AWARD. - 67/1971-72

Name of the village: Holumbi Kalan,
Nature of acquisition: Permanent.
Purpose of acquisition: Construction of Bawana Escape.

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AWARD.

These are proceedings for the determination of compensation U/s 11 of the L.A. Act, 1894. Land measuring 5 big. was notified for acquisition u/s 4,6 and 17(1) of the L.A.Act vide notification No.F.15(95)/67/L&H(1), F.15(95)/67-L&H(11), F.15(95)/67-L&H-(111) simultaneously on 11.2.70. Land was notified for acquisition for a public purpose, namely for Bawana Escape from R.D. No.60250 to 54250 and R.D.No.47650 to 41630. In pursuance of this declaration notices u/s 9 & 10 of the L.A. Act were issued to all the interested persons to file their claims and objections. Their claims for compensation are discussed hereafter under the head 'Claims.'

MEASUREMENT AND AREA.

An area of 5 Big. was notified for acquisition. However, the land was measured on the spot by the field staff, and it was found measuring 4 big. and 18 bis. Therefore, an area of 4 big. and 18 Bis is being acquired, and compensation shall be paid for the same.

CLASSIFICATION OF LAND:

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

S.No.	Kh.Nos.	Area. big.	bis.	Kind of land.
1.	$\frac{2}{9/2}$	0	4	Ghair Apash.
2.	10/2	0	3	" "
3.	13/2	0	4	Apash.
4.	14/2	0	4	"
5.	16/2	0	2	"
6.	$\frac{3}{7/2}$	0	5	Charagah.

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7.	13/2	less than biswa.		Apash.
8.	14/2	0	4	"
9.	15/2	0	5	Ghair Apash.
10.	$\frac{4}{24/2}$	0	2	" "
11.	25/1/2	0	7	Kadim.
12.	25/2/2	0	4	Ghar Apash.
13.	$\frac{9}{10/2}$	Less then bis.		Apash.
14.	11/1/2	0	5	"
15.	11/2/2	0	4	Ghar Apash.
16.	12/2	0	5	Apash.
17.	19/2	0	5	"
18.	20/2	0	1	"
19.	$\frac{10}{1/2}$	0	4	Charahgah.
20.	2/2	Less than bis.		Apash.
21.	3/2	0	5	"
22.	4/2	0	1	"
23.	6/2	0	8	"
24.	7/2	0	4	"
25.	8/2	0	7	"
26.	14/2	Less than bis.		"
27.	15/2	0	5	"
	Total:	4	18	

The land owners have not raised any objection regarding the classification and measurement of land. I have carefully gone through the Chief Data submitted by the Naib Tehsildar(LA). I agree with the classificationxx and measurement as proposed by him on the basis of entries of Kh. Girdawari and other relevent record. At the time of publication of notices u/s 4 the classification of land is as under:-

Apash.	G. Apash.	Kadim.	Charahgah.	Total:
3 - 00	1 - 02	0 - 07	0 - 09	4 - 18

Contd......

7.	13/2	less than biswa.	Apash.
8.	14/2	0 4	"
9.	15/2	0 5	Ghair Apash.
10.	$\frac{4}{24/2}$	0 2	" "
11.	25/1/2	0 7	Kadim.
12.	25/2/2	0 4	Ghar Apash.
13.	$\frac{9}{10/2}$	Less then bis.	Apash.
14.	11/1/2	0 5	"
15.	11/2/2	0 4	Ghar Apash.
16.	12/2	0 5	Apash.
17.	19/2	0 5	"
18.	20/2	0 1	"
19.	$\frac{10}{1/2}$	0 4	Char ahgah.
20.	2/2	Less than bis.	Apash.
21.	3/2	0 5	"
22.	4/2	0 1	"
23.	6/2	0 8	"
24.	7/2	0 4	"
25.	8/2	0 7	"
26.	14/2	Less than Bis.	"
27.	15/2	0 5	"
	Total:	4 18	

The land owners have not raised any objection regarding the classification and measurement of land. I have carefully gone through the Chief Data submitted by the Naib Tehsildar(LA). I agree with the classification~~xx~~ and measurement as proposed by him on the basis of entries of Kh. Girdawari and other relevent recor

At the time of publication of notices u/s 4 the classification of land is as under:-

Apash.	G. Apash.	Kadim.	Gharahgah.	Total:
3 - 00	1 - 02	0 - 07	0 - 09	4 - 18

Contd......

POSSESSION.

The possession of the land under acquisition was taken on 4.12.1970 by acquiring department.

CLAIMS:

All the interested persons were given notices u/s 9 & 10(1) of the land Acquisition Act, 1894, and the following persons have filed their claims which are discussed below:-

S.No.	Claimant.	Remarks.
1.	Sh. Lakhmi Chand S/o. Shri Shaktu Village Holumbi Kalan.	He claims for 20/- per Sq. yard. for Kh.No.2/16/2 (0big. 2 bis.). The claimant says that the land is of income Rs.2000/- per year. He failed to produce any documentary evidence. He claims 15% and 6% interest. Hence the compensation shall be fixed according to facts and figure collected from the revenue record.
2.	Sh. Jagan S/o. Shri Shakut Village Holumbi Kalan.	As at S.No. 1.
3.	Sh. Giani S/s Shakut village Holumbi Kalan.	As above.
4.	Sh. Bhag Singh S/o. Mangtu Village Holumbi Kalan.	He claims for Kh.No.2/14/2 an area of 0 big. 4 bis. The ~~income~~ claimant tells that the land income is of Rs.2000/- per year. He failed to produce any documentary evidence. He claims 15% and 6% interest. Hence the compensation shall be fixed according to facts and figure collected from the revenue record.
5.	Sh. Khacheru S/o. Shri Shiv Shaya village Holumbi Kalan.	As above.
6.	Sh. Tilak Ram Tyagi etc. Village Holumbi Kalan.	He claims Rs.6000/- per bigha. He tells that the land is of good kind and situated near Narela Town. The claimant says that the income from the land is Rs.1000/- per year. He also says that the other land situated near his land has been sold for Rs.4000/- to Rs.6000/- per bigha. He has failed to produce any documentary evidence. So compensation shall be fixed according to the facts and figures collected from the revenue record.

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7.	Balwant S/o. Sh. Chait Ram Cast Tyagi village Holumbi Kalan	As at S.No.6.
8.	Balwant Singh S/o. Sh. Ram Dass etc. village Holumbi Kalan.	As at S. No.6.
9.	Sh. Rama Nand S/o. Shri Ram Parshad Tyagi village Holumbi Kalan through Ram Dhari S/o. Sh. Har Nand.	As at S.No.6.
10.	Sh. Ram Dhari S/o. Shri Har Nand = Smt. Chandro = Babu Ram = Vijay Kumar etc.	As at S.No. 6.
11.	Gaon Sabha Holumbi Kalan through Ram Dhari S/o. Sh.Har Nand.	As at S.No.6.
12.	Sh. Suraj Bhan S/o. Amar Singh Village Holumbi Kalan.	He claims for Kh.Nos. 4/24/2,25/2/2, area 0big. 02 bis and 0 big. 04 bis. respectively at Rs.30/- per Sq. yard. He claims ownership of the land. The claiman tells that the land is situated near Holumbi Kalan Railway station. He agrees to hand over the possession He has failed to produce any documentary evidence. Hence the compensation shall be fixed according to the facts and figures collected from the revenue record. The claimant is not the owner of the land therefore, the compensation shall be kept under dispute.

MARKET VALUE.

The areaof this village is governed by the Delhi Land Reform Act, 1954, and cannot be used for purpose other than agriculture without the prior sanction of the prescribed authority.

The land now under acquisition is Abpash, Ghaer Abpash, Kadim & Charaghah. The area under cultivation i.e. Abpash and Gher Abpash is of good quality while Kadim and Charagahah is of inferior quality and kalar type and cannot be put on the same footing with the Ahpash & G. Abpash land for purpose of valuation. In order to give proper price to the interested persons it seems

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quite necessary to place the land now under acquisition into two different blocks:-

Block No. 1:- Land under cultivation is included in this block and comprises of the following Kh. Nos:-

2/9/2,10/2,13/2,14/2,16/2,3/13/2,14/2,15/2, 4/24/2,25/2/2,9/10/2, 11/1/2,11/2/2,12/2, 19/2, 20/2, 10/2/2, 3/2, 4/2,6/2,7/2,8/2,14/2, 15/2. Total area 4 Bighas 2 Biswas.

Block No.II:- Land of inferior quality and unfit for cultivation ~~in this block and~~ is included in this block and included the following Kh.Nos.

3/7/2,4/25/1/2, 10/1/2. Total area 16 biswas.

In calculating the amount of compensation to be awarded, certain points as mentioned u/s 23/1) of the L.A. Act are to be kept in view. In order to determine the market value, many other factors enter into reckoning which are also necessary, For instance the sale transactions in the village concerned, nearness of the land to any pucca road, rise and fall in price due to demand of it in the market, market value of the land acquired previously in the village concerned and the demand of the owners:

Most of the claimants have claimed Rs.6000/- per bigha as compensation. The claims are exorbitant, and none of the claimants has filed any documentary evidence in support of his claims. So the compensation will be assessed according to rules.

In this case a notification u/s 4 of the L.A. Act was made on 11.2.70. In order to fix the market value of the land, it will be reasonable and fair to consider the sale transactionsof the preceding 5 years prior to the notification u/s 4 which are as under:-

S.No.	Year.	Sold area.		Saling price.	Average per bigha.
		big.	bis.		
1.	1965-66	1	9	Rs.4000/-	2758-62.
2.	1966-67	11	18	Rs.9500/-	798-32
3.	1967-68	100	15	Rs.99,150/-	984-11
4.	1968-69	1	5	Rs.61,00/-	4880/-
5.	1969-70	-	-	-	-
		115	07	1,18750/-	1029/45

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The average price during the preceding 5 years works out to Rs.1029.45. There was no sale transaction during the year 1969-70, and there was only one sale transaction during the 1968-69 in respect of Kh.No. 15/1 min 2 min 3 min measuring 1 big. and 5 bis. for which an amount of Rs.6100 was paid. This transaction took place on 7.1.69, and the average price works out to Rs.4880/- per big. However, this land is situated at quite a distance from the land in acquisition In the year 1967-68, three sale transactions took place;. In two of these transactions land is situated at a distance from the land now under acquisition. Another sale transaction dated 16.11.67 is for a land measuring 90 big. 13 bis., for which an amount of Rs.90,650/- was paid. The average price for this land works out to Rs.1000/- per bigha. Kh.Nos. 10/2-9-12-13/2-18-19-22-23-24 of this chunk of land are more close to the land now proposed to be acquired, ~~but~~ and a portion of Kh.No.10/2 is being acquired now. This sale transaction of 16.11.67 is no doubt 2½ year before. Sale transaction of the year 1965-66 and 1966-67 pertain to land which is very close to residential area, and so it will not be proper to fix the market value on the basis of these transactions. The only relevant sale transaction during the preceding 5 years is of 16.11.67 as discussed above in which the average price per bigha comes to Rs.1000/- .

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Awards drawn up in this village for acquisition of land have also been considered. The relevant awards are discussed below:-

S.No.	Award No.	Notification No.	Area. Big. Bis.	Rate p.B.	remark
1.	1656	F.15(26)/63-L&S(i)(ii)(iii) dt.24.10.63 u/s 4 , 6 & 17 of L.A. Act.	73 2	540/-	Providing crossing station to the Northern Railways.
2.	2186	F.15(54)/67-L&H dt. 18.9.67 u/s 4 F.15'(54)/ 67-L&H dt 5.3.68	4-19	Block No.I. 740/- Block No.II 370/- p.b.	Construction of Ghoga Drain.

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In award No.1656 a the notification u/s 4 was made on 24.10.63 approximately 8 years before the notification in the present case. Compensation at the rate of 540/- per bigha was awarded. In award No.2186, a notification u/s 4 was made on 18.9.67, which is only about 2¼ years before the present notification. However, the land acquired under award No.1656 and 2186 is situated at a distance, and so it will not be very proper to fix the market value of the land on the compensation paid in award Nos. 1656 and 2186. On the other hand, sale transaction of 16.11.67 in which the average price comes to Rs.1000/- per bigha and in which land is close to the present land, can be more helpful in fixing a fair and reasonable market value. As a period of 2¼ years elapsed after this sale transaction, it is reasonable to fix market value of the land after giving reasonable margin of appreciation over a period of 2 years. In view of the above discussion I think Rs.1200/- and Rs.600/-. per bigha is the fair and reasonable price for the land now under acquisition as placed in block No.I and No.II respectively. Accordingly I assess the same.

APPORTIONMENT.

The interested persons will be paid compensation on the basis of latest entries in the revenue record, of the land acquired. In case of any dispute the payment will be made after amicable settlement between the parties concerned, failing which the matter shall be referred to the competent court for adjudication. Next 15% solatium will be paid for compulsory acquisition as required by section 23(ii) of the L.A. Act.

INTEREST.

Interest at the rate of 6% will also be payable to the interested persons w.e.f. 4.12.70 i.e. the date of possession of land till the date of tender of payment. The above said land will vest absolutely in the Govt. free from all encumbrances from the date of taking over the possession.

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LAND REVENUE DEDUCTION:

The Land Revenue for the land under acquisition works out at Rs.1.36 n.p. which will be deducted from the Khetauni from the date of possession. Subject to the above remarks the award is summarised under:-

SUMMARY.

1.	Compensation for the land measuring 4 bighas 2 biswas of block No.1 at the rate of Rs.1200/- per bigha.	Rs.4920.00
2.	Compensation for the land measuring 16 biswas of block II at the rate of Rs.600/- per bigha.	Rs. 480.00
3.	15% for compulsory acquisition.	Rs. 810.00
4.	Interest at the rate of 6% per annum w.e.f. 4.12.70 to 29.3.72.	Rs. 491.71.
	Total:	Rs.6701.71.

(Rupees six thousand seven hundred one and paise seventy one only).

Announced and filed.

30/3/72

(PRAMOD KUMAR)
LAND ACQUISITION COLLECTOR(N
DELHI.

कार्यवाही कब्जा ग्राम होलम्बी कलां तहसील व जिला
दिल्ली

आज दिनांक 4-12-1970 को जनाब मुख्य [illegible] आयुक्त [illegible] (सेवा) को [illegible] [illegible] देने के बाद होलम्बी कलां की भूमि का कब्जा देने हेतु श्री अजीत सिंह नायब तहसीलदार, श्री [illegible] सिंह कानूनगो व श्री हुकम सिंह पटवारी (हलका) के साथ मौके पर पहुंचा। मौके पर कोई विरोध किसी तरफ से भी [illegible] आर. [illegible] सहायक [illegible] ने श्री आर. [illegible] ई.ए. [illegible] [illegible] Baweja Exe/[illegible] [illegible] पत्र नम्बर F.15(95)/67 L+H(i)(ii) दिनांक 11-2-1970 को दे चुका है। इस [illegible] पर भूमि अधिग्रहण अधिनियम 1894 की धारा 17(1) भी लागू है। कब्जा लेने के विषय में [illegible] में [illegible] का नोटिस दिया जा चुका है। मौके पर सरकारी खसरा

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अ. सिंह [illegible]
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Dagar
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