

Award No

36/79-80

Name of the village : Jhil Mil Tahirpur.
Nature of acquisition : Permanent.
Purpose of acquisition : Planned Development of Delhi.

INTRODUCTION

The land under acquisition is situated in village Jhil Mil Tahirpur, which is required by the government at the public expense 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 the notification No. F.15(245)/60-LSG dated 24.10.61. In this notification a big area of 16000 acres situated in various villages was involved and the lands are being finally acquired from time to time as and when the necessity arises by publication of the notifications u/s 6 of the L.A. Act. 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 objections in original u/s 5-A 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 dated 26.10.68. Notice u/s 9(i) was given due publicity and notices u/s 9(3) and 10(1) of the L.A. Act were issued to the known interested persons. Most of the interested persons have responded to the notices given to them by filing their claims.

MEASUREMENT & OWNERSHIP

According to the notification u/s 6 of the L.A. Act the total area to be acquired was 163 bighas and 5 biswas. Out of this area according to D.O. No. F.8(12)/74-LA(P)/L&B dated 3.4.75 from Sh.U.C. Gupta, Asstt. Housing Commissioner (SH) Delhi Administration, Delhi, L&B Deptt, Vikas Bhawan New Delhi, Khasra No. 386/30 is to be acquired on priority basis.

Area under Acquisition:-

<u>Khasra No.</u>	<u>Area</u> <u>Big.Bis.</u>	<u>Kind of Land</u>
386/301	4-17	G.M.Kothi

CLAIMS & EVIDENCE

<u>S.No.</u>	<u>Name of the claimant</u>	<u>Khasra No./</u> <u>Area.</u>	<u>Compensation claimed.</u>
1.	M/s Patel & Parkash Paint Industries (P)Ltd. through Sh.P.C.Bhattacharjee 284, G.T.Road, Shahdra, Delhi-32.	2500 sq. x yds.	Rs.100/- per sq.yd. land 2. For machinery Rs.55219.90 3. Loss of earnings Rs.3,00000/- 4. xxxxxx For repairs of building Rs.35,546.21 5. Change of place Rs.50000/- 15% solatium and alternative plot and says that the owners are entitled to 25% of the compensation for land only.
2.	Sh.Perabhat Chandra, Dinesh Chandra, Rakesh Chands s/o Late Sh. Partap Chandra r/o 221 Greater Kailash No.1 New Delhi-48.	386/301 (4-17) 4962 sq. yds.	Structure - 3,60,027/- Well 10,000/- Boundary wall- 5,400/- Two gates 1,200/- Trees 8,600/- Land @ 110/- per sq.yd. 15% solatium.
3.	Crystal Paint Industries through Sh.G.S.Manik, Partner 284, G.T.Road, Shahdra Delhi-32.	(2-09) 2400 sq.yds.	Land @ Rs.100/- per sq.yd. Structure Rs.25000/- Machinery 36884.97 Loss u/s 23 800000/- Change of place of businessx Rs.50000/- 15% solatium and says that the owners are entitled to 25% of the compensation land alone. Also claims an alternative plot. Claimant says that the structure were acquired by him after a fire in the factory of the claimants in the year 1963.

MARKET VALUE

The market value of the land under aquisition has to be determined with reference to the price prevailing at the date of notification u/s 4 i.e. 24.10.61. The value to be ascertained is the price to be paid for the land with all its potentialities by a willing buyer to a willing seller. The land under acquisition is situated by the side of the G.T.Road and very close to the newly developed colony Vivek Vihar and also 2 to 3 kilometers away from the main Shahdra. As per revenue record, the prevailing average sales price of the land prior to 5 years in the village Jhilmil Tahirpur

is quoted as follows:-

Year	Area Big.Bis.	Amount	Average per bigha.
1957	4-03	Rs.15618.31	Rs.3763.45
1958	24-18	Rs.75054.00	Rs.3277.47
1959	49-05	1,65,876.00	Rs.3368.04
1960	17-14	70,431.50	Rs.3979.18
1961	31-09	1,57,370.50	Rs.5003.83

It is observed that the average sales price of the land per bigha in the year 1961 was Rs.5003.83. So it is ascertained that the minimum land value in the year is Rs.5000/- approximately. However, there were 3 awards already announced in pursuance of the notification No.F.18(245)/60-LSG dated 24.10,61 as follows:-

S.No.	No. of the Award	Rate given per bigha by L.A.C.
1.	2111	Rs.5000/- per bigha.
2.	8/1969	Rs.15000/- per bigha. Rs.1000/- per bigha. Rs.7000/- per bigha. Rs.2000/- per bigha.
3.	61/72-73	A Rs. 9000/- per bigha. B Rs.7000/- per bigha. C Rs.2000/- per bigha.

I am discussing the award No.61 of 72-73 which has some importance in connection with the present award. In the aforesaid award the lands were placed in 3 Blocks, A B & C. Block A were the land abutting G.T.Road and the Block B which is situated behind the Block A and the Block C pertains to the land covering the roads and the price for the land in Block A was fixed at Rs.9000/- per bigha. The land under acquisition is of the category that was placed in Block A in the award No.61 of 72-73 and I inspected the site and found that the land is of the same quality and deserves the same value as assigned to the Block A. In this respect I am to quote the judgement of Sh.Jagdish Chandra, A.D.J. in the L.A.C. No.106/73 Chanan Singh & Others Vs. U.O.I. against the Award No.61 in reference u/s 18 of the L.A. Act in which the learned judge has

enhanced the market value of the land from Rs.9000/- to Rs.13000/- and Rs.14,000/- per bigha for two different blocks and the U.OI has accepted it without filing any appeal in the High Court. Another reference may be made to the Award No.8 of the year 1969 in which the A.D.J. has enhanced the market value from Rs.7000/- per bigha to Rs.16000/- per bigha in the case of Shamsher ~~Singh~~ Bahadur Vs. UOI and the same rate was upheld by the High Court in appeal. However, in many cases UOI has been successful in getting the rate of Rs.16000/- per bigha reduced to Rs.12000/- per bigha for bigger plots and Rs.13000/- per bigha for smaller plots by the court of ADJ and these rates were accepted being reasonable compensation. Another reference may be made to the judgement in the case LAC No.122/1973 Krishan Pershad etc. Vs. UOI in which the learned ADJ has enhanced the market value of the land from Rs.9000/- per bigha to Rs.10,266/- per bigha though the said plot was placed in Block 'A' of the Award No.61/72-73. The land under present acquisition is measuring 4 bighas 17 biswas and may be considered as a bigger plot and I fix Rs.12000/- per bigha being fair and reasonable market value of the land and hence I award the same.

OTHER COMPENSATION STRUCTURES

In the land under acquisition there are some structures including a well and according to the valuation report of Sh.S.K. Dass, Asstt.Engineer(Valuation) D.D.A. fixed the worth ~~xxxx~~ vide his letter No.AE(V)/562/75/696 dated 6.11.75 at Rs.1,25,980/-. I agree with this valuation and award Rs.1,25,980/- as compensation for the structures including the well.

TREES

There are following trees on the land under acquisition as quoted below:-

S.No.	Name of the Tree	Quantity	Weight in qtl.Appro.	Value assessed.
1.	Neem	13	72 qtls.	Rs.432 Rs.432/-
2.	Peepal	5	10 qtls.	Rs. 60/-
3.	Gaula	6	3 qtls.	Rs. 18/-
4.	Seesham	1	6 qtls.	Rs. 36/-
5.	Palm.	2	2 qtls.	Rs. 12/-

Shri Kanshi Ram, N.T. L.A. has evaluated the price of these

trees at Rs. 558/-. I agree with this valuation and award Rs. 558/- as compensation.

SOLAT IUM:

15% solatium is also payable on the market value as applicable u/s 23(2) of the L.A.Act.

INTEREST:

Simple interest @ 6% is also payable on the market value from the date of the expiry of three years i.e. 24.10.64 as per section 4(2) of the Land Acquisition (Amendment & Validation) Act, 1967.

MODE OF PAYMENT:

The payment of compensation will be made according to the latest entries in the revenue record and in case of dispute the amount will be sent to A.D.J. u/s 30(3) of the L.A.Act.

LAND REVENUE:

The land is assessed to a land revenue of Rs. 1.50P which will be deducted from the rent roll of village from the date of taking over of the possession.

SUMMARY OF THE AWARD:

Market value for land measuring 4 bighas 17 biswas @ Rs.12000/- per bigha.	Rs. 58,200.00
Market value for structures.	Rs. 1,25,980.00
Market value for trees.	Rs. 558.00
15% of the above as solatium for compulsory nature of acquisition.	Rs. 27,627.00
Interest @ 6% per annum from 24.10.64 to 25.7.80 i.e. (15 Years 125 days).	Rs. 53,575.89
<i>52,257.80</i>	
Total:	Rs. 2,65,940.89

(Rupees Two Lakh Sixty Five Thousand Nine Hundred Forty and Paise Eighty Nine Only.)

(LAND ACQUISITION COLLECTOR (DS):
DELHI.

*Amith Shah
26.2.80*

*Y. Sumanik
26/2/80
P.C. Bhattacharya
26/2/80*

*Presented to Sd. G. S. Mani on behalf of
crystalline paint. Industries & P.C.
Bhattacharya for Patel & Partners
Pvt. Ltd. Industries, 82, Durgam Chaud.
claim the advance. award
amount.*

*G. S. Mani
26.2.80
T. S. Mani*