

AWARD NO.

18/92-93

NAME OF VILLAGE	KHIZRABAD
NATURE OF ACQUISITION	PERMANENT
PURPOSE OF ACQUISITION	PLANNED DEVELOPMENT OF DELHI VIZ CHANNALISATION OF RIVER YAMUNA.

These are proceedings for determination of compensation under section 11 of the L.A. Act, 1994, revised 1984. The land measuring 874 bigha 04 biswa situated in the revenue estate of village Khizrabad was notified under section 4 read with Section 6 and 17(1) of the L.A. Act vide notification No.F.9(1)/89/L&B (i) dated 23.6.1989 and F.9(1)-L&B(ii) & (iii) dated 22.6.1990 respectively for the 'Planned Development of Delhi' viz Channalisation of Yamuna River. In pursuance of the said notification, notices under section 9 & 10, as provided under the Act, were issued to the interested persons, inviting the claims from them of all type. The claim(s) filed by the interested persons will be discussed here-in-after under the Heading Claims and Evidences.

#### MEASUREMENT AND TRUE AREA:

The land under acquisition was physically measured on the spot by the Field Staff of the Land Acquisition Branch (ME)'s circle and the correct area is found as under:-

KH.NO.	AREA NOTIFIED	CORRECT AREA	KIND OF SOIL AS PER GIRDAWARI
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
228	3.03	3.03	Khadar (Sailab) Almost remains under water.
229	8-06	8-06	-do-
	2-13	2-13	-do-

1	2	3	4
232	2-11	2-11	Khadar (Sail-ab). Almost remains under water
233	3-14	3-14	-do-
234	1-07	1-07	-do-
235	1-00	1-00	-do-
246	1-01	1-01	-do-
247	2-14	2-14	-do-
248	2-17	2-17	-do-
279	1-03	1-03	-do-
290	2-13	2-13	-do-
293	1-14	1-14	-do-
294	1-12	1-12	-do-
295	1-14	1-14	-do-
296	1-07	1-07	-do-
297	0-16	0-16	-do-
382/298	0-14	0-14	-do-
383/298	0-13	0-13	-do-
299	1-00	1-00	-do-
300	1-09	1-09	-do-
301	1-09	1-09	-do-
302	2-07	2-07	-do-
303	1-12	1-12	-do-
304	1-09	1-09	-do-
305	0-07	0-07	-do-
306/1	2-09	2-09	-do-
306/2	2-17	2-17	-do-
306/3	1-03	1-03	-do-
306/4	0-19	0-09	-do-
306/5	1-01	1-01	-do-
306/8	0-19	0-19	-do-
307	8-17	8-17	-do-
308	9-11	9-11	-do-
309	6-18	6-18	-do-
310	15-11	15-11	-do-
311	4-17	4-17	-do-
312	3-06	3-06	-do-
313	1-04	1-04	-do-
314	5-02	5-02	-do-
315	1-18	1-18	-do-
316	1-18	1-18	-do-
317	1-18	1-18	-do-

			4-09	Khadar (Sailab)
319			4-09	
320			2-06	-do-
321			3-00	-do-
322			4-15	-do-
323			2-10	-do-
324			2-17	-do-
325			1-00	-do-
326			1-03	-do-
327			01-11	-do-
328			0-06	-do-
329			8-16	-do-
330			5-17	-do-
331			0-19	-do-
332			2-17	-do-
333			1-07	-do-
334			0-03	-do-
335			3-19	-do-
336			3-16	-do-
337			4-14	-do-
338			6-07	-do-
339			12-00	-do-
340			5-00	-do-
341			0-10	-do-
342			3-00	-do-
343			3-07	-do-
344			3-17	-do-
345			1-07	-do-
346			3-12	-do-
347			8-02	-do-
348			5-05	-do-
349			2-08	-do-
350			2-05	-do-
351			2-05	-do-
352			3-17	-do-
353			1-06	-do-
354			6-01	-do-
355			5-04	-do-
356			1-06	-do-
357			6-03	-do-
358			0-19	-do-
359			6-03	-do-
360			0-17	-do-
361			5-13	-do-
362			0-17	-do-

	365	14-16	14-16	Sailab Khadar
ficat-	366/1	0-12	0-12	-do-
solid-	366/2	0-15	0-15	-do-
ea	366/3	0-16	0-16	-do-
ed	366/4	1-07	1-07	-do-
inst-	366/5	1-04	1-04	-do-
giving	366/6	1-03	1-03	-do-
e	366/7	1-06	1-06	-do-
	366/8	0-16	0-16	-do-
	367	1-16	1-16	-do-
	368	5-11	5-11	-do-
	369	2-13	2-13	-do-
	370	0-13	0-13	-do-

The area which is under River Bed but being used for agriculture purposes as per khasra Girdawari.

371 to 375/1	35-06	35-06
371 to <u>375/2</u> 1	8-06	8-06
<u>371 to 375</u> 3 1	8-07	8-07
371 to 375/4/1	8-09	8-09
<u>371 to 375</u> 5 1	36-00	36-00
371 to 375/6/1	10-14	10-14
371 to 375/7/1	6-11	6-11
371 to 375/8/1	15-03	15-03
371 to 375/9/1	13-16	13-16
371 to 375/10/1	35-13	35-13
371 to 375/11/1	9-14	9-14
371 to 375/11/2/1	17-17	17-17
371 to 375/12/1	22-17	22-17
371 to 375/13/1	22-17	22-17
371 to 375/14/1	22-17	22-17
371 to 375/15/1	22-17	22-17
371 to 375/17/1	35-18	35-18
371 to 375/18/1	35-08	35-08
371 to 375/19/1	5-10	5-10
371 to 375/21/1	4-18	4-18
371 to 375/22/1	35-04	35-04



371 to 375/23/1	18-06	18-06
371 to 375/23/2/1	7-07	7-07
371 to 375/24/1	16-13	16-13
371 to 375/25/1	13-07	13-07
371 to 375/26/1	5-19	5-19
371 to 375/27/1	5-19	5-19
371 to 375/28/1	8-00	8-00
371 to 375/29/1	14-14	14-14

There is some difference in the area notified and found at the physical measurement on the spot the details are as under:-

Kh.No.	Area Notified	Correct Area	Difference.
371 to 375/16/1	16-00	15-10	Excess notified by 0-10 biswa
371 to 375/20/1	20-10	5-09	Excess notified by 15-01.
267/1	0-13	NIL	Acquired vide Award No-75/86-87
267/7	0-01	NIL	-do-
267/9	0-08	NIL	-do-
267/10	0-02	NIL	-do-
269/1	3-00	NIL	Acquired vide Award No-10/73-74
272/1	1-16	NIL	Acquired vide Award No-75/86-87
272/2	1-04	NIL	-do-
272/3	1-16	NIL	-do-
272/4	2-08	NIL	-do-
272/5	1-03	NIL	-do-
271	0-17	NIL	-do-
268	2-01	NIL	Already owned by Government.

#### COMPENSATION CLAIMS AND EVIDENCES

The following persons interested have filed their claims giving proof/evidence detailed against them:-

Name of the Claimant.	Kh.No.	List of Claim
1. Sh. Raghubir Dayal Rajpal	331,332,304,248, 349,357,359,360, 336,267/5,306/3, 333,371,375,11, 371/275,23	Claimed as surrounded by developed colonies and having great potentiality demanded Rs.10,000/- per sq.yards.

<u>Name of the claimant</u>	<u>Kh.No.</u>	<u>List of claim.</u>
2. Sh. Ram Kishan s/o Sh. Cheta	325,326,364,319 337,362,335, 306/7, 267/2, 371/375/10	The land being very fertile and claims Rs.10,000/-per sq.yds.
3. Shri Attar Singh	30/6/7, 267/2, 371/375/10, 319, 337,362,320,335, 339,340,343,347, 356,358,330,342, 233,299,366/3, 371/375/6,247, 246 & 353	Stated that the land is very fertile and and within the developed colonies and claimed Rs.10,000/- per sq.yds.
4. Sh. Mam Chand Gopi Chand, Rajinder Singh, s/o Sh.Chanda.	318,229,308,307 308/1 & 371/ 375/5	-do-
5. Shri Munshi s/o Trikha	267/6,267/11, 272/4,306/4, 371/375/18,353, 303,228,230 & 365	-do-
6. Sh. Het Ram s/o Trikha	-do-	-do-
7. Binne & Sumetra	319,337,362,320, 335,306,371/375/ 26/371/375/1 267/2,325,371/ 375/3,371/375/10, 326,364,340,370, 296 & 321	Land bear cash crops Surrounded by posh colonies. Having good/great potentiality value claimed Rs.10,000/-per sq.yds.
8. Bhudan s/o Amira	371,to 375/22 301,300,312 & 313	-do-
9. Dharamvir s/o Sh. Tek Ram	267/3,272/5, 366/4,371/375/20 371/375/16,345, 314,367,369,329, 338,293,295 & 297	The land is very fertile and of great potential value so demanded Rs.10,000/-per sq.yds.
10. Ram Lal Alias Ramji Lal s/o Jamna Dass	306/7,267/2,371/ 375/3,319,337,362, 320,335,371/375/10, 339,340,343,347,356, 358,330,342,233 & 299.	-do-
11. Braham Singh & Dharampal Singh	306/7,267/2,371/375 /3/10,269/4,267/7, 319,371/375/15,337, 362,320,335,309,310, 354,355,317,294,318, 305,363,306/6,306/2, 269/2,366/5,371/375/ 14/25.	-do-

12. Khem Chand s/o Sh. Chet Ram 319,320,335,337, 362,231,315, 316,232,235,368, 274,323,326,349, 350,351,328,383/298 The land is very fertile and of great potential value, so demanded Rs.10,000/- per sq.yards.
13. Daroga S/o Sh. Raghubir. 352,303,228,230, 365,267/1,366/7, 306/8,371/375/17 -do-
14. Mam Chand, Gopi Chand, Rajinder Singh s/o Late Shri Chanda. 340,370,296,321, & 371/375/8 -do-
15. Ho Ram & Chandgi Ram s/o Sh.Anta 327,371/375/28, 382/398 -do-
16. Shri Om Parkash, Ram Pal, Shiv Ray, Vijay Pal & Ramu s/o Shri Hazari. -do-
17. Sri Ram s/o Sh.Kale 306/2,269/2, 366/5,371/375/14 413/91,306/6, 371/375/28,354, 355,317,294,318 305 & 363 -do-
18. Sant Ram Anant Ram Trilok Chand, Vikal s/o Late Shri Yad Ram & Mehar Chand s/o Hari Singh. 344,361,322,371/ 375/29 -do-
19. Syria s/o 306/6,366/2,269/2 366/5,371/375/14/ 25,354,353,317,294 318,305,363,310 & 309. Land having very potential value posh colonies surrounded very fertile claimed Rs.10,000/-per sq.yds
20. Sh. Rajinder Singh s/o Shri Khem Chand 319,337,362,370 335,231,315,316, 232,233,368,306, 267,371,375/3,274, 323,324,348,232, 350,391,328,383/ 298 & 371 to 375/10. -do-
21. Raj Pal Raghubir s/o Late Sh.Munshi Ram Rajendari, Resham s/o Sh. Munshi, Phoolwati w/o Munshi, Ved Ram s/o Sh. Kale, Dhane w/o Sh. Likhi 371/375/10,319,337 362,320,335,306/7, 267/2,371/375/3,339, 340,343,347,356, -do-

22. Prem Raj, Bag Raj, 366/3, 366/6, 361, Surrounded by posh and Gir Raj Ss. of 322, 344, 371/375/29 colonies, very Shiria fertile and carries potential value-claimed Rs.10,000/- per sq.yrds.
23. Lakhmichand, Jagan, 267/5, 306/3, 333, -do-  
Ramesh Chand Ss of 371/375/11, 371, 375/23,  
Sh.Nain Singh, Ram 331, 332, 304, 418, 349,  
Raj Ss. of Fateh 358, 359, 360, 336  
Chand, Mam Raj s/o Bedela.
24. Mawasi S/o Jaipal 315, 316, 323, 328, -do-  
& Jagbir Singh 348, 350, 351, 368 & Besides above civic  
383/298 amenities already allowed  
So claimed Rs.2000/-per  
sq.yards.
25. Mawasi s/o Sh.Jai 268 -do-  
Pal.
26. Harkesh s/o Sh. 352, 303, 228, 230, Land being of potential  
Raghbir 365, 267, 366/7, 306/8 value claimed  
371/375/17. Rs.10,000/- per sq.yrds.
27. Kelawati d/o 345, 314, 367, 267/3 -do-  
Sh. Phool Singh 272/5, 366/4, 369, 371,  
to 375/20, 371 to 375/16,  
329(min) 338, 293, 295,  
297, 238.

#### DOCUMENTARY EVIDENCE

No documentary evidence has been filed by none of the claimants in support of their claim of demand. They have simply stated that the land is very fertile and is totally surrounded by well developed colonies, such as Kalindi colony, Friends colony and Maharani Bagh. All the public amenities are available in the area such as telephone, sewer etc.

#### MARKET VALUE:

Before adverting to determination of market value of land in question the market value as on 23.6.1989 viz the date of notification under section 4 of the L.A Act and several other co-related aspects such as the quality of land, situation/ location of site, potentiality of land, its classification, utility position, uses and rates prevailing in the neighbouring areas as also the fertility position have to be



is also taken into consideration. However, no latest sale deeds have been executed with respect to the land under acquisition.

Secondly, ~~xxxx~~ the award announced in the past are to be relied upon or not is also required to be considered. I have considered this aspect in depth and am of the firm view that the notification prior to the year 1980 can not at all be relied upon due to the distant of time and also due to the reason that the past awards were made ~~which was~~ for that land which was not under the river bed area and between two forward bunds of river Yamuna.

Delhi Administration vide Order No. F.9(20)/80- L&B/4313-16 dated 3.5.90 had conveyed the decision of the Admn. regarding fixation of minimum price of agricultural lands which have to be taken into consideration by the Land Acquisition Collector for payment of compensation and would apply in all cases where lands have been notified under sec. 4 of the L.A. Act after 27.4.90. For the land notified in the previous year u/s 4, the minimum price would be that for the year in which the notification u/s 4 has been issued, ~~arrived at~~ <sup>3</sup> by discounting year 1990 price by 15% p.a. Vide the said order No. F.9(20)/80-L&B/4313-16 dt. 3.5.90, the minimum amount of compensation has been fixed at Rs.1.5 lacs per acre. This policy decision of the Administration has come into force w.e.f. 27.4.90 and in this case, the notification u/s 4 was issued on 23.6.89. Hence, in view of the guidelines conveyed by the Administration for discounting the rates regarding to the notifications issued <sup>3</sup> ~~to price~~ <sup>to</sup> ~~1990~~ <sup>5</sup> ~~1990~~ <sup>3</sup>, at the rate of 15% p.a. on this price of Rs.1.5 lacs per acre, after working out the pro rata discount of compensation works out to ~~be~~ Rs.27344/- per bigha i.e. Rs.131251.00 per acre. Therefore, I assess the true and fair market value of the land as per policy at Rs.27344/- per bigha and award accordingly.

COMPENSATION OF TREES AND STRUCTURES.

None of the claimants has claimed for any relief for structures and the trees. Since there is no such structures and

COMPENSATION OF CROPS.

Although there was no crop was available at the time of taking over the possession, even, then the land owners were allowed to harvest their crops, if any, ~~to-harvest~~ upto April, 1991.

SOLETIUM. & Addl. Amount.

The interested persons are also entitled to Soletium @ 30% and 12% Addl. Benefits per annum of the market value to be fixed by the L.A.C. as per the provisions of the L.A. Act.

INTEREST.

The interest @9% per annum will be payable from the date of possession till the date of ~~payment~~ Award for the first year and 15% for the remaining period.

APPORTIONMENT .

The payment of compensation will be made to all the interested persons as per the latest Revenue Records. In case, there is any disputes, the same shall be referred to the court of A.D.J. for determination of tile or apportionment of the same u/s 30-31 of the L.A. Act.

LAND REVENUE.

The land revenue of the land has been assessed in respect of the land under acquisition by the competent authority at Rs.168.02 P. as is evident from the land record of the village which will be deducted from the Khatauni/ Khalsa Rent Roll of the village from the date of taking over the possession of the land.



contd. P/-11

SUMMARY OF AWARDS

- |  |                       |
|--|-----------------------|
| 1. Market value of the land measuring 843 bighas 04 biswas @27344/- P.B.   | Rs. 2,30,56,460.80 P. |
| 2. Soletium @30%.  | Rs. 69,16,938.24 P.   |
| 3. Addl. amount @12% per annum from 23.6.89 to 19.6.92 i.e. 1092 days.   | Rs. 50,95,446.67 p.   |
| 4. Addl. amount @12% per annum from 23.6.89 to 26.12.90 for 1 yr. 187 days i.e. 552 days. on 324 bighas 03 biswas... | Rs. 16,08,553.57 p.   |
| 5. Interest u/s 34 from 27.12.90 to 26.12.91 for one year @9% p.a. on 324 bighas 03 biswas....                       | Rs. 11,81,806.06 P.   |
| 6. Interest u/s 34 from 27.12.91 to 19.6.92 for 167 days @15% p.a.   | Rs. 9,01,194.57 P.    |

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Total.. Rs. 3,87,60,399.91 P.

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(RUPEES THREE CRORES EIGHTY SEVEN ~~XXXXXXXXXX~~ LACS SIXTY THOUSAND THREE HUNDRED NINETY NINE AND PAISE NINETY ONE ONLY)

*[Signature]*  
(CHANDRA BHAN)  
L.A.C. (ME)

SECRETARY (REVENUE)

Approved.

*[Signature]*  
18/6/92

Award announced in the open court  
Today 19/6/92 at 12-15 P.M.

None present.

Issue notices u/s 12(2) of L.A. Act.

*[Signature]*  
19/6/92

