 874 was drawn under notification u/s 4 issued on 4.1.57 for the acquisition of area measuring 107 bighas 19 biswas which includes khasra Nos. 91 & 93 which are adjoining to khasra No. 92 which is now under acquisition towards eastern and northern side and the price of both these khasra Nos. was fixed @ Rs.3/- per sq.yd. Being dis-satisfied with the awarded amount several interested persons put ^{up} their applications u/s 18 for making references to the A.D.J. In L.A. Case No. 21 of 1960, Hafiz Mohd. Sayad Vs. Union of India, the learned A.D.J. enhanced the compensation amount to Rs. 5040/- per bigha resulting in an enhancement of Rs. 2015/- over and above the L.A.C.'s awarded amount for kh.No. 111 to 114 which are near khasra No. 92. In other several cases judgements have already been passed regarding the land acquired vide this award but the enhancement remained the same i.e. Rs.5040/- per bigha. It can now safely be said that on 13.11.59 the price of land per bigha had been ^{fixed} ~~accepted~~ as Rs. 5040/- ^{not} p. The Union of India has ~~also~~ accepted this price as correct because an appeal was filed against the judgement. It is also a fact that the notification for the acquisition of khasra No. 92 was issued about 2 years after the notification u/s 4 under which khasra Nos. 111 to 114 were acquired. It is also a fact that the trend of prices remained upward during that period and some margin in the prices already

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fixed by the learned A.D.J. will have to be given in order to arrive at the correct price prevailing on 13.11.59.

Keeping all the above mentioned facts in view and the time in between notification u/s 4 for drawing award No. 874 and for acquiring this area now under acquisition, I am of the opinion that Rs. 4000/- per bigha is the fair and reasonable price of the land now under acquisition. I assess the same.

TREES:WELLS & OTHER STRUCTURES:

TREES: There is no tree over the land now under acquisition.

WELLS:-There is no well over the land now under acquisition.

OTHER STRUCTURES:- There is no structure over the land now under acquisition.

MAUFI AND JAGIR:- There is no Maufi and Jagir over the land now under acquisition.

APPORTIONMENT:

The compensation shall be paid according to the entries of the revenue record. If any objection regarding making payment to the interested persons shown in the record is received before making payment then the compensation shall be kept under dispute and shall be paid after any amicable settlement between the parties concerned failing which the compensation amount shall be remitted to the A.D.JBs court for adjudication.

LAND REVENUE DEDUCTION:-

Khalsa amount reduction from the land revenue dues on account of the land acquired worked out to Re.0-30P. There will be deduction of this amount from the Khalsa Rent Roll of the village w.e.f. taking over the possession of the land now under acquisition.

I N T E R E S T :

As the possession of the land has not been taken by the acquiring department, so the owners and interested persons are not entitled to have any interest on this basis. However, according to the provisions of the Land Acquisition (Amendment & Validation) Act, 1967, simple interest @ 6%
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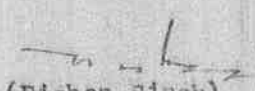
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per annum is to be allowed on the amount awarded if the declaration u/s 5 of the Act has not been made within three years from the date of publication u/s 4. In this case the notification u/s 4 of the Act was published in the Gazette on 13.11.59 and the declaration u/s 5 on 16.7.66 and the payment of compensation is likely to be made on 12.9.68. The interested persons will get the amount of interest for the above period @ 6% per annum as indicated above i.e. from 13.11.62 to 12.9.68.


The aforesaid land will vest absolutely in the Government free from all encumbrances from taking over the possession.

Subject to above remarks, the award is summarised as under:-

1.	Compensation for land measuring 16 bighas @ Rs.4000/- per bigha.	Rs.3,200.00
2.	15% for compulsory acquisition	Rs. 480.00
3.	Interest @ 6% per annum w.e.f. 13.11.62 to 12.9.68	Rs.1,120.00
TOTAL:		<u>Rs.4,800.00</u>


(Bishan Singh)
Land Acquisition Collector (N):
Delhi.

Forwarded to the Collector, Delhi, for information.


(Bishan Singh)
Land Acquisition Collector (N):
Delhi.

Filed

11-9-68