

A W A R D No.

9/86-87

NAME OF THE VILLAGE : JAFFAR PUR HIRAN KUDNA
 NATURE OF ACQUISITION : PERMANENT.
 PURPOSE OF ACQUISITION : DEFENCE PROJECT.

These are the proceedings for determination of compensation under section 11 of the Land Acquisition Act, 1894, for an area measuring 9 Bighas and 12 Biswas in Village Jaffarpur Hiran Kudna. The land under acquisition was notified U/S. 4 vide notification No.F.7(29)/80-L&B(4) dated 30.10.1980 and U/S. 6 vide notification No.F.7(29)/80-L&B dated 22.6.1981 of the Land Acquisition Act, 1894. In pursuance of the aforesaid notifications, notices under section 9 & 10 of the L.A. Act, 1894 were served upon all the interested persons for inviting their claims. The claims so received are discussed separately under the heading "Compensation & claims".

TRUE & CORRECT AREA.:

The land was measured on spot by the Land Acquisition staff and the same was found correct as per the following details:-

Khasra No.	Area Big.Bis.	Kind of land.
291	4-16	Gair mumkin Khudan under cultivation.
292	4-16	Gair mumkin bhatta, pits without walls of bricks.

CLASSIFICATION OF LAND.

Spot enquiries revealed that area of Khasra No.291 was of Gair Mumkin Khudan of about 4 Ft. depth which was being tried under cultivation but the fertility of this land had deteriorated due to constant use of the land by the brick-klin industry prior to the notification under section 4 of the L.A. Act, 1894. The area under Khasra No.292 was also under depth of 4 ft. from the level of the surrounding land and comprised of Gair Mumkin pits of the brick-klin industry without brick walls around it. So both the areas in Khasra No.291 and Khasra No.292 could be classified as of one category i.e Gair Mumkin Khudan which required labour to fill it to the main level of surrounding land.

CLAIMS FOR COMPENSATION :

S.No. Claimants

Khasra No.

Claims.

1.

Sh. Khure s/o Shiv
 Narain, Sarupe, Maha
 Singh ss/o Hardwari. All
 residents of Village
 Jaffarpur Hirankudna

291, 292

- Rs. one lakh for the material lying in the land.
- Compensation @ Rs.50/- per sq.yd for the land.
- 15% solatium and interest under the law.

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- 2 -
2. Sh. Bhanis Ram 291, 292
President of Bhatta
Society.

- 1) Compensation of Rs.150000/-
for construction and accessories of Bhatta.
- ii) Solatium & interest as
per law.

DOCUMENTARY EVIDENCE. :

No body has filed any proper documentary evidence in support of their claims which are very exorbitant. Sh. Bhanis Ram has attached a photostat copy of cash voucher dated 3.6.1980 through which the Shokkanda Co-operative Brick-Kiln Industries Society Ltd. having Head Office at Village Mangolepur Kalan had taken on lease, the land of the village Jaffarpur Hiran Kudna for amount of Rs.2800/- per annum for digging the land and making of bricks from the mud; but this voucher does not reflect true picture of the area taken on lease. Moreover, the period of lease was w.e.f. 2.11.79 to 1.11.80. Notification of land under acquisition was made on 31.10.80, i.e. one day before the expiry of lease. Even after the notifications u/s 4 & 6 of the L.A. Act, 1894, spot inspection was made by the Land Acquisition staff and found that there were no office room/construction or brick walls around the Bhatta nor any Bhatta ash and accessories. The claim of President of the Bhatta Society is thus baseless and they are not entitled to any compensation.

MARKET VALUE:

Market value of the land under acquisition is to be fixed as on 31.10.1980 i.e. the material date of notification u/s 4 of the L.A. Act, 1894. The surrounding land measuring 343 Bighas and 18 Biswas of Village Jaffarpur Hiran Kudna was acquired through Award No.11/82-83 on permanent basis for a Defence Project on 3.5.82. The notification of this land under section 4 of the L.A. Act, 1894 was made on 31.10.80. Perusal of Award No.11/82-83 reveals that the L.A.C. had based the market value of the land upon the sale transaction of the land of adjacent villages Dichen Kalan because there was no sale transaction of land in Jaffarpur Hiran Kudna and another adjoining village Neelwal within the period of last 5 years i.e. from 1.11.75 to 31.10.80. In order to determine the market value of the land acquired vide Award No.11/82-83, the Land Acquisition Collector had taken the sale transactions of land of village Dichen Kalan which were situated hardly 1/2 Km., 350 mtrs. and 450 mtrs. from the land under acquisition and whose quality also tallied with the land under acquisition. The particulars of these sales transactions are given below:-

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No.	Sale Deed No. & date	Apprex distance.	Khasra No.	Area Big.Bis	Total amount.	Average per bigha kham.
1.	2.	3.	4.	5.	6.	7.
.	2168 dt. 29.6.76	$\frac{1}{2}$ K.M.	14/23, 24 24 31/4	4.16 1.12	Rs.15000/-	Rs.1339/-
.	3800 dt. 27.4.77	$\frac{1}{2}$ K.M.	14/13/1 18	3.12 4.16	Rs.10000/- Rs.	Rs.1190/-
.	5546 dt. 5.8.78	350 Mtrs.	6/11/1 19 20 21	3-11 4-16- 4.16- 4.16	Rs.24,000/-	Rs.2666/-
.	2589 dt. 16.6.80	450 Mtrs.	20/23/2 25/3/1 3/2	1.12 2.12 1-04	Rs.18000/-	Rs.3333/-

The land acquired under Award No.11/82-83 comprised of Gair aaba-shi levelled land as well of Gair Mumkin Khudan land which were used by the Brick Klin Industry. This Gair Mumkin Khudan land was about 4ft. in depth. Keeping ~~in fact~~ this fact in view, the whole area was divided into two categories A & B. Market value for 'A' category land was determined @ Rs.2000/- per bigha kham and Rs.1000/- per bigha kham for 'B' Category.

In the instant case I find that the land under acquisition is similar to the land categorised as B in Award No.11/82-83. However, I differ in respect of the value to be determined so far as the B category is concerned. The inherent quality of the land of category 'B' is similar to the quality of the land categorised 'A' but it had deteriorated for the purpose of cultivation due to the constant use by the brick-klin industry and with little efforts can be brought back to its original fertility in two-three years. I, therefore, determine the value of the land under acquisition @ Rs.1500/- per bigha kham and accordingly allow compensation at Rs.1500/- per bigha kham..

CROPS :

At the time of notification u/s4, the land under khasra No. 291 was under cultivation and the owners had free access to cultivate and harvest the crop. There is no necessity to award compensation of crops.

TREES & WELLS:

Neither any tree nor any well existed in the land under acquisition. Therefore no compensation is allowed on this account.

INTEREST:

Since section 17 of the L.A. Act, 1894 has not been applied and the owners had free access to cultivate the land & harvest the crops No compensation on this account is allowed.

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SOLATIUM:

15% solatium is payable over and above the market value of the land determined above.

APPORTIONMENT.

Compensation will be paid on the basis of latest entries in the revenue record. In case of any dispute which cannot be settled amicably it will be referred to the A.D.J., Delhi under section 30-31 of the L.A. Act, 1894.

LAND REVENUE:

The land revenue has been assessed as Rs. 2.96P of the land under acquisition which will be deducted from the whole land revenue of Village Jaffarpur Hiran Kudma from the date of taking over possession.

SUMMARY OF THE AWARD IS AS UNDER:

1.	Compensation for the land measuring 9 Bighas 12 Biswas @ Rs. 150/- per bigha kham	Rs. 14,400.00
2.	15% solatium	Rs. 2,160.00
	G.Total.	<hr/> Rs. 16,560.00 <hr/>

(Rupees sixteen thousand five hundred and sixty only)

G.S. AUJLA

(G.S. AUJLA)
Land Acquisition Collector (Def.)
Delhi.

*Present three persons. Announced
in open Court. Notice up
12(2) may be issued.*

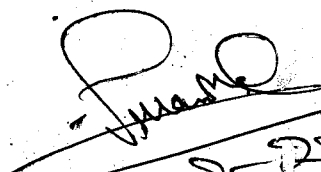
h/ 18/6/86

कब्जा कार्यवाही ग्राम हिरनकुटना


आज्ञा दिनांक 28/2/86 को कमजिब हुकम जमाब श्रुति अधिगण अधिकारी (पालम) खाबत स्कीम 16 कोचे 6-9 बिस्वे करिये कार्यवाही कब्जा ग्राम हिरनकुटना कहमराह श्री मणिराम पयवरी (एल०ए०) व श्री रोखनलाल चपरासी (एल०ए०) मौके पर पहुंचा। महकमा Acquiring को तरफ से मुताबिक जोगम श्री पूरनमल (A.E) व श्री धर्मवीर सिंह (J.E) कमय हटाफ हाजिर मिले। वास्तव दारम में हे भी कुछ व्यक्ति हाजिर है इन सभी की मौजूदगी में आजा कहुमला नम्बरम खसरा - 771मिन, 813मिन, 814मिन, 816मिन, 817मिन, 820मिन (0-7) (0-12) (0-12) (0-13) (0-12) (0-13)

844मिन, 845मिन, 846मिन, 847मिन, 851मिन, 852मिन कुल तादादी 6-09 1088 from 81000. (0-13) (1-03) (0-03) (0-13) (0-08)

को मिथानेदह कर्जाये फीता कोके मौके पर बुजियात राख लगवाक Acquiring महकमा को कब्जा दिया गया। मौके पर माहिवाय खसरा न० 817 के बाकी नम्बरम में फसल पाई गई। महकमा Acquiring ने मालकान को फसल कोटन की अनुमति दे दी है। मौके पर कुछ लोग मालकान की तरफ से भी हाजिर थे। हक्कर कोटन कब्जा पूर्ण कोके इसकी सुस्तरी व मुनादी कर्जाये श्री रोखनलाल-चपरासी गांव में कर्जाये कमस्त कर्वाई गई और इस कार्यवाही की एक नकल परचारी हलेके के पास भिजवा दी जावेगी क्योंकि वह मौके पर हजरत काह-साका नही आया है और एक नकल महकमा Acquiring को दी गई। फसल के उडावेज की कोई जरूरत नही है क्योंकि मालकान अपनी फसल को खुद कोटेंगे। कब्जा कार्यवाही पूर्ण हो चुकी है।


28-2-86
M.E. (M.D.)

J. V. Singh
28/2/86
JH.


28/2/86
P.K. Singh
28/2

28/2/86

BE PUBLISHED IN PART IV OF DELHI EXTRAORDINARY GAZETTE)

DELHI ADMINISTRATION : DELHI

* N O T I F I C A T I O N *

Dated the 31st. Oct. 1980.

F.7(29)/80-L&B (4) :- Whereas it appears to the Lt. Governor, Delhi, that the land is likely to be required to be taken by Government at the Public expense for a public purpose namely, for Defence Project, it is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made, under the provisions of Section 4 of the Land Acquisition Act, 1894, to all whom it concerns.

In exercise of the powers conferred by the aforesaid Act, the Lt. Governor is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person, interested, who has any objection to the acquisition of any land in the locality may within 30 days of the publication of the Notification file an objection in writing before the Collector of Delhi.

* S P E C I F I C A T I O N *

No.	Name of village	Total Area		Field Nos. or Boundaries.		
		Fig.	Sis.	Rect. No.	Khasra No.	Area Fig. - Sis.
	Jafarpur	8-12			291	4-16
	alias				292	4-16
	Hiran Kudna					
	Neelwal	0-02		15	28	0-02
				16	31	0-03
				27	28	0-04

By order,

M. Singh

(BANSI DHAR)
JOINT SECRETARY (LAND & BUILDING)
DELHI ADMINISTRATION : DELHI

Contd. p.2/-

NT. L.A.

(3)
No. F.7(29)/80-L&B()/

Dated 31st. Oct.,

Copy forwarded to :-

1. The Public Relations Department, Delhi Administration, Delhi (in duplicate) for favour of publication in P. of Delhi Extraordinary Gazette. 5 copies of the Gazette in which the notification is published may be supplied to this Administration.
2. The Additional District Magistrate (LA), Tis Hazari Courts, Delhi.
3. The Officer Incharge (LA), Tis Hazari Courts, Delhi.
4. The Land Acquisition Collector (P), Tis Hazari Courts, Delhi.
5. The Military Estate Officer, Delhi Circle, Delhi Cantt, Delhi.
6. The Director General, D.L. & C., (Acq. Section), Ministry of Defence, R.K.Puram, New Delhi.
7. The Director General, D.L.&C., Ministry of Defence, Western Command, Simla.
8. The Tehsildar (Notification), Tis Hazari Courts, Delhi.
9. The Tehsildar (L&B), Vikas Bhawan, New Delhi.
10. The Sub-Registrar, I & II, Delhi.
11. The Sub-Registrar, Shahdara.
12. The Sub-Registrar, Delhi.
13. The Under Secretary (Allotment), Vikas Bhawan, New Delhi.
14. P.A. to Joint Secretary (L&B), Vikas Bhawan, New Delhi.

M.M.S./27180.

M. S. h.
(BANSI DHAR)
JOINT SECRETARY (LAND & BUILDINGS)
DELHI ADMINISTRATION : DELHI

(TO BE PUBLISHED IN PART IV OF DELHI EXTRAORDINARY GAZETTE)

DELHI ADMINISTRATION :- DELHI

* N O T I F I C A T I O N *

Dated the 22 nd June, 1981.

No. F.7(29)/80-I&B :- Whereas the Lt. Governor, Delhi is satisfied that the land is required to be taken by Government at the Public expense for a public purpose, namely, for Defence Project, it is hereby declared that the land described in the schedule below is required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under provisions of section 7 of the said Act, the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

This declaration is made with reference to this Administration Notification No. F.7(29)/80-I&B(4) dated 31.10.80 issued under sub-section (1) of section 4 of the aforesaid Act and published in Part IV of Delhi Extraordinary Gazette dated 31.10.1980.

A plan of the land may be inspected at the Office of the Collector of Delhi.

* S P E C I F I C A T I O N *

S.No.	Name of village	Total Area		Field Nos. or Boundaries.		
		Big.-	Bis.	Rect No.	Khasra No.	Area Big.- Bis.
1.	Jafarpur	9-12			291	4-16
	alias				292	4-16
	Hiran Kudna					
2.	Neelwal	0-09		15	28	0-02
				16	31	0-03
				27	28	0-04

By Order,

Mamich

(BANSI DHAR)

JOINT SECRETARY (LAND & BUILDING)
DELHI ADMINISTRATION :- DELHI.

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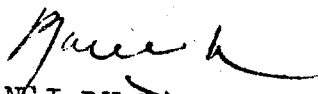
*Encl
N.T.L.A.*

No. F.7(29)/80-L&B/

Dated the 22nd. June.

Copy forwarded to :-

1. The Deputy Secretary (P.R.), Delhi Administration Room No. 62-C, Old Secretariat, Delhi (in duplicate for favour of publication in part IV of Delhi Extraordinary Gazette.
2. The Additional District Magistrate(LA), Tis Hazari Courts, Delhi.
3. The Officer Incharge (LA), Tis Hazari Courts, Delhi.
4. The Land Acquisition Collector (P), Tis Hazari Courts, Delhi.
5. The Military Estate Officer, Delhi Circle, Delhi.
6. The Director General, D.L. & C., (Acq. Section), Ministry of Defence, R.K.Puram, New Delhi.
7. The Director General, D.L. & C., Ministry of Defence, Western Command, Simla - 3.
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12. The Sub-Registrar, New Delhi.
13. The Under Secretary (Allot.), Vikas Bhawan, New Delhi.
14. P.A. to Joint Secretary (L&B), Vikas Bhawan, New Delhi.


(BANSI DHAR)
JOINT SECRETARY (LAND & BUILDING)
DELHI ADMINISTRATION : DELHI

M.M.S./9681.