

45

Supplementary Award No. 23/82-83 A Dated- 3-7-1985 (Supplementary)  
Village= Jailmil Tahirpur

Nature of Acquisition=Permanent

Purpose of Acquisition=Planned Development of Delhi.

These are the supplementary proceedings of Award No. 23/82-83 announced on 15-6-82. After the announcement above award, the Land Acquisition Act 1894 has been amended and the amendment came into force with effect from 24-9-84.

Under the Amendment Act (68 of 1984) the provisions of sub-section 2 of section 23 have been amended by clause (b) of section 15 of the Amendment Act and which provides solatium @ 30%. A new sub-section (1-A) of section 23 of the principal Act, have also been inserted by clause (a) of section 15 of the Amendment Act which provides 12% P.a. on the market value w.e.f. date of notification u/s 4(1) upto date of award of the collector.

As per provisions of section 30 of the Amendment Act of 1984 the provisions of sub-section (1-A) of section 23 of the principal Act as inserted by clause (a) of section 15 of the Amendment Act and sub-section (2) of section 23 as amended by clause (b) of section 15 shall also apply in every proceedings for acquisition of any land under the principal Act pending on the 30 the day of April, 1982 (The date of introduction of Land Acquisition (Amendment) bill 1982, in the House of People) in which no award has been made by the collector before that date.

Keeping in view of the provisions as Amendment Act the interested persons/Bhumidhars of Award No. 23/82-83 announced on 15-6-82 are also entitled for payment of solatium @ 30% on the market value and 12% additional compensation w.e.f. 24-10-61 i.e. date of publication of notification u/s 4(1) of L.A. Act upto 15-6-82 i.e. date of announcement of award no. 23/82-83.

As per above discussion the following amount is also allowed to the interested persons



of Award No. 23/32-83 and this amount shall be apportioned as per original Award No. 23/32-83.

|                                                                                            | Rs.      | P   |
|--------------------------------------------------------------------------------------------|----------|-----|
| A) Compensation for land measuring                                                         |          |     |
| Bigha=Biswa assessed @ Rs.18000/- P.B.=                                                    | 66600    | =00 |
| 3 - 14 compensation for structures=                                                        | 5000     | =00 |
| B) solatium 30%                                                                            | 21,430   | =00 |
| C) Additional amount @ 12% P.A. on market value w.e.f. 24-10-61 upto 15-6-82 on Rs.71600/- | 1,78,073 | =02 |
| Year -days<br>(20 -265)                                                                    |          |     |
| D) Interest u/s 4(3) of LA Act @ 6% w.e.f. 24-10-64 to 31-1-82 Years -days<br>(17 -100)    | 74208    | =99 |

3,45,367=01

Amount of compensation already Awarded 1,56,543=99

Total balance amount now payable 1,88,818=02

(Rupees one lac eighty eight thousand eight hundred eighteen and paise two only.)

APPROVED

(G.C. PILLAI)  
Land Acquisition Collector (DS)  
Delhi.

SECRETARY (Revenue)  
Delhi Admin., Delhi.

Mr. S.K. Vigh, Advocate appeared for the  
all the claimants. This award  
was made in open Court.

Ce  
27/7/85

Advocate 3/7/85



53

AWARD NO.

23/8283

NAME OF VILLAGE :- Jailmilla Taharpur.  
NATURE OF ACQUISITION :- Permanent.  
PURPOSE OF ACQUISITION :- Planned Development of Delhi.

INTRODUCTION:-

These are proceedings for acquisition of land situated in village Jailmilla 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 dated 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 for publication of the notification under section 6 of L.A. Act, 1894. 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 the objection ~~and counter objection~~ in original u/s 5-A of the L.A. Act. A final declaration under section 6 of L.A. Act was made vide notification No.F.1(40)/65-L&H dated 10.4.1967. Notices u/s 9 & 10 of L.A. Act were issued to the know interested persons. Claims filed by them are discussed under the heading "Compensation Claims".

MEASUREMENTS.

According to the notification u/s 6 of L.A. Act the total area to be acquired in measuring 3 bigha 14 biswas comprising in Khasra No. 1185/20. The acquisition field staff measured the area on spot and found correct.

This land of Khasra No. 1185/20 is Garkunkin factory ~~factory~~ according to the Land Revenue Records. But on the spot only 7 biswas of land in question is within a boundary wall.

COMPENSATION CLAIMS

In response to notices u/s 9 & 10 the following compensation claims have been received:-

| S.No. | Name                                                                        | Khasra No/Area.       | Claim                                                                                                                         |
|-------|-----------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------------------------------------------------------------|
| 1     | Sh. Surinder Nath S/o<br>Sh. Chabil Dass through<br>Sh. S.K. Vij, Advocate. | 1185/20/2/2/1<br>3-14 | Rs. 100/- per sq. yard for land<br>plus compensation for damage,<br>Solatium 15% and interest @<br>Rs. 12/- per cent per p.a. |

.....Contd 2/-



NOTE:-

1. He has also stated that these proceedings for acquisition are illegal. The Hon'ble Delhi High Court has ordered dis-possession stay on 28-7-61 but he has not produced any copy of order in this regard in support of his statement.
2. He has produced copies of award Nos 2174 & 2175 of village Chidrawli Shahdra in support of his claims.
3. He has also stated that the land is being used for Railway siding by the claimants. Now Railway Deptt. has blocked and cut off this by constructing a new railway line. He has also given rates for demurrage & wharfage charges suffering by the claimants.  
Rs. 200/- per sq. yard for land, 15% Solatium, 6% interest and Rs. 1,00,000/- for super structures.

2. Sh. Sarinder Nath S/o  
Sh. Chabil Dass, Managing  
Director Kisan Engineering Works (P)  
Ltd., through Sh. L.S. Rana and Smt.  
Veena Goswami, Advocate.

1185/20 min  
3-14

MARKET VALUE

The land under acquisition is situated in the revenue estate of village Jhilmil Tharpur. Whole area of this estate is urbanised and most of the land has already been acquired from time to time.

The land in question is lying just like a sandwich in between main G.T. Road and Rly Line from Delhi to Ghaziabad. G.T. road is hardly 100 yards away from the land under acquisition. It is quite adjacent to Shahdra Railway Station & the neighbourhood of the land is used as for shunting as well as loading and unloading of goods. So the land has ~~been~~ potential value and could be utilised either for expansion of Shahdra Railway Station or for siding purposes. The ~~surrounding~~ of the land under reference has a mixed utility i.e. residential-cum-Industrial purposes.

In the revenue record quality of the land is mentioned as <sup>Nishkhan</sup> Ganukhin ~~Kan~~. I visited the spot and found that the land in question alongwith its part is being utilised as Railway siding and stocking purposes. So instead of cultivation or agricultural, the land had been utilised for industrial purposes. In this particular situation it will not be safe and justify to determine the prevailing market price on the basis of agriculture land. The entire area around it is either industrial or being used as stock-yard. So in arriving at the correct market value of the land, the awards or the sale transaction, which took place in the revenue estate where this land is located, will not be very safe ingredient.



in determine the fair & reasonable market value of the land. We will have to seek assistance for other consideration also. Sale transaction also took place within the revenue estate of this village. Details of average sale price per year is as under:-

| Year | Area<br>Big - Bis | Amount  |    | Value average per bigha |    |
|------|-------------------|---------|----|-------------------------|----|
|      |                   | Rs.     | p. | Rs.                     | p. |
| 1957 | 4- 3              | 15618-  | 31 | 3763-                   | 45 |
| 1958 | 24- 18            | 75054-  | 00 | 3277-                   | 47 |
| 1959 | 49- 05            | 165876- | 00 | 3368-                   | 04 |
| 1960 | 17- 14            | 70431-  | 50 | 3979-                   | 18 |
| 1961 | 31- 09            | 157370- | 50 | 5003-                   | 83 |

Besides it some awards were announced. Detail is as under:-

| S.No. | Award No. | Date of Notification<br>U/s 4 of L.A.Act. | Rate given by L.A.C.<br>per Bigha. |             |
|-------|-----------|-------------------------------------------|------------------------------------|-------------|
|       |           |                                           |                                    |             |
| 1     | 2193      | 13-11-1959                                | A                                  | Rs. 5000/-  |
|       |           |                                           | B                                  | Rs. 4500/-  |
| 2     | 2111      | 24-10-1961                                | A                                  | Rs. 5000/-  |
| 3.    | 8/69-70   | -do-                                      | A                                  | Rs. 15000/- |
|       |           |                                           | B                                  | Rs. 10000/- |
|       |           |                                           | C                                  | Rs. 7000/-  |
|       |           |                                           | D                                  | Rs. 2000/-  |
| 4.    | 61/72-73  | -do-                                      | A                                  | Rs. 9000/-  |
|       |           |                                           | B                                  | Rs. 7000/-  |
|       |           |                                           | C                                  | Rs. 2000/-  |
| 5.    | 34/78-79  | -do-                                      |                                    | Rs. 14600/- |
| 6.    | 36/79-80  | -do-                                      |                                    | Rs. 12000/- |
| 7.    | 37/79-80  | -do-                                      |                                    | Rs. 12000/- |

Many of the interested person in the land involved in the above noted Awards filed appeals against the Awards of the L.A.C. in the Court of A.D.J. and the Hon'ble High Court of Delhi also. Many of appeals have been decided by the Court as under:-

| Award No. | R.F.A.No. | Name of parties.                         | Market value assessed by<br>the Court.         |
|-----------|-----------|------------------------------------------|------------------------------------------------|
| 61/69-70  | 413/76    | Satinder Nath Soni<br>Vs<br>U.O.I.       | Rs. 12000/- per bigha                          |
|           | 49/77     | Parkash Nath Andley etc.<br>Vs<br>U.O.I. | Rs. 12000/- per bigha                          |
|           | 254/76    |                                          | Rs. 12000/- per bigha                          |
|           | 469/77    | Arjun Singh Gupta<br>Vs<br>U.O.I.        | Rs. 14000/- per bigha<br>Rs. 12000/- per bigha |
|           | 2/1979    |                                          |                                                |

.....Contd 4/-



|         |        |                                  |                       |
|---------|--------|----------------------------------|-----------------------|
| 8/69-70 | 154/74 | Krishan Pershad<br>Vs.<br>U.O.I. | Rs. 12000/- per bigha |
|         | 209/74 | Kaushlya Devi<br>Vs.<br>U.O.I.   | Rs. 12000/-           |

Many of the judgement of the Court are based upon the decision taken in RFA No. 469/77 and 2/1979 decided by the Delhi High Court on 22-3-79. The learned Judge has assessed the market value of the land as Rs. 14000/- per bigha and Rs. ~~12000~~<sup>12000</sup> per bigha for land abutting on the G.T.Road and land just behind the land abuts on G.T.Road respectively. Sh. Vij, Advocate for Sh. Surinder Nath produced copy of award No. 2174 & 2175 of village Chandwali Alias Sahadra in support of his claim. The land acquired by the award No. 2174 & 2175 was notified us/ 4 vide notification Nos. F.42(7)/67-L&H(I) dated 17-5-1967 and F.42(7)/67-L&H(IV) dated 17-6-67 respectively. According to these awards rate of compensation was awarded @ Rs. 27000/- per bigha. This proof is not relevant & cannot be given consideration as there is no similarity of circumstances in it.

The land under present acquisition is situated about 100 yards away from the G.T.Road and abutting the Railway siding. It has potential quality other than of agriculture. So to ascertain the market value of the land in question the potential quality of the land will also be kept in consideration i.e. the plotted value of Rs. 12000/- per bigha determined by the Hon'ble High Court cannot be treated at par with the land which is being used as 'Karkhana' or siding purposes. The land under acquisition has certainly more importance at least 50 per cent that of value of the plot. Like this Rs. 18000/- per bigha could be assessed as fair & reasonable market value of the land in question & thus I award accordingly.

#### OTHER COMPENSATION FOR STRUCTURE.

There is a wall 77½ long and 8 ft high along with a Kotha without roof built up with pakha bricks. In my view Rs. 5000/- will be the reasonable compensation for this wall & kotha otherwise the interested person may remove their material. In case of removal, the interested persons will get Rs. 1000/- as removal charges.

#### SOLAT IUM.

15% solatium is also payable on the market value as applicable under section 23(2) of the L.A. Act, 1894.

.....Contd 5/-



INTEREST.

Interest @ Rs. 6% p.a. u/s 4(3) of L.A. Act will be paid w.e.f. 24.10.64 to 31.1.81 i.e. date of Award.

MODE OF PAYMENT.

The payment of the compensation will be made according to the latest entries in the revenue record, in case of dispute the amount of compensation will be sent to the Court of A.D.J., Delhi under section 30-31 of the L.A. Act, 1894.

LAND REVENUE.

The land is assessed to no land revenue. Hence no land revenue will be deducted from the rent roll of the village.

The Award is summarised as under:-

|    |                                                                                |               |
|----|--------------------------------------------------------------------------------|---------------|
| 1. | Compensation for the Land measuring 3 bigha 14 biswas @ Rs. 18000/- per bigha. | Rs. 66600.00  |
| 2. | Compensation for structure.                                                    | Rs. 5000.00   |
| 3. | 15% Soltium                                                                    | Rs. 10740.00  |
| 4. | Interest u/s 4(3) w.e.f. 24.10.64 to 31.1.1982 on Rs. 71600/-                  | Rs. 74208.99  |
| 5. | Grand Total                                                                    | Rs. 156548.99 |

(Rs. One Lac fifty six thousand five hundred forty eight & paise ninety nine only).

*Shiv Raj* 15.6.82  
(SHIV RAJ)  
LAND ACQUISITION COLLECTOR(DS)  
DELHI.

*Award amount in the presence of Sh. S. K. Vij  
Advocate for all the claimants*

*Shiv Raj*  
*Advocate*  
*15/6/82*

*Shiv Raj*  
*15.6.82*  
*L.A. CDS*

*Copy sent to L & B Dept.*

*P.T.O.*



Supplementary Award of Award  
No 23/82-83 dt 15-6-82 as per  
L.A. Amendment Act 1984 announced  
as Award No 23/82-83 A (Supplementary)  
has been announced on 3-7-85 and  
this Supplementary award No 23/82-83  
is also attached herewith this file.  
Nagsha Mutyiman of this Supplementary  
Award No 23/82-83 A (Suppl.) is also  
attached with N.M. of original Award  
in this file.

W. J. ei  
N.T. 243/7/85