Award No. 74/71-72

Name of village : Dindarpur

Nature of acquisition : Permanent.

Purpose of acquisition : Remodelling of Najafgarh Drain for Chhawla Bridge to Kakrola Regulator.

A w a r d.

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act. The land measuring 4 bighas 1 biswa situated in village Dindarpur was notified u/s 4 read with section 17 and section 6 of the Land Acquisition Act vide notification No.F.15(93)/69-L&H(i), F.15(93)/69-L&H(iii) and F.15(93)/69-L&H(ii) respectively dated 19th February, 1971 for a public purpose namely for remodelling of Najafgarh Drain from Chhawla Bridge to Kakrola Regulator. In pursuance of the aforesaid notification notices u/s 9 & 10 of the Land Acquisition Act were issued to all the persons interested in the land and claims filed by them are discussed hereafter under the heading 'compensation claims'.

True & correct area:

The land was measured at the spot and the available area at the spot is 4.01 bighas as notified.

Ownership:

The ownership, tenancy, khasra numbers and classification of the saoil is as under:

S.No.	Name of owner	Name of occupant	Kh.No.	Area	Kind of soil
1.	Albela s/o Danat.	Naurang s/o Badlu	953/2/1	0-02	G.Abpash
2.	Bhule s/o Dhola.	Self	903/2/1	0.05	Abpash
3.	Kirpa s/o Kuria.	Self	901/2/1	0.04	G.Abpash
4.	Giani s/o Surjit.	Self	904/2/1 905/2/1	0.08 0.03	Abpash -do-
5.	Chhotu Ram s/o Jai Lal @ Jaimal.	Self	957/2/1	0.01	G.Abpash

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6.	Dilawar, Zabordin, Chunia sons of Sumera equal share.	Self	958/2/1	0.04	G.Abpash
7.	Naurang, Sijalu sons of Badlu equal share.	Self	954/2/1	0.02	G.Abpash
8.	Nandu, Subhan sons of Abdulla equal share in one share., Rakamdin, Bhima sons of Allah Dia equal share in one share.	Self	902/2/1	0.06	Abpash
9.	Budha, Rai Singh sons of Kallu equal share.	-do-	906/2/1	0.05	G.Abpash
10.	Bhule s/o Dhola	Self	899/2/1	0.10	Abpash
11.	Rahim Ali, Ranpat, Alisher alias Ganga sons, Smt. Manohri d/o Amira equal share 5/6 share. Smt. Sunder wd/o Kehar 1/18 share. Kanwar Singh s/o Kehar 1/9 share.	Self	952/2/1	0.06	G.Abpash
12.	Salamu, Hukmi, Shame sons of Mangat equal share ½ share, Mehar Ali s/o Mana 1/2 share.	Self	955/2/1	0.02	G.Abpash
13.	Sadiq, Rukmu sons of Jhanda equal share.	Self	937/2/1 940/2/1	0.08 0.08	G.Abpash -do-
14.	Kirpa s/o Kuria	Self	900/2/1	0.05	G.Abpash
15.	Mehar Ali s/o Mana	Self	956/2/1	0.02	G.Abpash

<u>Classification of soil</u>

Abpash	1.12 bighas
G.Abpash	2.09 bighas.

<u>Compensation claims:</u>

The following interested persons in response to notices 9(1) and 10 have filed their claims for compensation:

S.No.	Name of claimant	Compensation claimed
1.	Mehar Ali s/o Mana Singh	Has claimed compensation for khasra Nos. 955/2/1 & 956/2/1 @ Rs.5,000/- per bigha.
2.	Chunia, Zabardin sons of Sumera, Kanwar Singh Shiv Lal sons of Dilawar through Chunia.	Have claimed compensation for khasra No.958/2/1 @ Rs.5,000/- per bigha.

Sd/-

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3.	Kirpa Ram s/o Kuria	Has claimed compensation for khasra No.900/2/1 and 901/2/1 @ Rs.5,000/- per bigha.
4.	Gian s/o Sarjeet	Has claimed compensation for khasra No.904/2/1 and 905/2/1 @ Rs.5,000/- per bigha.
5.	Budha, Rai Singh sons of Kallu.	Have claimed compensation for Khasra No.906/2/1 @ Rs.5,000/- per bigha.
6.	Sadiq, Rakmu sons of Jhunda.	Have claimed compensation for khasra Nos. 937/2/1 and 940/2/1 @ Rs.5,000/- per bigha.
7.	Kanwar Singh, Rahim Ali and Ali Sher.	Have claimed compensation for khasra No.952/2/1 @ Rs.5,000/- per bigha.
8.	Naurang, Shalu sons of Badlu.	Has claimed compensation for khasra NO. 954/2/1 @ Rs.5,000/- per bigha.
9.	Giani, Rakamuldin through Giani.	Have claimed compensation for kh. No.902/2/1 @ Rs.5,000/- per bigha.
10.	Bhima, Allahdia	Have claimed compensation for khasra No.902/2/1 @ Rs.5,000/- per bigha.

<u>Market Value:</u>

The market value of the land under acquisition has to be fixed with reference to the price prevailing as at the date of notification u/s 4 of the Land Acquisition Act with all its advantages and with all its potentialities. The claimants have not adduced any corrobotrative evidence in suppart of their claims.

Efforts were made at this end to find out the parallel sale deeds in the village nearest to the material date so as to evaluate the market value of the land. The following statement shows the sale transactions made during the years 1969-70 and 1970-71:

S.No.	Mutation No.	Date of Regn.	Khasra No.	Area	Consideration Amount	Average per bigh
1.	66	14.7.69	149,150,151 152.	18.12	Rs,24100/-	Rs.1295.70
2.	74	30.7.69	903/2	3.16	Rs.5000/-	Rs.1315.79
3.	79	30.5.70	355,356, 363min. 364 min.	19.09	Rs.40000/-	Rs.2056.56
4.	85	29.1.71	-do-	-do-	Rs.43000/-	Rs.2210.8

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Two khasra numbers of sale transactions at serial No.3 & 4 abutt the Delhi Najafgarh Chhawla Bijwasan Road. The other numbers are immediately behind the said khasra numbers. Besides, the khasra numbers involved in these sales are very close to the village abadi. That is why these sales have fetched a higher price.

The distance between these sales and the land under acquisition is more than a mile. The land under acquisition is neither situated at any pucca or kucha road nor any of the numbers are near the abadi. The sales therefore, are not worthy of consideration. The sale transactions at serial No.1 is situated at less than half a mile from the land under acquisition. But the sale transaction at serial No.2 is very close to the land under acquisition and in fact a part of the land of this khasra number is under acquisition in the present scheme. So the best guide for evaluating the land under acquisition is the sale transaction at serial No.2.

It will not be an exercise in futility if we also glance at the list of the awards made in the village. One award No.2147 is nearest to the material date. The date of notification u/s 4 is 3.6.67. The Land Acquisition Collector awarded Rs.1000/- per bigha kham.

In a number of cases, the ADJ as well as the LACs have allowed 6% increase per year on a pre-determined market value. If in this case thousand rupees is taken to be the market value on 3.6.67, the market value on 19th February, 1972 would come to Rs.1250/- per bigha kham. The price of sale transaction at serial No.2 is Rs.1315/-. The difference is only Rs.65/-. I, therefore, feel that the market value of the land under acquisition is Rs.1300/- per bigha kham and I award the same.

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Structure :

There is no structure on the land under acquisition. Hence the question of assessment of compensation for structures does not arise.

Wells and trees:

There are no wells and trees in the land under acquisition. So the compensation for the same cannot be allowed.

Religious places:

There are no religious institutes on the land under acquisition.

Interest:

Possession of the land under acquisition has not been taken over as yet. So the question of interest does not arise.

Solatium:

15% ~~percent~~ solatium will be allowed as per the Act for compulsory nature of acquisition.

Apportionment:

Khasra No.953/2/1 is in the possession of persons other than the owner. Untill the dispute is removed the compensation will remain disputed.

The compensation of minors will remain disputed.

If the parties do not reach an amicable settlement within a reasonable period the compensation will be sent to the A.D.J.

Compensation will be paid according to the latest entries in the Revenue Record.

Land Revenue:

The land revenue is reported to be Rs.1.38. It will be deducted from the Khalsa Rent Roll of the village from the date of taking over possession.

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Summary:

The award is summarised as under:

Compensation for ~~four~~ 4.01 bighas of land @ Rs.1300/- per bigha kham.	Rs.5,265.00
15% solatium	Rs.789.75
G.Total:	Rs.6054.75

(Rupees six thousand fifty four & paise seventy five only).

(SHAM KARAN)
LAND ACQUISITION COLLECTOR(P)
DELHI.

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Announced and filed today

31. 3. 72.