

WARD NO. 74/82-83  
 NAME OF VILLAGE : HIRANKI  
 NATURE OF ACQUISITION : PERMANENT  
 PURPOSE OF ACQUISITION : CONSTRUCTION OF RIGHT MARGINAL EMBANKMENT.

These are proceedings for determination of compensation u/s 11 of the L.A. Act. The land situated in village Hiranki measuring 30 bighas was notified u/s 4 of the L.A. Act vide notification No.F.7(5)/76-L&B dt.27.2.81 for a public purpose namely 'Construction of Right Marginal Embankment'. Provisions of sub-section (1) of section 17 were also made applicable to this area and hence the interested persons were not given any opportunity to file their objections under section 5-A. The Delhi Administrative issued a declaration u/s 6 of the said act vide notification No.F.7(5)/76-L&B(11) dt.27.2.1981. On pursuance of the above declaration u/s 6, notices u/s 9 & 10 of the L.A. Act were issued to all the interested persons. The claims filed by the claimants are discussed hereafter under the heading 'Claims'.

#### MEASUREMENT

The area under acquisition as given in the declaration u/s 6 is 30 bighas and found correct at the time of measurement by the field staff. In this way the area of 30 bighas is being acquired at present.

#### CLASSIFICATION OF LAND

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

Khasra Number

Area

567/2

0-05

693/2

0-14

.....2....



694/1	1-12
695/1	0-13
699/1	0-03
710/2	2-10
711/2	0-19
713/2	2-03
714	1-06
1-2	
1	
717/2	0-11
718/1	1-03
719/2	2-01
720/1	1-06
732/2	0-01
733/2	2-04
734/2	0-07
735/2	2-00
736/1	0-01
755/1	0-01
756/2	2-05
757/1	0-08
762/2	0-06
763/2	1-19
765/1	0-04
766/1	0-08
768/2	2-06
769/1	Less than Piswa.
770/2	2-02
771/1	0-02

30.00

30.00

The land owners have not raised any objection regarding the measurement & classification of land. AT present there is no other alternative left with us except to agree with the measurement as proposed by the field

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staff L.A. The classification of the land cannot be taken now because the bund has already completed on the land now under acquisition in the year 1976-77.

PCE SESSION

The possession of the land has not been taken over by the L.A. staff but the bund has already been constructed in the year 1976-77. So the date of taking over of the possession should be confirmed from the Flood Control Deptt.

CLAIMS

The following persons have filed their claims in pursuance of notices issued to them u/s 9 & 10 of the LA Act

S.No.	Name	Claim	Remarks
1.	Dev Singh s/o Ram Saroop	Claimed compensation @ Rs.25000/- per bigha for Kh.No.755/2, 756/2.	No evidence produced
2.	Pradhan Gaoth Sabha Hiranki	Claimed compensation @ Rs.50/- per sq.yd. for land with 15% solatium & 12% interest for Kh.No. 567/2, 714/1-2 $\begin{array}{r} 714 \\ 1-2 \\ \hline 271 \end{array}$ $\begin{array}{r} 567 \\ 1 \\ \hline 567 \end{array}$	-do-
3.	R.m Narain s/o Vir Singh	As at S.No.2 for Kh.No. 695/1, 699/2, 719/2, 720/2	-do-
4.	Bir Singh s/o Kx Lakhi Ram	Claimed compensation @ Rs.50/- per sq.yd.	-do-
5.	Om Parkash s/o Lakhi Ram	-do-	-do-
6.	Mt.Kamlesh Kumar d/o	-do-	-do-
7.	Rakesh s/o	-do-	-do-
8.	Ved Parkash s/o	-do-	-do-
9.	Sibba wd/o	-do-	-do-
10.	Man Singh s/o	-do-	-do-
11.	Siri Kishan, Heri Mishore Saini, Amar Singh Saini Ss/o Babu Ram	-do- for Kh.No.711/2	Produced photostat copy of sale deed dt.24.10.75.

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12. Jagdish Prashad  
Karnwal Singh, Shyam Lal  
Suresh Kumar, Om Parkash  
Bir Singh, Ved Prakash  
Rakesh Kumar, Sabboo,  
Kamlesh Kumari

As at S.No.4

Produced sale  
photostat copy  
of a sale deed  
dt. 24.10.76.

13. Hari Singh, Shyam Lal  
Ss/o Ram Sarup,  
Chwali d/o Shiba  
Dharam Singh s/o Shiba

Claimed compensation @ As at S.No.  
Rs. 25000/- per bigha for 1.  
land and Rs. 20000/- for  
taking the earth for digging for  
Kh.No. 719, 695, 699, 720, 721 & 601.

14. Dali Singh, Qubool Singh  
Ss/o Mohan Lal, Lachho  
w/o Mangat Ram

As at S.No.1 for Kh.No. As at  
732, 734. S.No.1

15. Mahinder Singh, Jagdish  
Singh ~~xxxx~~ Rajinder Singh  
Ranjit Singh.

As at S.No.1 for As at S.No.11  
Kh.No. 762/2, 763/2  
765/2

-do-

16. Sandhu  
Ram Chander  
Jagdish

As at S.No.13  
for Kh.No. 732/2 & 735/2

17. Sukhan s/o  
Ranji Lal

As at S.No.1  
for Kh.No. 710/2  
and 710/3/1

-do;

18. Ram Kishan s/o Kaloor  
Bhim, Kanha Ss/o Palta  
Ami Lal s/o  
Ram Rattan

As at S.No.1  
for Kh.No.  
693 & 694.

19. Balbir s/o  
Mam Chand

-do-  
for Kh.No.  
714/1/2/1

-do-



MARKET VALUE

The land under acquisition is governed by the provisions of Delhi Land Reforms Act, 1954 and as such, it cannot be used for the purposes other than agriculture, horticulture etc. without the prior sanction of the prescribed authority.

The claimants have claimed compensation ranging from Rs.25/- to Rs.50/- per sq.yd. They have, however, filed a copy of sale deed No.3571 dated 30.10.75 according to which land measuring 5 bighas 2 biswas comprising of Kh.No.175 and 176 of village Hiranki was sold for Rs.31000/-. The average per bigha of this sale deed comes to Rs.6078.40. Except this solitary evidence, no other document has been filed.

Only one award No.48/70-71 is reported to have been announced in this village in which the material date was 30.5.69. Since this award was announced 12 years ago, this cannot be considered in this case.

In order to ascertain the market price of the land in this village on the date of notification u/s 4, the field staff was directed to prepare a list of sale deeds which took place in this village in the proximity of the date of notification u/s 4. No sale deed is reported to have taken place near about the date of notification u/s 4. However, the following sale deeds are reported to have been taken place in this village:-

S.No.	O.M. No.	No. & Date of Registry	Kh.No.	Area	Amount	Rate per Bigha
1.	61	15546 dt.30.7.74	131 etc.	12-03	20000/-	1646/-
2.	62	15544 dt.30.7.74	-do-	12-03	20000/-	1646/-
3.	63	15545 dt.30.7.74	-do-	12-03	20000/-	1646/-
4.	64	3571 dt.30.10.75	175	3-16 1-06 5-02	31000/-	6078.40



5. 75 22497 dt.9.6.80 131 etc. 10-11 Rs.24000/- 2274.80

Since sale deeds mentioned at S.No. 1 to 3 took place about 7 years ago from the date of notification u/s 4, these cannot be considered in the present case. The sale deed No. mentioned at S.No.4 is dated 30.10.75 and is also remote in time. Since a copy of this sale deed has also been filed by the claimants in support of their contention, this transaction needs detailed examination. The rate per bigha of that sale deed comes to Rs.6080/- as on 30.10.75 whereas the rate per bigha as on 30.7.74 comes to Rs.1646/- in respect of sale deeds mentioned at S.No.1 to 3. In other words, the rate per bigha has risen from Rs.1646/- per bigha in the year 1974 to Rs.6078.40 per bigha in the year 1975. The registered deed dated 30.10.75, in which the entire amount of Rs.31000/- is shown to have been given before the sub-registrar, does not appear, to my mind, the actual market price of the land prevailing at that time as the value of the agricultural land had not shot up to that extent i.e Rs.4432/- per bigha from year 1974 to 1975. This apprehension is further confirmed from the subsequent sale deed No.22497 which was executed on 9.6.80 after 4½ years of the sale deed mentioned at S.No.4 and the land was sold in this case @ Rs.2274.80 per bigha. The land covered by the registered deed dated 9.6.80 is also near to the land covered by the registered deed dated 30.10.75 filed by the claimants. Thus, no reliance can be placed on the sale deed filed by the claimants in view of the above discussion.

It would appear from the above statement of sale deeds that the last sale transaction took place on 9.6.80 and no other transaction is reported to have taken place upto 27.2.81 i.e. date of notification u/s 4. An area measuring 10 bighas 11 biswas out of Kh.No.131 etc. was sold for Rs.24000/- i.e. @ Rs.2274.80 per bigha vide sale

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deed dated 9.6.80. This sale deed will help us to ~~assess~~ to assess the market value of this case. The notification u/s 4 was issued on 27.2.81 i.e. after a period of 263 days of the above sale deed. There has been fluctuation in the prices of the land during the year 1980-81 and in my opinion, it would be justified if the market value of the land in the present case is assessed after adding an appreciation @ 12% over and above the rate of Rs.2274.80 for a period of 263 days (difference between the date of sale deed dt.9.6.80 and the date of notification u/s 4). The amount so worked out comes to Rs.2473/-. I, therefore, assess the market value of the land @ Rs.2500/- per bigha and award accordingly.

OTHER COMPENSATION

TREES WELLS & STRUCTURES

There is no tree, well & structure in the land now under acquisition ~~and~~ at the time of inspection on 28.4.81 and a bunda has already been constructed in the year 1976-77.

SOLATUM

As provided under sub-section 2 of section 23 of the L.A. Act, 1894, the persons interested are entitled to have 15% solatium on the market value.

INTEREST

The bund has already been constructed in the year 1976.77 by the Flood Department. So the persons interested are entitled to take interest @ 6% per annum from the date of construction of bund.

APPORTIONMENT

The persons interested shall be paid compensation according to the latest entries in the revenue records of the land now under acquisition. In case of any dispute the payment shall be made after any amicable settlement between the parties concerned failing which the matter



shall be referred to the court of Addl. District Judge, Delhi for adjudication.

LAND REVENUE DEDUCTION

The land revenue worked out to Rs. 6.49 shall be deducted from the rent roll of the village khatauni w.e.f. taking over possession of the land.

SUMMARY OF THE AWARD

Compensation for the land measuring 29 bighas 15 biswas @ Rs. 2500/- per bigha

Rs. 74375.00

Compensation for the land measuring 05 biswas G.M. Rasta

Nil

15% solatium

Rs. 11,156.25

GRAND TOTAL

Rs. 85,531.25

(Rupees Eighty five thousand five hundred  
Thirty one and paise twenty five only)

(D.B. KUBBA)  
LAND ACQUISITION COLLECTOR(N)  
DELHI.

*Handwritten:* Amount in open  
and paid by  
22/4/53

*Handwritten:* 22/4/53  
to the court to those persons who are in  
possession.