AWARD No. 36/72-73:

NAME OF THE VILLAGE : GHITORNI

NATURE OF ACQUISITION : PERMANENT

PURPOSE OF ACQUISITION : SETTING UP OF BRICK KILNS BY C.P.W.D

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These are proceedings u/s 11 of the L.A.Act,1894 for determination of compensation in respect of land measuring 19 big.15bi situated in village Ghitorni. The land is covered by notification u/s 4 L.A.Act issued by the Delhi Admn.vide No.F.7(41)/71-L&B(i) dated 15.9.71. The land is required by the Govt. for a public purpose at the public expense namely for setting up brick kilns by C.P.W.D. Since it was a case of urgency therefore proceedings u/s 5-A of the Act were exempted and notifications u/s 6,17 were also issued simultaneoulsy vide No.F.7(41)/71-L&B(ii) dated 15.9.71 and No.F.7(41)/71-L&B(iii) dated 15.9.71 respectively.

Notices u/s 9 & 10 were issued to the persons interested in the land. Claims filed in response to the notices will be discussed under the heading ' Claims & Evidence.'

MEASUREMENT & CORRECT AREA : - The land acquisition field staff carried out necessary measurement of the land in question at the spot and the area was found 19 big. 15 bis. instead 19 big. 14 bis as notified. The difference of 1 bis. in area is due to calculation mistake at the time of preparation of notification. There is a discripency between Aks Shajra as maintained by the Patwari/Sadar Kanungo office and the Khatauni/field book available with the Patwari. Kh.No. 366/2, which is owned by Batan etc. has been inadvertantly shown in the Khatauni/field book as 366/1, which required rectification. Actually an area measuring 2 big. 3 bis. is under acquisition out of Kh.No.366/2 and as such the position of the land indicated inthe map is taken to be correct.

The details of the land under acquisition are as given below:

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Khasra No.	Area Big Bis.	Classification of land.
305/1/1	2-03	Abpash.
306/1	0-08	-do-
333/2	2-03	-do-
348/2/2	2-03	-do-
337/1	2-03	-do-
355/1/1	2-03	-do-
366/[redacted]2/2	2-03	-do-
372/1	2-03	-do-
381/2	2-03	-do-
384/1	2-01	-do-
393/2	0-02	-do-
Total	19-15	-do-

OWNERSHIP & OCCUPANCY :-

S.No.	Name of the owner.	Name of occupant.	Kh.No.	Area Big.Bis.	Classification of land.
1.	Battan, Mehar Chand, Her Chand ss/o Ghisa in equal share [redacted]	Self	366/[redacted]2/2	2-03	Abpash.
2.	Beni, Desu ss/o Hari Singh in equal share.	Self	306/1	0-08	-do-
3.	Thana s/o Surjan	Self	305/1/1	2-03	-do-
4.	Mst.Tarifo wd/o Shera, Ami Lal, Salig Ram ss/o Chatru in equal shares 1/8 share. Des Ram s/o Muni Lal 1/24 share. Mst.Piari wd/o Lakhi Ram 2/3 share. Ram Chander s/o Todar 1/6 share.	Self	333/2	2-03	-do-

Contd...... 3

5.	Ram Saran Himmat, Har Sarup ss/o Bodan in equal share.	Self	372/1	2-03	Abpash,
6.	Sher Singh s/o Nathan alias Bega	Self	348/2/2	2-03	-do-
7.	Shiv Charan s/o Kali Ram Ramji Lal s/o Ghisa in equal share.	Self	337/1	2-03	-do-
8.	Fakira s/oPaltu	Self	355/1/1	2-03	-do-
9.	Lakhi Ram, Shera Pehlad ss/o Dhani Ram in equal share 3/8 share. Bhagat Ram Jagti, ss/o Mawasi in equal share 1/8 share. Mange Ram s/o Bihari 1/2 share.	Self	381/2 384/1 383/2	2-03 2-01 0-02 4-06	-do- -do- -do-

CLAIMS & EVIDENCE :-

S.No.	Name ofthe claimant.	Kh.No.& area		Rate claimed	Evidence.
1.	(i) Smt. Piari wd/o Lakhi (ii) Ram Chander s/o Todar. (iii) Des Ram s/o Muni Lal. (iv) Salig Ram (v) Ami Lal ss/o Chatru.	333/2	2-03	i) Rs 30/-per sq yd for land. ii) Rs 3000/-for crops. iii) Rs 15,000/- as severance.	Nil.

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2. Sh. Pakira s/o Paltu	355/1/1	2-03	i) Rs 30/- per sq yd for land. ii) Rs 3000/- for crops. iii) Rs 15000/- to each of the claimant. for severance. iv) Rs 2500/- each to claimant No. xiv to xix for pucca Drains.	Nil
ii) Sher Singh s/o Nathan	348/2	2-03		
iii) Mange Ram s/o Bihari 1/2 share.	381/2 384/1 393/2	2-03 2-01 0-02 4-06		
iv) Lakhi Ram 1/8 share.	-do-			
v) Shera 1/8 share	-do-			
vi) Pehlad 1/8 share. ss/o Dhani	-do-			
vii) Bhagt Ram(Minor) 1/16 share.	-do-			
viii) Jagti (minor) ss/o Mawasi 1/16 Share through their next friend and real mother Smt.Siso wd/o Sh.Mawasi. 1/16 share.	-do-			
ix) Desu 1/2 share	306/1	0-08		
x) Bino 1/2 share. ss/o Hari Singh.	-do-			
xi) Ramji Lal s/o Ghisa 1/2	337/1	2-03		
xii) Shiv Charan s/o KaliRam 1/2	-do-			
xiii) Than Singh s/o Birjan	305/1/1	2-03		
xiv) Ram Saran 1/3	372/1	2-03		
xv) Himat 1/3	-do-			
xvi) Harsarup 1/3 ss/o Bodhan.	-do-			
xvii) Mehar Chand 1/3	366/1-2/2	2-03		
xviii) Battan 1/3	-do-			
xix Harchand 1/3 ss/o Ghisa.	-do-			

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MARKET VALUE :-

In determining themarket value as at the date of preliminary notification many factors have to be considered like size and shape of the land, its situation, the tenure, the use to which it is put, its potentiality and also rise and fall in the demand for the land. The best evidence to arrive at the correct market value of the land would be the evidence of genuine sales effected about the time of preliminary notification either in respect of the land under acquisition or part thereof or the sales of the land parallel in circumstances to the land under acquisition. In the present case the date of preliminary notification is 15.9.71 and as such the market value is to be determined as prevailing during that period. The claimants have demanded exorbitant rates towards compensation, but adduced no evidence to substantiate their claims. Before we embark upon the sales transactions in determining the market value in thecase, it would be helpful to look into the awards that have been made in the area in the recent past:-

Award No.	Date of notification u/s 4	Rate awarded by L.A.C
Offer No.2106	No.3(107)/Misc(Req) 9528-34 dated 8.10.64 under sub-section 29 of Defence of India Act, 1962.	Rs 1000/- P.B

The material date in the offer is anterior by about 7 years to the date of preliminary notification in the present case which is Sept, 71.

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The case would therefore not be a proper guide here.

Record of rights was consulted by the field staff to find out sale transactions as relevant to the date of preliminary notification and also their nearness to the land in question or any examplar forming part of the land in question. The following transactions between the period 16.9.70 to 15.9.71 came to notice :-

S.No.	S,No.in Register o.4	Dt.of Regn.	Name of Parties.	Kh.No.	Area	Total amount.	Average per big.
1.	25	31.3.71	Dharam Chand in f/o Smt. Darshan Devi.	390 392 min	4-14 0-06 5-00	Rs 12,000/-	Rs 2400/-
2.	26.	31.3.71	Dharam Chand in f/o Sitender Kumar.	392min	4-08	Rs 11,000/-	Rs 2500/-
3.	27.	31.3.71	Mohinder Kumar Jain in f/o Sitender Kumar.	391	1-02	Rs 2000/-	Rs 1818/-
					10-10	Rs 25,000/-	Rs 2380/95

The date in all these three transactions is 31.3.71. In the transaction at S.No.1 the average per big. sale price is Rs 2400/-; at No.2 it is Rs 2500/- and at S.No.3 it is Rs 1818-00. The total land involved in all these transactions is 10 big. 10 bis, The average sale price of which works out to Rs 2380/- appx. per big.The lands involved in these sale transactions have similar potentiality and advantages and have a direct bearing in the assessment of the market value.

In this context it will be relevant to quote the following extract from the 'Principles & Practice of Valuation' by PARKA :

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" Bonafide sales of comparable lands, however, do not always show consistency in the price, even though they may have been sold at or about the same time. In such cases, an average of the prices fetched by all the sales would be taken for determining the market value of the acquired land (Vide the Special Land Acquisition Officer, Banglore v.T.Adi. Narayan Setty) (A.I.R 1959 Supreme Court 429). In this case the learned Judges of the Mysore High Court took only 4 out of the 6 sales into consideration and drew an average price therefrom without giving any sufficient reason why two of the transactions were left out. The Supreme Court held that the High Court committed an error in arbitrarily selecting four out of the six transactions, and should have taken an average of all the six sales. The sale prices, it may be mentioned ranged from Rs 6/8/- per sq yd. to Rs 15/- per sq yard."

In the instant case the total sale price of these sale transactions comes to Rs 25000/- and the averge price per big. works out to Rs 2380/- appx. This is therefore considered reasonable and fair to fix the market value of the land under acquisition @ Rs 2380/- per big. which is awarded accordingly.

OTHER COMPENSATION :-

TREES & WELL :-

There are no trees or well falling on the land under acquisition. Hence no compensation is assessable under this heading.

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STRUCTURES :

There is no structure on

acquisition. However there are two

on the boundary of Kh.No.372/1 - 366/

(100' long) and 366/ -2/2 - 355/1/1(

The Naib Tehsildar has assessed the cos

these channels @ Rs 1.50 per ft i.e tot

works ou t to Rs 300/- for both the char

I consider this to be fair and reasonable

award the same. Payment will be made aft

ascertaining the exact length of channels owned

by the persons concerned in respective Kh.Nos.

COMPENSATION OF CROPS :

Provisions of Sec. 17(1) L.A.Act were invoked in the present case and as such the possession of the land was handed over to the requiring Deptt. i.e CPWD on 20.1.72 alongwith standing crops. The details of crops existing on the land under acquisition were noted dow by the field staff and are placed on record. damages therefore to be ... payable u/s clause 2ndly of the L.A.Act.

The data for assessing the co

of the standing crops has been colle

Bureau of Economics and statistics De

Delhi. The market price of the crop has been ascertained from the Delhi Gazette. The details of the calculation of compensation of crops are given in the enclosed schedule. The total compensation works out to Rs 2474- 28 Ps which is awarded accordingly.

SOLITIUM :- 15% solitium on the market value of the land towards compulsory acquisition will be paid to the interested persons.

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INTEREST

The possession of the land under acquisition was taken over on 20.1.72 prior to finalisation of the acquisition proceedings by invoking provisions of Sec. 17 of the L.A.Act. Interest would therefore be payable @ 6% per annum on the compensation assessed for the land, of which possession was taken over, from 20.1.72 to the date of announcement of the award which is tentatively fixed as 21.7.72.

APPORTIONMENT :-

Compensation will be paid according to the latest entries in the revenue record except where persons other than owners are recorded as occupants or claimed compensation .

LAND REVENUE :-

The land is assessed to a sum of Rs 4.32 as land revenue which will be deducted from the Khalsa Rent Roll of the village w.e.f date of taking over possession of the land.

SUMMARY :-

		Rs Ps
1.	Compensation for land measuring 19 big. 15 bis. @ Rs 2380/-perbig.	47,005-00
2.	Compensation for channels	300-00
		47,305-00
3.	15% solitium	7,095-75
4.	Interest @ 6% per annum w.e.f 20.1.72 to 20.7.72 on a sum of Rs 54,400-75 Ps.	1,632-02
5.	Damages for crops u/s 23(1) clause 2ndly.	2,474-28
	Grand Total	58,507-05

(Rupees Fifty eight thousand five hundred seven andpaise five only)

(V.K.BHALLA)
LAND ACQUISITION COLLECTOR(MSW):DELHI.

Award Announced today. Filed

21/9/72