

Anwarul No. — 33/79-80

Name of the village : Jawala Heri
Nature of acquisition : Permanent
Scheme : Planned Development of Delhi

In pursuance of Delhi Administration Notification No.F.15(1) 53-L&B dated 12.11.1959 made under section 4 of the Land Acquisition Act of 1894, 34070 acres of land in various villages was notified to be needed for a public purpose, i.e., for Planned Development of Delhi. The land measuring 41 bighas and 12 biswas in village Jawala Heri, part of which is the subject matter of this award, was included in the aforesaid notification. Objections were received under section 5(A) of the said Act and the same were submitted with a report for the decision of the Land & Building Department, Delhi Administration, Delhi. The Delhi Administration, Delhi, after considering the report made u/s 5(A), sub section (2) of the said Act, being satisfied, that the land in question was needed for a public purpose issued a declaration to that effect u/s of the said Act which is notification No.F.4(20)/68-L&B dated 20.12.68. After receiving the instructions from the Land & Building Department, Delhi Administration, Delhi, vide letter No.F.10(9)/74-L&B/291 dated 5.1.1976 that the Kh.No.15//7/4 measuring 0-13 biswas of village Jawala Heri be acquired on priority basis on the strength of the existing notification u/s 6 of the L.A. Act, these proceedings were taken up u/s 11 of the L.A. Act.

Notices u/s 9(1) of the L.A. Act was given due publicity inviting claims from interested persons. Notices u/s 9(3) and 10(1) of the Land Acquisition Act were served upon the known interested persons. The claims for compensation received in compliance with the notices shall be discussed in this award under a separate heading 'Compensation Claims.'

contd....2/-

TRUE & CORRECT AREA

The land bearing Kh.No.15//7/4 was measured on the spot by the Land Acquisition Field Staff and area available found was 13 biswas

OWNERSHIP

The details of Kh.No., ownership, tenancy and classification of land are as under:-

Sl.No.	Name of the owner	Name of the occupant	Kh.No.	Area	Kind of
1.	Gaon Sabha of village Jawala Heri	Makboozar Mal-kan	15//7/4	0-13	labris
				Total Area:-13 biswas	

CLAIMS & EVIDENCE

No person has filed any claim for compensation or evidence thereon in response to the notices u/s 9 & 10 of the Land Acquisition Act.

MARKET VALUE

The market value of the land is to be determined with reference to the date of preliminary notification u/s 4 of the Land Acquisition Act with all its advantages and with all its potentialities. The best evidence available to arrive at the correct market value of land would be the evidence of genuine sale transactions effected at the time of notification either in respect of land under acquisition or a portion thereof or sales of land precisely parallel in all circumstances to the land under acquisition. The awards of the village and the judgment of the courts of Addl.Dist.Judges, in references under section 18 of the Land Acquisition Act can also offer useful guidance in arriving at the market value of the land under acquisition.

In this village land has been acquired through award No. 1084, 1448, 1577 & 1688. The date of notification u/s 4 of these awards is 20.6.60, 10.11.60, 13.11.59 & 13.11.59 respectively.

Out of the above awards, award No.1577 & 1688 of village Jawala Heri relate to the same date of notification under the

Land Acquisition Act i.e. 13.11.59 which is the date also in the instant award. These awards and the reference u/s 18 decided by the court of Adol. Distt. Judge can provide useful guidance in assessing the market value of the land under acquisition. In award No. 1577 the Land Acquisition Collector determined the value of the land at Rs. 300/- per bigha kham for the Nehri land, Rs. 400/- per bigha kham for the Gair Mumkin land. In award No. 1688, the Land Acquisition Collector classified the land into three blocks 'A', 'B' & 'C' and awarded Rs. 1600/- per bigha kham for land falling in block 'A' and Rs. 1400/- per bigha falling in block 'B' and Rs. 1000/- per bigha kham falling in block 'C'. In reference u/s 18 of the Land Acquisition Act against award No. 1688, the court of Adol. Distt. Judge has enhanced the compensation of Block 'A' land from Rs. 1600/- to Rs. 4250/- per bigha kham and Block 'B' land from Rs. 1400/- to Rs. 3000/- per bigha kham and Block 'C' land from Rs. 1000/- to Rs. 2150/- per bigha kham (LAC No. 395/66 Kishan Chand Vs. UOI decided on 13.10.77). The UOI has filed an appeal against the judgment of learned DJ for an amount over and above of Rs. 3500/-, 2400/- and Rs. 1550/- for land falling in Block A, B & C respectively.

The land under acquisition is similar to the land categorised in block 'C' and is quite touching the land which was acquired in award No. 1688 of the this very village. Following the criterion given in award No. 1688, ~~xxxxxx~~ which appears to be reasonable, I also categorise the entire land under present acquisition similar to the land falling in Block 'C'. Thus considering the date of notification u/s 4 of the Land Acquisition Act, kind and situation of the land being the same of block 'C' acquired in award No. 1688, the judgment of the ADJ referred to above and the rate accepted by UOI by not filing an appeal against the above referred judgment of the Additional District Judge, I feel it will be fair and just if the market value of the land under acquisition is determined @ Rs. 1550/- per bigha kham. I determine accordingly.

TREES, WELLS AND STRUCTURES:

There are no trees, wells and structures on the land under acquisition.

SOLATIUM

15% solatium is admissible on the amount of compensation as per land acquisition act.

INTEREST

The possession of the land under acquisition is not yet taken therefore the question of payment of interest u/s 34 of the Land Acquisition Act does not arise. However, interest u/s 4(3) of the Land Acquisition Act will be paid to the persons interested, as the date of notification u/s 4 is 13.11.1959 and u/s 6 in this case is 29.12.68.

APPORTIONMENT

The compensation will be paid on the basis of latest entries in the revenue record.

LAND REVENUE DEDUCTION

The land under acquisition is not assessed to any land revenue which was to be deducted from Rent Roll of the village.

SUMMARY

The award is summarised as under.

1. Compensation for 13 biswas of land @ Rs.1550/- per bigha kham.	Rs.1007.50
2. Solatium 15%	Rs. 151.12
3. Interest @ 6% per annum from 13.11.62 to 31.7.79 (16 years 260 days) u/s 4(3) of the Land Acquisition Act.	Rs.1010-26
Total	Rs.2168-88

(Rupees two thousand one hundred sixty eight & paise eighty eight only).

(NAND GOPAL)
LAND ACQUISITION COLLECTOR(P)
DELHI

No body offers. Award announced.
announced in the presence of interested persons.

14/2/80

برائے عمل درآمد ہائے امداد بحال بحمدی جا رہی - حقیقتہً دھماکا مکمل ہو رہی ہے -
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(TO BE PUBLISHED IN PART IV OF THE DELHI GAZETTE)

DELHI ADMINISTRATION: DELHI.

NOTIFICATION

Dated the _____ December,

No. P.4(30)/63-LAH: Whereas it appears to the Lt. Governor, that land is required to be taken by Government at the public expense for a public purpose, namely, for the Planned Development of Delhi, it is hereby declared that the land described in specification below is required for the above purpose.

This declaration is made under the provisions of section 1 of the Land Acquisition Act, 1894 to all whom it may concern and under the 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.

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

SPECIFICATION

<u>Village or locality.</u>	<u>Area</u> <u>Sis. Sis.</u>	<u>Plot No.</u>	<u>Field No. or Boundaries.</u>
Jawala Meri.	41 -12	15	(7/4)

Kh. Nos. 42, 40.

By order,

Sd/-

(D.P. BANHUNGA)
Deputy Secretary III (Land & Building)
Delhi Administration, Delhi.

No. P.4(30)/63-LAH.

Dated the 24 December, 1968.

Copy forwarded to the:-

1. Public Relations Department, Delhi Administration (in duplicate for publication in the Delhi Gazette).
2. Additional District Magistrate (L) Delhi.
3. Land Acquisition Collector (P) Delhi.
4. Legal Adviser, Land & Building Department, Delhi.
5. Central Record Cell, Land & Building Department, New Delhi.
6. Tehsildar, Land & Building Department, New Delhi.

St. Red Singh
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(D.P. BANHUNGA)
Deputy Secretary III (Land & Building)
Delhi Administration, Delhi.

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