

IN THE COURT OF LAND ACQUISITION COLLECTOR, NARELA : DELHI

Award No. 12/94-95

Name of the Village HOLUMBI KHURD

Nature of Acquisition : Permanent

Purpose of Acquisition : For a public purpose, namely, for Gas Turbine Power House at Bawana for DESU under 'Planned Development of Delhi'.

AWARD

These are the proceedings for determination of compensation under section 11 of the Land Acquisition Act, 1894 (hereinafter called the 'Act') as amended from time to time in respect of the land measuring 288 Bighas situated in Village Holumbi Khurd, Delhi.

The Govt. of National Capital Territory of Delhi, through the Joint Secretary, Land & Building Deptt., issued notification No. F.7(40)/90-L&B (1) under sections 4 and 17(1) of the Act on 7.8.92. Declaration No. F.7(40)/90-L&B(11) under section 6 of the Act was issued on 7.7.93. Since the emergent provision has been invoked by applying section 17(1), physical possession of the land in question has already been taken by the DELHI ELECTRIC SUPPLY UNDERTAKING through the Land & Building Deptt., without entertaining objections under section 5-A of the Act. All the aforesaid notifications were duly published and their substance given the due publicity as per the provisions of the Act. The land proposed to be acquired is meant for public purpose, namely, for the Gas Turbine Power House at Bawana for Delhi Electric Supply Undertaking under the scheme of 'Planned Development of Delhi'.

In pursuance of the said notification, notices under sections 9 & 10 of the Act were also issued to the interested persons and the claims filed by them are discussed in detail in this order.

2. MEASUREMENT & TRUE AREA :

The area to be acquired as given in the notification under section 6 is 288 bighas whereas at the time of physical measurement it was found to be 272 bighas 13 Biswas. The difference of 15 bigha 7 biswas is on account of the fact that some of the land has already been acquired vide award No. 21/88-89. Thus the land being acquired through the current award is 272 bigha 13 biswas, the detail of which is given hereunder :-

| Rectangle No. | Khasra No. | Area  |        | Kind of land |
|---------------|------------|-------|--------|--------------|
|               |            | Bigha | Biswas |              |
| 9             | 21         | 1     | - 00   | Banjar       |
| 12            | 5          | 1     | - 16   | -do-         |
|               | 6          | 4     | - 11   | -do-         |
|               | 7          | 1     | - 05   | Abpashi      |
|               | 8          | 0     | - 01   | -do-         |
|               | 13         | 2     | - 15   | -do-         |
|               | 14         | 4     | - 16   | -do-         |
|               | 15         | 4     | - 16   | -do-         |
|               | 16         | 2     | - 04   | -do-         |
|               | 17         | 4     | - 16   | -do-         |
|               | 18         | 4     | - 16   | -do-         |
|               | 19         | 2     | - 05   | -do-         |
|               | 21         | 1     | - 10   | -do-         |

Lone Bala  
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13

|    |   |   |    |                  |
|----|---|---|----|------------------|
| 22 | 4 | - | 14 | Abpashi          |
| 23 | 2 | - | 14 | "                |
| 24 | 3 | - | 13 | "                |
| 25 | 4 | - | 16 | Pits & Structure |
| 1  | 4 | - | 12 | Banjar           |
| 2  | 0 | - | 17 | "                |
| 8  | 0 | - | 09 | "                |
| 9  | 4 | - | 06 | "                |
| 10 | 4 | - | 16 | "                |
| 11 | 4 | - | 16 | Abpashi          |
| 12 | 2 | - | 19 | 0-11) Banjar     |
|    |   |   |    | 2-08) Abpashi    |
| 13 | 2 | - | 16 | 0-19) Banjar     |
|    |   |   |    | 1-17) Abpashi    |
| 14 | 0 | - | 05 | Abpashi          |
| 16 | 0 | - | 01 | "                |
| 17 | 3 | - | 05 | "                |
| 18 | 4 | - | 12 | "                |
| 19 | 4 | - | 16 | "                |
| 20 | 3 | - | 08 | Pit# (2-10)      |
|    |   |   |    | Abpashi(0-18)    |
| 21 | 4 | - | 16 | Pits (3-14)      |
| 22 | 4 | - | 16 | Abpashi(1-02)    |
|    |   |   |    | Abpashi          |
| 23 | 4 | - | 12 | (0-11) Banjar    |
|    |   |   |    | (4-01) Abpashi   |
| 24 | 4 | - | 11 | Abpashi          |
| 25 | 2 | - | 12 | "                |

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|    |    |                |   |        |   |
|----|----|----------------|---|--------|---|
| 39 | 1  | 2              | - | 04     | Abpashi & Stone Wall                              |
|    | 10 | 2              | - | 04     | Abpashi   |
| 80 | 1  | 4              | - | 16     | Pits (3-14)                                       |
|    | 2  | 4              | - | 16     | Abpashi (1-02)                                    |
|    | 3  | 4              | - | 13     | Abpashi   |
|    | 4  | 4              | - | 04     | "   |
|    | 5  | 3              | - | 18     | "   |
|    | 6  | 4              | - | 12     | "   |
|    | 7  | 3              | - | 15     | "   |
|    | 8  | 4              | - | 16     | 2-09) G.M. Furnace on a/c of Bhatta.-Banjar Land. |
|    |    |                |   | (2-07) | Abpashi   |
|    | 9  | 4              | - | 16     | Banjar on a/c of furnace.                         |
|    | 10 | 4              | - | 16     | Banjar  |
|    | 11 | 4              | - | 10     | Abpashi   |
|    | 12 | 4              | - | 16     | "   |
|    | 13 | 4              | - | 16     | "   |
|    | 14 | 3              | - | 18     | "   |
|    | 15 | 4              | - | 16     | "   |
|    | 17 | 3              | - | 13     | "   |
|    | 18 | <del>4</del> 4 | - | 06     | "   |
|    | 19 | 4              | - | 06     | "   |
|    | 20 | 4              | - | 11     | "   |
|    | 21 | 4              | - | 15     | "   |
|    | 22 | 4              | - | 16     | "   |
|    | 23 | 3              | - | 07     | "   |
|    | 24 | 0              | - | 01     | "   |

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|       |    |          |         |
|-------|----|----------|---------|
| 41    | 1  | 1 - 03   | Abpashi |
|       | 2  | 2 - 03   | "       |
|       | 3  | 4 - 14   | "       |
|       | 4  | 4 - 12   | "       |
|       | 5  | 4 - 16   | Pits    |
|       | 6  | 4 - 16   | "       |
|       | 7  | 4 - 09   | Abpashi |
|       | 8  | 4 - 05   | "       |
|       | 9  | 0 - 11   | "       |
|       | 13 | 0 - 17   | "       |
|       | 14 | 4 - 08   | "       |
|       | 15 | 4 - 05   | "       |
|       | 16 | 4 - 13   | "       |
|       | 17 | 1 - 12   | "       |
|       | 25 | 1 - 13   | "       |
| 44    | 1  | 2 - 01   | "       |
|       | 2  | 3 - 14   | "       |
|       | 3  | 0 - 03   | "       |
|       | 9  | 0 - 04   | "       |
| Total |    | 272 - 13 |         |

*Disputed*

SUMMARY OF QUALITY OF LAND

Agricultural land

211-18

Banjar or barren/uncultivated land.

60-15

There is still a difference of one bigha which appears to be due to totalling error. None raised any objection against this physical measurement. Entries in

the revenue record reveal that the land declared surplus under the Land Ceiling Act vested in Govt. which was subsequently allotted to the Directorate of Social Welfare of The Delhi Administration. An area of 24 bigha 08 biswas coming under the DESU PROJECT can be transferred to the acquiring Department i.e. DESU through book entry on such terms and conditions as are settled mutually by both the parties viz. DESU and Govt. of NCT through the Directorate of Social Welfare. Details of this land are as under :-

| Rectangle No. | Khasra No. | Area         |
|---------------|------------|--------------|
| 9             | 21 Min.    | 1-00         |
| 12            | 5          | 1-16         |
|               | 6          | 4-11         |
| 13            | 1          | 4-12         |
|               | 2 Min      | 0-17         |
|               | 8          | 0-09         |
|               | 9 Min      | 4-06         |
|               | 10         | 4-16         |
|               | 12/2       | 0-11         |
|               | 13/1       | 0-19         |
|               | 23/2       | <u>0-11</u>  |
|               |            | <u>24-08</u> |

Apart from this a water channel for irrigation purposes passes through the land, in particular, through Khasra No.

$\frac{12}{16, 17, 22, 23, 24}$  ,  $\frac{13}{11, 12, 13, 14, 20}$  ,  $\frac{41}{2, 3}$  etc.

It is already acquired land. Therefore the Chief Engineer Western Jamuna Canal, 3 Alipur Road, Delhi has already been

informed vide this office letter dated 27.1.1994 to safeguard their interest by mutual settlement with the DESU authorities. The acquiring Deptt. may either allow the water distributory to run through the project or if it is not technically feasible then the former may change the course of the distributory at their own cost. Similarly, alignment of pucca Roads passing through the project shall have to be changed by the DESU authorities at their own cost. So far as possession of the Govt. Land is concerned, DESU has also been informed vide this office letter dated 7.3.1994 to take up the issue with the Directorate of Social Welfare, Govt. of NCT of Delhi.

### 3. CLAIMS

The following persons have filed their claims in pursuance of the notices u/s 8 & 9 & 10 issued to them :

| <u>S.No.</u> | <u>Name of the Claimant</u>  | <u>Khasra No.</u>         | <u>Claim</u>                | <u>Remarks</u> |
|--------------|--|---------------------------|-----------------------------|----------------|
| 1.           | Smt. Krishna W/o<br>Sh. Bhagwan Singh<br>R/o Vill. Bijwasan,<br>Delhi. | 12, 41, 41<br>24 3/2 4    | Rs. 25 - lakh<br>per acre.  |                |
|              |  | 41, 41 & 41<br>7 8/1 13/2 |                             |                |
|              |  | = 14 Bighas 11 Biswas.    |                             |                |
| 2.           | Smt. Shanti Devi W/d<br>Devi Singh<br>R/o Vill. Bijwasan,<br>Delhi.    | 12 13 13<br>25 min 20 21  | Rs. 25 Rs lakh<br>per acre. |                |
|              |  | 40. 41 & 41<br>1 5 6/1    |                             |                |
|              |  | = 23 Bighas 2 Biswas      |                             |                |

Copy of High Court order dt. 30.10.91 in RFA No. 810/88, Balbir Singh Vs. Union of India, Vill. Shamapur filed.

3. Sh. Ramesh Chand S/o  
Late Sh. Devi Singh  
R/o Vill. Bijwasan  
Delhi.

$$\frac{40}{8} \times \frac{40}{9} \times \frac{40}{10} = \text{Rs. 25 lakhs per acre}$$

$$\frac{40}{13/1} \times \frac{41}{6/2}$$

= 15 Bighas, 9 Biswas.

4. Sh. Karan Singh S/o  
Kali Ram R/o Vill.  
Bindapur, Delhi.

$$\frac{13}{13/2} \times \frac{13}{18} \times \frac{13}{19} = \text{Rs. 5000/- per sq.yds. plus solatium & interest.}$$

$$\frac{13}{20/1} \times \frac{13}{21/2} \times \frac{13}{22}$$

$$\frac{40}{1/2} \times \frac{40}{2}$$

5. Sh. Raj Singh S/o  
Sh. Kali Ram  
V/o Vill. Bindapur,  
Delhi.

$$\frac{13}{23-24} \times \frac{40}{25 \text{ min, } 3/2, 4, 5/2}$$

Rs. 5000/- per sq. yds.  
for land, Rs. 20,000/-  
for 2 Sisham trees  
& solatium + interest.

6. Sh. Gian Chand S/o  
Sh. Lalji Ram alias  
Kali Ram R/o Village  
Bindapur, New Delhi.

$$\frac{13}{6, 14, 15, 16, 17, 24 \text{ min, } 25 \text{ mn.}} = \text{Rs. 5000/- per sq.yds. for land, Rs. 10,000/- for one Sisham Tree, solatium and interest.}$$

7. Sh. Rajbir Singh S/o  
Sh. Ram Kanwar  
R/o Village, Ahri  
Teh. Jhajjar, Distt.  
Rohtak.

$$\frac{40}{11, 12, 13, 14 \text{ min}} = \text{Rs. 25 lakhs per acre}$$

$$\frac{41/}{14-15} = 19 \text{ Bigha } 4 \text{ Biswas}$$

8. Sh. Devendra,  
Sh. Rohtas &  
Sh. Mange Ram sons  
of Hukam Chand, Chajju  
Ram S/o Sh. Raja Ram  
R/o Vill. Holambi  
Kalan, Delhi.

$$\frac{44}{9 \text{ min}} = 0.4 \text{ Biswas } \text{Rs. 30 lakhs per acre for land.}$$



9. Sh. Jai Singh  
Sh. Bhagwan,  
Jawahar Singh &  
Hari Chand Sons of  
Late Sh. Tule Ram

$\frac{44}{3 \text{ min.}}$  0.04 Biswas

Compensation  
@ Rs. 30 lakhs per acre.

Sh. Madan Lal }  
Sh. Brij Mohan } Sons  
Sh. Sat Parkash }

Smt. Sarla } Married  
Smt. Asha } daughters

Km. Usha Unmarried  
daughter

Smt. Bimla  
W/o Late Tule Ram  
R/o Holambi Kalan

10. Sh. Rajesh Kumar S/o  
Sh. Ranjit Singh  
R/o Village, Holambi  
Khurd.

$\frac{12}{15-16}$   $\frac{13}{11-12}$   
1

Rs. 1000/- per sq.yds. for  
land, Rs. 10 lakhs for  
loss of profession,  
Rs. 10,000/- damage per  
acre for crops and  
solatium @ 30% plus  
compensation for severance  
of land to the tune  
of Rs. 20 lakhs.

- 11 & Satish Kumar S/o  
12 Ranjit Singh  
R/o Village Holambi  
Khurd.

$\frac{12}{7, 8, 14, 17}$

Rs. 1000/- per sq. yds. for  
land, Rs. 10 lakhs for  
loss of profession,  
Rs. 10,000/- per acre for  
value of crops, solatium  
@ 30% and interest @ 18%  
from the date of notifi-  
cation.

13. Arvind S/o Shri  
Jai Kishan R/o  
Holambi Khurad

$\frac{12}{13-18-23}$

Rs. 1000/- per sq.yds.  
for land, Rs. 10 lakhs  
for loss of profession,  
Rs. 20 lakhs severance  
charges, Rs. 10,000/-  
per acre for value of  
crops, 30% solatium  
and interest @ 18% from  
the date of notification.

- 14 Inderjit Singh S/o  
& 15 Sh. Jagjit Singh  
R/o Holambi Khurad

$\frac{12}{22, 19 \text{ min,}}$   
21 min,  $\frac{41}{1}$

Rs. 1000/- per sq. yds.  
as Sr. No. 13 as above.

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16. Smt. Ram Rati W/o  
Sh. Mauji Ram  
Sandeep (Minor)  
S/o Ajit Singh  
R/o Holambi Khurad.

39  
10  
40  
6, 15

Rs. 500/- per sq.yds.  
and all other benefits.

17. Jitender Singh S/o  
Sh. Hoshiair Singh

40  
5/1 min.

Rs. 2000/- per sq.yds. for  
land, Rs. 2 lakhs for  
pacca wall, Rs. 2 lakhs  
for electric tube well,  
Rs. 5000/- per bighas as  
damaged for crops,  
Rs. 5 lakhs severance  
charges, Rs. 7 lakhs  
damages for injuriously  
affecting his other  
property. Rs. 5000/- per  
bigha dor diminution of  
profit, Rs. 100/- per sq.  
ft. boundary wall & Rs. 300/-  
per wall & Rs. 300/- per  
sq.ft. for structure.

18. Sh. Dhare S/o  
Sh. Sada Ram

Compensation @ Rs. 700/-  
per sq. yds., solatium  
and interest and additional  
amount u/s 23 (1-A) of  
the Act.

As above.

19. Sh. Lok Chand S/o  
Siri Bhagwan

Sh. Bal Raj  
Sh. Jagbir  
Sh. Jai Karan  
all sons of  
Lok Chand

20. Jai Lal Mann  
Sh. Suraj Mal- both sons  
of Khubi Ram

40  
17 (2-13), 18(4-16)

Sh. Gian Chand S/o  
Sh. Kali Ram.

40  
23 (3-7), 34(0-01)

Sh. Ajit Singh S/o  
Sh. Mauji Ram  
Vill. Holambi Khurad.

22 (4-16) 44 43  
2(3-14) 1

Rs. 20 lacs per acre for  
land, 30% solatium, 15  
lacs for construction of  
water channels, and  
suitable damages/compen-  
sation for severance of  
land from their other land.

4. DOCUMENTARY PROOF

A large number of interested persons claimed compensation at a very higher rate even upto Rs. 5000/- per sq. yds. without having filed any tangible documentary proof in the form of a sale deed, previous award or any judgement of a superior court concerning the land of village Holumbi Khurd. Claimant at S.No. 2, Smt. Shanti Devi, has however filed a copy of the High Court judgement dated 30.10.91 in RFA No. 810/88 in case Balbir Singh Vs. UOI pertaining to the acquisition of land in village Samepur, Delhi. It is regarding the market price of the land pertaining to the notification of 27.7.84 in village Samepur. The Hon'ble High Court of Delhi, through this judgement, has disposed of a large no. of RFAs with regard to the fair compensation of the levelled and unlevelled land. Detailed discussions in this regard are available in the heading 'market value'.

Claims filed and the revenue record were examined in order to ascertain the bonafide of the claimants. Most of the claimants are found to be the recorded owners. Some persons claimed compensation on the basis of cultivatory possession. A majority of persons have not even filed copies of the revenue record for supporting their astronomical claims.

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5. MARKET VALUE

As per the provisions of law and the procedure in vogue, market value of the land is assessed with reference to the date of notification u/s 4 of the Act. In the instant case the land was notified u/s 4 of the LA Act on 7.8.92. The land under acquisition can be categorised in the two main categories as follows:-

- |     |   |                       |
|-----|---|-----------------------|
| (a) | Land being used for agricultural purposes<br>(Category 'A' Land). | Big. 211 - 18<br>Bis. |
| (b) | Barren land with partially even<br>and uneven ground.             | = 60 - 15             |

Compensation claimed by the interested persons ranges from Rs. 400/- to Rs. 5000/- per sq. yd. As stated in the earlier para No. 4, despite having claimed quite an exorbitant rate of compensation, they have not been able to establish their claim with documentary proof. Efforts were made by the Land Acquisition staff to examine the record of the office of Sub-Registrar as also of Delhi Tehsil for ascertaining if any genuine sale deed of the amount of Rs. 400/- per sq. yd. or above in respect of the land of village Holumbi Khurd was registered during the relevant period but no such instance came to notice. Neither any judgement of any court awarding such a higher rate of compensation for Holumbi Khurd land was brought to my notice by any of the claimants in support of their claim. However, Smt. Shanti Devi w/o Devi Singh, has filed a copy of the judgement of the Hon'ble High Court, Delhi

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Smt. Shanti Devi  
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dated 30.10.91 in RFA No. 810/88, relating to the land of Village Samepur. By this judgement the High Court has awarded compensation of Rs. 50,000/- per bigha for the levelled land and Rs. 45,000/- per bigha for the unlevelled land notified on 27.7.84 in village Samepur, Delhi.

As per the Joint Secretary, Land & Building, Delhi Administration, Delhi's letter No. F-9(20)/80/L&B/11312 dated 3.5.90, minimum price of agricultural land was fixed at Rs. 4.65 lac per acre if notified during April, 1990. This price is effective from 27.4.90. And extract of para 4 of the said circular dated 3.5.90 is reproduced below:-

"Keeping in view these advantages, it has been decided to fix Rs. 4.65 lac per acre as the minimum price for all agricultural land in the Union Territory of Delhi, irrespective of its location or agricultural quality".

This inter-alia means that the location of the land and the quality of its soil does not matter much. Whether the land is located alongside the highway or far away from it makes little difference. The only difference which has been stipulated is the location of land in the river bed which is priced at Rs. 1.5 lac per acre and other agricultural land, not situated in the river bed, at Rs. 4.65 lacs per acre. Therefore, in accordance with these guidelines and in the absence of any genuine sale deed of the higher consideration market price of 211-18 biswa of agricultural land falling in category 'A' is fixed at Rs. 4.65 lacs per acre.

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For assessment of the market value of the other uneven and Bhatta (Brick Kiln) land of category 'B' the Superintendent Engineer (valuation) P.W.D., and the Surveyor of works P.W.D., Govt. of N.C.T. Delhi, were requested vide this office letter No. F.LAC(N)/DC/94/1568-69 dated 24.2.94 to determine the filling charges for land but they did not entertain our request and returned the letter with the remarks that their office does not deal with such matters. The surveyor of works has further informed vide his letter dated 24.5.94 that the cost of earth filling may be got adjudged locally. Efforts were therefore made to assess the market value of 'B' category of land on the basis of the judicial pronouncements as also the circumstantial evidence available. This type of land totally measures 60 bighas 15 biswas. It is presently the uncultivated land but was being used for agricultural purposes some years back. It has a mixed type of ground - levelled and unlevelled. The levelled ground can still be put to agricultural use. It is a chunk of 24 bighas 08 biswas which, after having been declared surplus under the Land Ceiling Act, was in the possession of the Directorate of Social Welfare, Govt. of NCT of Delhi. The remaining unlevelled land measuring 36 bighas 07 biswas can be made cultivable by earth filling. The land where-from earth was lifted for the manufacture of bricks has been rendered uneven due to pits in it.

Compensation of the Govt. land measuring 24 bighas 08 biswas is not required to be assessed. This can be transferred to DESU through a book entry on such terms and conditions, as

are settled mutually by the Govt. through the Directorate of Social Welfare and the DESU. Now compensation of only the remainder 36 bighas 07 biswas of 'B' category of land has to be assessed. Admittedly, the uncultivated and unlevelled land cannot be placed at par with the agricultural land of category 'A'. The acquiring department (DESU) would have to spend considerable amount of money to make 'B' category of land fit for the execution of their project. Its ground, wherever deep, would have to be raised by earth filling in order to bring it at par with the level of the adjacent agricultural land. Since DESU authorities shall be constructing Gas Turbine Power House on the acquired land, quality of its soil, whether fertile or infertile, is not likely to obstruct or hinder the project. One of the factors which may affect the project is the uneven and low level of the land in question. Therefore, the cost likely to be incurred for levelling up the entire ground of 'B' category of land is required to be deducted from the market value of 'A' category of land. This appears to be the only just and proper course of action in the prevailing circumstances.

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The land owners pleaded that the principle of differential market value of the levelled and unlevelled land as laid down by the Hon'ble High Court of Delhi in RFA 810/88 in case Balbir Singh Vs. UOI for Village Samepur land may also be applied in the instant case. I have carefully perused the said judgement. Market price for the levelled and the unlevelled land as awarded by the High Court vide judgement dated 30.10.91 was Rs. 50,000/-

and Rs. 45,000/- per bigha respectively, for the notification of 22.7.84. In other words market price of the unlevelled has been and held to be 10% lower than that of the levelled one. However, depth of the pits in the land in depression is nowhere mentioned in the aforesaid judgement. I have, therefore, examined the relevant award file of the Samepur land. I have also conducted site inspection of the land under acquisition in Village Holumbi Khurd. It is worth mentioning here that the Land Acquisition Deptt. had not accepted the judgement of the High Court in RFA 810/88 and that an SLP was filed in the Hon'ble Supreme Court for a rate beyond Rs. 32,000/- per bigha in respect of the levelled land and above Rs. 29,000/- per bigha for the unlevelled land. In other words the department accepted the differential rate between the levelled and the unlevelled land to the extent of Rs. 3,000/- per bigha for a price of Rs. 32,000/- per bigha for levelled land. This ratio works out to 9% approx. between the prices of two types of lands. If the aforesaid logic is also applied to the market price of 'A' & 'B' categories of land in the instant case, then the market price for the 'B' Category of uneven land comes to Rs. 4,21,406-25 per acre against the price of Rs. 4,65,000.00 per acre for the levelled land of 'A' category. This too does not appear to be the just & fair proposition for 'B' Category of land in the present award, though the characteristics of the unlevelled lands of both the villages, Samepur & Holumbi Khurd, are the same. Lands of both the villages were used for brick-kiln and therefore level of such land at both the places was lower than that of the other 'A' Category of agricultural

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land. But a perusal of record reveals that the pits of Samepur land were comparatively shallower than that of the Holumbi Khurd land. The acquiring department would have to incur some extra expenditure in levelling up the ground of 'B' Category of land. Therefore, in my opinion, it won't be fair and proper to accept the same differential rate of 9% in the present award as has been accepted by the department in the case of Samepur land in the SLP before the Hon'ble Supreme Court of India, in view of the facts and circumstances already explained. The equitable, just and fair price for 'B' Category of land, while keeping all the legal pronouncements and the ground realities in view, should be Rs. 3 lac per acre which I assess accordingly. Thus, fair market price for both categories of land under acquisition is assessed as under :-

- (a) 18 bighas 18 biswas of 'A' Category land being used for agricultural purposes @ Rs. 4,65,000/- per acre.
- (b) 36 bighas 07 biswas of barren land falling in category 'B' with partially even and uneven ground and pits @ Rs. 3,00,000/- per acre.

Details of the land falling in category 'B' are as under :-

| <u>Rectangle No.</u> | <u>Khasra No.</u> | <u>Area</u> |
|----------------------|-------------------|-------------|
| 12                   | 25                | 4-16        |
| 13                   | 20/2              | 2-10        |
|                      | 21/1              | 3-14        |

| <u>Rectangle No.</u> | <u>Khasra No.</u> | <u>Area</u>       |
|----------------------|-------------------|-------------------|
| 40                   | 1/1               | 3-14              |
|                      | 8/2               | 2-09              |
|                      | 9                 | 4-16              |
|                      | 10                | 4-16              |
| 41                   | 5                 | 4-16              |
|                      | 6/1               | 2-12              |
|                      | 6/2               | 2-04              |
|                      |                   | <hr/> 36-07 <hr/> |

6. POSSESSION

Possession of 272 Bighas 13 Biswas of land was taken over by the DESU authorities through the land and building department on 22.9.93

7. CROPS

There were crops of paddy, Jowar etc. in most of the fields at the time of taking over of possession. The interested persons have harvested their crops and therefore the question of giving them any compensation does not arise. Damage incurred during the transfer of possession was insignificant.

8. WELL, TUBEWELL, TREE, STRUCTURE

There were Tubewells in the land comprising Khasra No. 12/25 (0-2) and Khasra No. 40/22 (0-2). There is, however, neither any electric tubewell nor a boundary wall under acquisition in Khasra No. 40 as claimed by one Sh. Jatender Singh and, therefore, his claim for both the items is rejected.

Completed  
9/8

There was no big tree worth giving any compensation. There are however small fire wood trees which can be removed by the interested persons within 15 days of the announcement of award. There is a boundary wall in the land bearing Khasra No. 39/1. There are also 2 structures in Khasra No. 12/25 and 40/22. Since assessment of structures, stone-wall etc. is a technical matter, assessment of compensation is being got done from the P.W.D. or the Surveyor of works. Whenever a report from the department concerned is received suitable amount of compensation shall be paid to the interested persons through a supplementary award.

9. SOLATIU

As provided for under sub-section 2 of section 23, solatium @ 30% on the market value of land due to compulsory nature of acquisition is payable in this case.

10. ADDITIONAL BENEFIT UNDER SECTION 23(1-A)

Additional benefit u/s 23 (1-A) of the Act shall be paid @ 12% per annum from the date of notification till the date of possession on the market value of the land acquired.

11. INTEREST UNDER SECTION 34

Since possession of the land has already been taken on 22.9.93, interest u/s 34 of the Act is payable @ 9% per annum for one year from the date of taking possession and thereafter @ 15% per annum till the date of payment, only to the eligible claimants.

## 12. APPORTIONMENT

Compensation shall be paid to the interested persons on the basis of the latest entries in the revenue record. In case there is any dispute regarding the apportionment or payment of compensation, then the matter shall be referred to the Court of the Additional District Judge, Delhi for adjudication under section 30/31 of the L.A. Act.

## 13. LAND REVENUE

Land Revenue payable on the land in question shall be deducted from the Khatauni of the village from the date of taking of possession.

## 14. SUMMARY OF AWARD

1. Market value of 211 Bighas 18 Biswas of agricultural land of Category 'A' @ Rs. 4,65,000/- per acre. 2,05,27,812-50
2. Market value of 7 Bigha 07 Biswas of barren land of category 'B' @ Rs. 3,00,000/- per acre. 71,875-00
3. Settlement @ 20% of market value 6,39,906-25
4. Additional benefit u/s 23(1-A) of the Act @ 12% p.a. on market value w.e.f. 22.9.92 to 22.9.93 for one year 37 days or 412 days. 30,88,264-50
5. Interest u/s 34 @ 9% p.a. w.e.f. 22.9.93 to 31.5.94 for 251 days 20,25,540-50

Grand Total

Rs. 3,47,53,398-75

verified.  
9/8

21  
(Rupees three crore fourty seven lakh fifty three thousand  
three hundred ninety eight & seventy five only).

No compensation is being assessed for the Govt. Land  
measuring 24-08 biswas which stood allotted to the  
Directorate of Social Welfare, Govt of NCT of Delhi.

*G*  
1.8.74  
(G.S. THANEWAL)  
LAND ACQUISITION COLLECTOR, NCT  
DELHI

Revenue Secretary

*infolia.*  
9/8  
Award announced in the open court  
notice w/s 12/11/74 as per file. *G*

01.09.1974