

<b>Award No:</b>	<b>03/2007-08/East</b>
<b>Nature of Acquisition:</b>	<b>Permanent</b>
<b>Purpose of Acquisition:</b>	<b>Planned Development of Delhi</b>
<b>Village:</b>	<b>Karkardooma</b>

These are the proceedings u/s 11 of the LA Act 1894 for the acquisition of land measuring 20 Bigha 4 Biswa situated in the Village Karkardooma. This land is noted by the Government for a public purpose namely, for Planned Development of Delhi. The said land was notified u/s 4 of the LA Act vide Notification No. F.8 (34)/2003/L & B/LA/7419 dated 03/08/04 for land measuring 22 – 18 Bigha of land in Village Karkardooma. The objections u/s 5 A of the LA Act were duly invited and were all heard. The same were sent to the Delhi Administration. A final declaration u/s 6 of the LA Act was made vide Notification No. F.8 (34)/2003/L & B/LA/5529 dated 02/08/05 for the land measuring 20 – 04 Bigha Biswa in the Village Karkardooma. Notices u/s 9 (1) and 10 (1) of the LA Act were issued and were given due publicity and served upon the interested persons. The claim filed by them are discussed hereunder the heading Claim and Evidences.

### **MEASUREMENT & TRUE AREA**

The Land Acquisition field staff carried out the necessary measurement of the land at the site and its verification was also made from the revenue record of the village. The total area of land for acquisition measuring 20 Bigha 4 Biswa (20, 368.32 Sq. Yards or 17, 030.52 Sq. meters) was found to be correct. The details of the area under present acquisition are given below.

<b><u>Khasra No.</u></b>	<b><u>Area B. B.</u></b>
2674/561	0-03
2738/1685/1258	9-18
1767/1218	1-02
2725/1216	0-02
1693/1345	6-00
1363	0-18
2761/1364/1	2-01

Details of the recorded owners of the entire land are given below:-

<b><u>S.No.</u></b>	<b><u>Recorded Owner</u></b>	<b><u>Kh.No.</u></b>	<b><u>Area</u></b>	<b><u>Share</u></b>
1.	Mandir Shree Sita Ram Ji	2674/561	0-03	Full
		2738/1685/1258	9-18	Full
		1767/1218	1-02	Full
		2725/1216	0-02	Full
		1693/1345	6-00	Full
		1363	0-18	Full
2.	Sham Lat Deh	2761/1364/1	2-01	Full

## **CLAIMS AND EVIDENCE**

In response to the Notices issued u/s 9(1) & 10(1) of LA Act 1894 to the interested persons, the following persons have filed their claims: -

<b><u>S.No.</u></b>	<b><u>Name of the claimant</u></b>	<b><u>Khasra No.</u></b>	<b><u>Area (Bigha-Biswa)</u></b>
1.	Shree Mandir Sita Ram Ji	2674/561	0-03
	Managed & Controlled by	2738/1685/1258	9-18
	Shree Sita Ram Bhandar	1767/1218	1.02
	Trust.	2725/1216	0-02
		1693/1345	6-00
		1363	0-18
		<b>TOTAL</b>	<b>18-03</b>

### **Rate claimed**

Commercial purposes @ 3,00,000/- per Sq. Yards

Residential Purposes @ Rs.40, 000/- per Sq. Yards

As per the Master and Zonal Development Plan, the land under acquisition can be developed for residential and commercial both purposes equally. The claimant presumes that 50% of the land (18-03 Bigha) will be used for residential purposes while other 50% of the land will be use for commercial purposes.

### **Evidences**

In support of the residential rate, the claimant has filed a copy of Sale Deed dated 25/07/2005 whereby a land measuring 311.46 Sq. Yards have been sold @ 1,29,50,000/- at a location Daya Nand Vihar. The value of the land after deducting the value of the structure is claimed to have come to Rs. 33,552/- per Sq. Yards.

For the commercial plot (20 community center E5, Karkardooma) having an area 229.44 Sq. Yards, the rate is shown 2,35,400/- per Sq. Yards vide Lease Deed dated 02/09/2005.

It has also been mentioned by the claimant that portion of the land under acquisition has been mortgaged to the Peerless General Finance & Investment Company Ltd. at the Regd. Office at 3, Esplande East, Kolkatta-700069. Thus the said M/s Peerless General Fin. & Investment Company is the mortgagee of the land under acquisition. Therefore, the said company is also required to be treated as an interested person.

### **MARKET VALUE OF THE LAND**

Only one claim had been received and i.e. from Sh. Mandir Sita Ram Ji, managed & controlled by Sh. Sita Ram Bhandar Trust. According to the claimant, about 309 Bigha of their land

has already been notified u/s 4 on 13/03/1975 and same has been acquired in the Village-Karkardooma vide Award No. 21/DC (East) / 2004-05. The rate assessed in the said Award had been Rs. 12,115/- per Bigha. This award was notified u/s 4 of LA Act in 1975 and therefore cannot be taken as a basis to determine the land value in the year 2004. The claimant has provided a copy of a Lease Deed for commercial purpose and other copy of a Sale deed for residential purposes. The rates cited by the Claimant are the wild ones. They must be reflecting the special circumstances under which exorbitant rate had been settled in the said deeds. The situation/location of Daya Nand Vihar and Preet Vihar which has been produced in the evidence does not reflect the true conditions of Village-Karkardooma and therefore the claims can not be accepted

The market value of agriculture land is to be fixed on the basis of reference letter No.F.9 (20)/80/L&B/LA/6713-21 Dated 9.8.2001 issued by Land & Building Deptt., Govt. of NCT of Delhi vide which the rate is Rs.15,70,000/- per acre for agriculture land i.e. Rs.3,27,083.33 per Bigha has been assessed. Since the village Karkardooma has been notified as urbanized village, the rate of agriculture land will not be applicable in the present case.

Then the other method of assessing the Market value in 2004 was to have the sales transaction that had taken place involving similar ally placed lands having the similar advantage or disadvantage around the year 2004.

Accordingly, the bonafide transactions of similar lands were seen and copy of Sale Deeds of the properties in proximity in the Village-Karkardooma were collected from the Sub-Registrar-VIII, Geeta Colony, Delhi. These transactions have taken place in the year 2003 and are close to the date of the notification u/s 4 (13/02/2004) and truly reflect the trend of prevailing rates of the market value of the land. The details of the sale transactions that have been noted are as under: -

S.No.	Identifgication of Sale Deed/Date	Locality	Area in Sq. Yds	Transition Value	Rate per Sq yds
1.	Smt. Leela Wati (28/05/2003)	K.K.dooma	450	2, 00, 000	444.44
2.	Smt. Raj Dua (13/08/2003)	-do-	100	2, 00,000	2,000.00
3.	Smt. Sandhya Jain (29/09/2003)	-do-	100	1, 00, 00	1,000.00
4.	Sh. Radhey Sham (19/12/2003)	-do-	22	40,000	1818.18
5.	Smt. Shakuntala Devi (27/10/2003)	-do-	158.86	5,10,0000	3210.37

The average value of the sale transactions given above works out as Rs. 8,473 \*5= 1695 per Sq. yds. It includes the cost of land as well as built up structure in all the sale deeds. Hence the cost of structure has to be deducted from the overall cost. The cost of structure may be presumed @ 40% of the total price of the sale transaction which appears reasonable considering the pre-boom period of land prices. After deducting the cost of structure @ 40% of the consideration amount the cost of land works out to Rs. 1017/- per sq. yds. which is true and reasonable prevailing market value of the land under acquisition, based on registered sale deeds.

I, therefore, accept the rate as Rs. 1017/-per Sq. Yards which comes to Rs. 1216/-per Sq. mtr.

### **SOLATIUM**

30% Solatium will be paid on the assessed market value of the land under acquisition.

### **ADDITIONAL BENEFIT U/S 23(1-A)**

The additional benefit @ 12% per annum u/s 23(1-A) of the Land Acquisition Act (Amended) will be paid over and above the total market value from the date of notification u/s 4 (13/02/2004) of the L.A. Act. 1894 till date of Award (15/07/2007).

### **VALUE OF THE STRUCTURE**

Joint Survey Report had indicated a structure of a shop on Khasra No.2674/576 and houses in Khasra No. 2761/1364/1. The claimant namely Sh. Sita Ram Bhandar had not forwarded any claim of the structures. A request has been made to Chief Engineer, Zone-II, PWD, MSO Building to assess the value of the structure over the said land. A valuation report from PWD is yet to be received. Hence, no valuation of the structure on the acquired land is being provided in this Award. The same will be done through supplementary award as and when valuation report is received from PWD.

### **APPORTIONMENT**

The compensation will be paid to the rightful owner on the basis of the latest entries in the revenue record. In the case of any dispute between the parties which is not settled, the matter will be referred to the court of A.D.J. u/s 30-31 of L.A. Act 1894.

**SUMMARY OF THE AWARD**

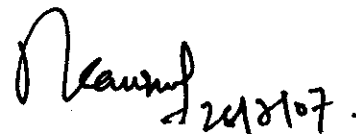
Sl. No.	Items	Amount (in Rs.)
01.	The Compensation for the land measuring 20 Bigha 04 Biswa (17,030.52 Sq. mtr.) @ Rs.1216/- per Sq. Meter	2,07,09,112
02.	Solatum @ 30%	62,12,733
03.	Addl. Benefit u/s 23(1)(a) on market value of land @ 12% per annum from the date of Notification u/s 4 (13/02/2004) to date of Award (Expected date 26/07/2007)(1089 days)	74, 14,429
04.	Value of Structure	Yet to be ascertained
	<b>TOTAL</b>	<b>3,43,36,274</b>

Approved by, Sh. Rakesh Behari, the Principal Secy.(Revenue) vide diary No.2748 dated 25/07/2007 in Department (Award), file page No.16/N.



(A.K. KAUSHAL)

LAND ACQUISITION COLLECTOR  
DISTRICT EAST



Announced in open Court on 26/07/2007  
by Land Acquisition Collector