

See Award
NO. 36/79-80

4/83-84.

Award No.

4/83-84

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Name of village: Jhilmila Taharpur

Purpose of Acquisition: Planned Development of Delhi.

Nature of Acquisition: Permanent

These are proceedings for acquisition of land situated in village Jhilmila Taharpur which is required by Government at the Public expenses for a public purpose namely for the Planned Development of Delhi. A general notification U/s 4 of the L.A. Act was made vide Notification No.F.15(245)/60-LSG/L&H dt.24.10.1961. In this notification a big area of 16,000 acres situated in various villages was involved and the land are being finally acquired from time to time as and when the necessity arises. The substance of the notification u/s 4 of the L.A. Act was given due publicity and objections were invited from the interested persons. A report was made to Delhi Administration alongwith objection in original U/s 5A of the L.A. Act. A final declaration U/s 6 of the L.A. Act, was made vide notification No.F.4(7)/62-L&H(iii) dt.26.10.1968 for total area measuring 163 bighas 5 biswas. But as per instructions from L & B Deptt. vide letter No.F.8(13)/76 L&B/47541 dt. 31.12.82, land measuring 2 bighas 9 biswas of Kh.No.436/267/2 is acquired vide the present award. A separate award will be made for the rest of the land. Notices U/s 9 and 10 of L.A. Act were issued to the known interested persons and claims/objections filed by them are discussed under the heading "Compensation Claims".

Measurements

According to the notification U/s 6 of LA Act the total area measuring 2 bighas 9 biswas comprising in khasra No.436/267/2 as measured by field staff on the spot and found correct.

Compensation claims

In response to notices u/s 9 and 10 the following persons filed claims:

contd.

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ca/ Kamal -2-

	Kh.No.	Compensation claim
1) S/Sh. Kamal Parkash I SONS OF 436/267/2	Big. Bis.	Rs.200/-per sq.yd.
2) Virender Kumar I Asa Ram	2 - 9	Rs.12% interest w.e.f. year 1970 due to t taking over possession by Govt. before acquisition, Solatium 15%
3) Smt.Kamla Kalsi I D/o Asa Ram		
4.Smt.Vimla Kalsi I Asa		
All r/o 1/273/Ram Marg, Shri Ram Nagar,Shahdara, G.T.Road,Delhi.		

Market value.

The land under acquisition is situated in the Revenue Estate of Jhilmila Taharpur. Whole area of this estate is urbanized and most of the land has already been acquired or notified for acquisition, from time to time. The land in question is on the left side of G.T.Road (Delhi to U.P.) and the locality is known as Dilshad Garden. Moreover, the land under acquisition is about 100 yards away from G.T.Road. The surrounding land under reference have been developed by D.D.A. in accordance with master plan.

To arrive at the reasonable market value of the land as on the date of notification u/s 4 i.e. 24.10.61, the award and sale transactions which took place in the locality of village Jhilmila Taharpur are to be considered which are as under:

Sales Deeds

Year	Area	Amount	Value Average per bigha
			Rs. P.
1960	17-14	70431.50	3979.18
1961	31-09	13770.50 157370.50	5003.83

AWARDS AS UNDER;

S.No.	Award No.	Date of Notification U/s 4	Rate given by L.A.C. per bigha.
1.	2193	13-11-59	{ Rs.5000/- A
2.	2511	24.10.61	{ Rs.4500/- B
3.	8/69-70	24.10.61	{ Rs.5000/- Rs.15000/- A
			Rs.10000/- B
			Rs. 7000/- C
			Rs.2000/- D

contd.

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4)	61/72-73	24.10.61	Rs.9000/-	A
			Rs.7000/-	B
			Rs.2000/-	C
5.	34/78-79	-do-	Rs.14600/-	
6.	36/79-80	-do-	Rs.12000/-	
7.	37/79-80	-do-	Rs.12000/-	
8.	23/82-83	-do-	Rs.18000/-	

There are also court adjudications pronounced by the Hon'ble ADJ/ High court of Delhi, deciding the reference petition u/s 18 of the L.A. Act against awards. The details of which is as under:-

<u>Award No.</u>	<u>RFA No.</u>	<u>Name of parties</u>	<u>Market value assessed by the court.</u>
61/69-70	413/76	Satinder Nath Soni Vs. U.O.I.	Rs.12000/- per bigha.
	49/77	Parkash Nath Andley etc. Vs. U.O.I.	Rs.12000/- per bigha
61/69-70	469/77	Arjun Singh Gupta Vs.	Rs.14000/- per bigha
	2/1979	U.O.I.	Rs.12000/- per bigha
8/69-70	154/74	Krishan Parshad Vs. U.O.I.	Rs.12000/- per bigha
	209/74	Kaushalaya Devi Vs. U.O.I.	Rs.12000/- per bigha

The U.O.I. did not go into appeal against the decision of the said court.

The land under acquisition is about 100 yards away from the G.T. Road. The land of Award No. 61/69-70 is similar to the land under acquisition in all similar circumstances as to situation, potentiality etc. In both cases, the land is near to G.T. Road, as such award No. 61/69-70 is a guiding factor for the purposes of assessing the market value.

contd.

The contradiction cited above and its advantages position of the land under reference, I am of the view that Rs.14,000/-per bigha is reasonable and fair market value of the land under reference and award the same accordingly.

Interest

In terms of the provisions of the Land Acquisition (Amendment and Validation) Act, 1967, interest U/s 4(3) at the rate of 6% per annum is payable on the market value of the land from 24.10.64 to the date of tendering payment, as there is a gap of more than three years in between notification under section 4 and declaration u/s 6 of the L.A. Act

Solatium

15% solatium is also payable on the market value of land so assessed.

Apportionment.

The payment of compensation will be made according to the latest entries in the revenue records and in case of dispute ~~not amicably settled within reasonable time~~ the amount of compensation will be sent to the court of A.D.J. Delhi under section 30, 31 of L.A. Act 1894 for proper adjudication.

Land Revenue

The land is assessed to 0.75P as land revenue which will be deducted from the rent roll of the village from the date of taking over physical possession of land.

Summary of Award in as under:-

1. Compensation of Land measuring	Rs.	P.
2 Big. 9 Bis. @ Rs.14000/per bigha.	34,300	- 00
2. 15% solatium	05,145	- 00
3. Interest @ Rs.6% p.a. u/s 4(3)		
w.e.f. 24.10.64 to 1.5.1983 (18 year-190 days)	38,115	- 28

Dr.

Grand Total 77560- 28

Dr. Twenty eight (Rupees, Seventy Seven thousand five hundreds sixty & paise only)

As shown in the open court in presence of the following undersigned parties

OSh. Nawal Prakash S/o Asa Ram

(Shiv Raj Tyagi)
Land Acquisition Collector (DS)
Delhi

20.5.83

P. T. D.