

Award No. : 02/2007-08/East
Nature of Acquisition: Permanent
Purpose of Acquisition: Construction of Road and School under Planned Development of Delhi
Village : Gharonda Neem Ka Bangar

These are the proceedings u/s 11A of L.A. Act 1894 for the acquisition of land measuring 1 Bigha 11 Biswa situated in Village Gharonda Neem Ka Bangar. In the judgment dated 17/01/2006 in WPC No. 2401/2000 in the High Court of Delhi at New Delhi, Smt. Nirmala Devi, petitioner v/s DDA and others, it was noted that '200sq. yds. land comprised in Khasra No. 257/21, Village Gharonda Neem Ka Bangar, owned by petitioner (Smt. Nirmala Devi) was taken possession of by the Land Acquisition Collector (LAC) and thereafter the Central Govt. transferred the same land to DDA, which in turn after developing the area transferred possession of the said land apart from the other lands to Shanti Devi Progressive Education Society... Inquiry u/s 5 A of the LA Act was dispensed with' and Govt. of N.C.T. of Delhi was directed 'to take appropriate steps for acquisition of the property of the petitioner under the provisions of the LA Act 1894.' The land was accordingly notified u/s 4 of the land Acquisition Act 1894 vide notification No.F8 (28)/97/L&B/LA/3366 dated 17/6/05 for public purpose namely for construction of road and school under Planned Development of Delhi. No objection u/s 5-A of L A. Act has been invited or received. The declaration u/s 6 of the L.A. Act 1894 was issued by the Govt. of N.C.T. of Delhi vide notification No.F.8 (28)/97/L&B/LA/13076 dated 30/1/06 for aforesaid area. Thus, at the time of notification u/s 4 of the LA Act (i.e. 17/06/05), the possession of the said land had already been taken from the owners of the notified land.

Notices u/s 9(1) & 10(1) of the Land Acquisition Act 1894 were issued to all interested persons. The claims filed by them are discussed herewith under the heading "Claims & Evidence".

MEASUREMENT & TRUE AREA

The Land Acquisition field staff carried out the necessary measurement of the land at the site and its verification was also made from the revenue record of the village. The total area of land for acquisition measuring 1 Bigha 11 Biswa was found to be correct. The details of the area under present acquisition are given below.

<u>Khasra No.</u>	<u>Area Bigha Biswa</u>
257/20	0-04
257/21	0-04
257/22	0-14
257/23	0-09

Details of the recorded owners of the entire land are given below:-



<u>S.No.</u>	<u>Recorded Owner</u>	<u>Kh.No.</u>	<u>Area (Bigha Biswa)</u>	<u>Share</u>
1	Mahta Kishan Lal S/o Sh. Kanshi Ram	257/20 257/22 257/23	0-04 0-14 0-09	Full Full Full
2.	Smt. Nirmala Devi w/o Sh. Parmanand	257/21	0-04	Full

CLAIMS AND EVIDENCE

In response to the Notices issued u/s 9(1) & 10(1) of LA Act 1894 to the interested persons the, following persons have filed their claims:-

<u>S.No.</u>	<u>Name of the claimant</u>	<u>Khasra No.</u>	<u>Area</u>	<u>Rate claims</u>	<u>Evidence</u>
1	Smt. Nirmala Devi W/o Parmanand through Adv.	257/21	0-04	33,000	Reserve Price DDA

Only one claim has been received. On perusal of the claim filed by the interested person (Smt. Nirmala Devi through advocate) it is found that she has claimed market value @ Rs.33, 000/- per sq yds for her land. In support of her claim, she has filed a copy of the unauthenticated letter issued from Land Sales Branch of DDA indicating the reserve price for the year 2006-07 approved by the Finance member DDA in respect of residential plots against the residential scheme of Geeta Colony. Reserve price of Rs. 33,000/- has been revealed. Unit of the land is not revealed.

MARKET VALUE OF THE LAND

The claim received from claimant was considered. A market value for the aforesaid land is to be fixed. It is noted that the rate indicated by DDA for the residential plots of the Geeta Colony are not applicable in the present case. Both are in the District East. However, both the colonies are different and away from each other in respect of habitation and level of development. The rates shown for Geeta Colony which is old, planned, well-developed and well-provided colony close to the railway station and inter-state bus terminal bears no consonance or similarity to the market rate prevailing in the village Gharonda Neem Ka Bangar. Hence, the claim of the Smt. Nirmala Devi is not accepted.

In this regard, a reference letter N0.F.9(20)/80/L&B/LA/6713-21 Dated 9.8.2001 issued by Land & Building Deptt., Govt. of NCT of Delhi is available vide which the rate is ascertained at Rs.15,70,000/- per acre for agriculture land (i.e. Rs.3,27,083.33 per Bigha). It is noted that village Gharonda Neem Ka Bangar has not been urbanized so far. It continues to be consisting of agricultural land. Therefore, I accept that rates of agricultural land (as decided by Land & Building Department vide Order dated 09/08/2001) is applicable on this land on the date of notification u/s 4 (dated 17/06/05). One acre consisting of 4840 sq. yards @ Rs.

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15, 70,000 comes to equivalent to Rs. 324.00 per sq. yard. Accordingly, I accept the rate of Rs. 324/- per sq. yard.

SOLATIUM

30% Solatium will be paid on the assessed market value of the land under acquisition.

ADDITIONAL BENEFIT U/S 23(1-A)

The additional benefit @ 12% per annum u/s 23(1-A) of the Land Acquisition Act (Amended) will be paid over and above the total market value from the date of notification u/s 4 of the L.A. Act. 1894 (17/06/05) till date of Award (02/07/2007).

APPORTIONMENT

The compensation will be paid to the rightful owner on the basis of the latest entries in the revenue record. In the case of any dispute between the parties, which is not settled, the matter will be referred to the court of ADJ u/s 30-31 of L.A. Act. 1894.

SUMMARY OF THE AWARD

<u>S.No.</u>	<u>Items</u>	<u>Amount</u>
1.	The Compensation for the land measuring 1 Bigha 11 Biswa (1562.4 Sq. yds) @ Rs.324/- per Sq. yds.	Rs. 5,06,218/-
2.	Solatium @ 30%	Rs. 1,51,865/-
3.	Addl. Benefit u/s 23(1A) on market value of land @ 12% per annum from the date of notification u/s 4 to date of Award. (17/06/05 to 06/08/07 i.e. 781 days) or date of taking possession of the land whichever is earlier.	Rs. 1,29,980/-
	Total	Rs. 7,88,063/-

The Award is approved vide Diary No.2781 dated 27/07/2007. by Principal Secretary (Revenue) in terms of authorization by the Lt. Governor, Delhi vide Land and Building Department's Notification No.F.9 (2)/80-L&B dated 20/11/1984


8/8/07
(A.K. KAUSHAL)
L.A.C./A.D.M.
DISTRICT EAST
Ph. No.2204 7073

Announced in open court-

8/8/07.