

A W A R D NO.

28/1976-77.

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Name of Village

Masoodabad.

Nature of acquisition

Permanent.

Purpose of acquisition

Construction of Najafgarh
Pond Drain.

AWARD.

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act, 1894. The land measuring 36 bighas 8 biswas in village Masoodabad was notified u/ss 4, 6 and 17 of the Land Acquisition Act for a public purpose namely for the construction of Najafgarh Pond Drain vide Delhi Administration Notification Nos. F.7(40)/74-L&B(i), F.7(40)/74-L&B(ii) and F.7(40)/74-L&B(iii) dated 29.12.75 respectively. In pursuance of the aforesaid notification notices u/s 9 and 10 of the Land Acquisition Act were issued to the persons interested and the claims filed by them will be discussed hereafter under the heading "Compensation claims".

MEASUREMENT & AREA.

The area notified u/ss 4 and 6 is 36 bighas 8 biswas. On measurement made by the field staff of the Land Acquisition it was found that the true and correct area under acquisition was 36 bighas 8 biswas. The details of the Kh.Nos. under acquisition are as follows:-

<u>Khasra No.</u>	<u>Area</u>	<u>Kind of soil.</u>
210/2	0-15	G.abpash.
212/2	0-18	-do-
224/2	0-01	-do-
225/2	0-17	-do-
229/2	1-08	-do-
230/2	1-08	-do-
327/1	0-01	-do-
328/1	0-18	-do-
337/2	1-08	-do-

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		G. Abpash.
338/2	1-08	-do-
339/2	1-06	-do-
442/2	1-00	-do-
443/2	1-07	-do-
444/1	less than biswa	-do-
447/1/1	0-03	-do-
447/2/1	0-07	-do-
600/2/2/1	0-02	-do-
322/2	1-07	-do-
323/2	1-08	-do-
211/1	0-10	-do-
256/2	1-06	-do-
258/2	0-10	-do-
260/2	1-08	-do-
261/1	0-18	-do-
262/1	0-01	-do-
273/1	0-04	-do-
275/2	1-08	-do-
276/2	0-18	-do-
343/2	0-10	-do-
271/2	1-06	-do-
277/2	0-07	-do-
459/2	1-08	-do-
602/2/2/2	1-02	-do-
603/2	1-08	-do-
463/1/1	1-08	-do-
448/1	1-02	-do-
441/2	0-06	-do-
451/2	1-08	-do-
452/2	1-08	-do-
464/2	1-08	-do-
386/1/2	0-02	-do-

Total

36-08.

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COMPENSATION CLAIMS.

The following interested persons in response to notices u/s 9 and 10 have filed their claims.

Sr. No.	Name of the claimant.	Khasra No.	Compensation claimed.
1.	Sh. Roshan Lal s/o Bishan Singh.	600/2/2/1	Has claimed compensation @ Rs. 3000/- per bigha, 15% solatium & 6% interest of possession till the date of payment.
2.	Sh. Ragnbir Singh	441/2, 451/2, 452/2	Has claimed compensation @ Rs. 3000/- per bigha, 15% solatium, 6% interest of possession till the date of payment.
3.	Sh. Mahesh Chand s/o Sultan Singh.	337/2, 338/2, 339/2, 442/2, 443/2	Has claimed compensation @ Rs. 3000/- per bigha, 15% solatium & 6% interest of possession till the date of payment.
4.	Sh. Ramesh Chand s/o Sultan Singh.	322/2, 323/2	Has claimed compensation @ Rs. 3000/- per bigha, 15% solatium, 6% interest of possession till the date of payment.
5.	Sh. Roshan Lal on behalf of Kalawati w/o Jordan Dass.	210/2, 212/2, 224/2, 225/2, 229/2, 230/2	Has claimed compensation @ Rs. 3000/- per bigha, 15% solatium & 6% interest of possession till the date of payment.
6.	Sh. Ragnbir Singh on behalf of Harsh.	459/2, 463/2, 602/2, 603/2	Has claimed compensation @ Rs. 3000/- per bigha, 15% solatium & 6% interest of possession till the date of payment.
7.	Sh. Roshan Lal on behalf of Mohinder Kumar s/o Raja Ram, Om Parkash s/o Ragnbir Singh Madho Parshad s/o Tula Ram.	343/2	Has claimed compensation @ Rs. 3000/- per bigha, 15% solatium & 6% interest of possession till the date of payment.
8.	Sh. Roshan Lal on behalf of Ravinder Kumar s/o Om Parkash, Suraj Mal s/o Kamal Dass.	271/2, 277/2	Has claimed compensation @ Rs. 3000/- per bigha, 15% solatium & 6% interest of possession till the date of payment.
9.	Sh. Roshan Lal on behalf of Narbada w/o Devki Nandan.	448/2	Has claimed compensation @ Rs. 3000/- per bigha, 15% solatium & 6% interest of possession till the date of payment.

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10. Sh. Roshan Lal and Sh. Raghbir Singh on behalf of Harish and others. 464/2 Has claimed compensation @ Rs. 3000/- per bigha, 15% solatium & 6% interest of possession till the date of payment.
11. Sh. Raghbir Singh on behalf of Sultan Singh 211, 256/2, 258/2, 260/2, 261/2, 262/2, 273/2, 275/2, 276/2. Has claimed compensation @ Rs. 3000/- per bigha, 15% solatium & 6% interest of possession till the date of payment.
12. S/Sh. Siri Ram s/o Maru Teku s/o Har Narain, Raman s/o Amar Singh. 327/2, 323/2, 444/1, 447/2/1, 447/1/2. Has claimed compensation @ Rs. 3000/- per bigha, 15% solatium & 6% interest of possession till the date of payment.

DOCUMENTARY EVIDENCE:

S/Sh. Roshan Lal and Raghbir Singh have filed copies of the following documents.

1. Resolution No. 67 dated 22.11.67, 531 dated 9.1.67 of the Delhi Electric Supply Committee/Municipal Corporation of Delhi regarding acquisition of land by private negotiation in village Najafgarh.
2. Sale deed No. 9113 dated 27.11.68.
3. Order dated 31.5.71 issued by the N.T. (Najafgarh) for sanction of mutation in respect of sale deed dated 8.1.71.
4. Sale deed No. 10463 dated 2.9.71.
5. Sale deed No. 10749 dated 9.9.71.

MARKET VALUE.

The market value of the land under acquisition has to be fixed with reference to the price prevailing on the date of preliminary notification by s 4 of the Land Acquisition Act with all its advantages and with all its potentialities.

The Municipal Corporation of Delhi (Delhi Electric Supply Undertaking) purchased land comprising of Kh. Nos. 65(4-16), 67(4-16), 70(4-16), 71(4-16), 72(4-16), 76(0-09) and 77(4-07) of village Masodabad for a sum of Rs. 92,160-00 and the incidence of price per bigha comes to Rs. 3200-00 per bigha. These Khasra Nos are immediately behind Kh. Nos. 66, 67 and 68 which abut the Delhi Najafgarh Road and the distance from the road less than $\frac{1}{2}$ half a furlong. The Corporation purchased the land in question through sale deed No. 9113 dated 27.11.68. The land covered under sale

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deeds No. 10463 dated 2.9.71 and 10749 dated 9.9.71 and order dated 31.5.71 of the Naib Tehsildar(Najafgarh) is situated at a reasonable distance from the land under acquisition. In view of the reasons stated above the documentary evidence filed by the persons interested will not be helpful in assessing the market value of the land under acquisition.

Efforts were, however, made at this end to find out the parallel sale deeds in the village nearest to the material date so as to evaluate the market value of the land. The statement showing the details of the sale deeds, which were executed in village Masoodabad nearest to the material date are given below.

Sr. No.	Date of Registration	Khasra No.	Amount of consideration	Incidence per bigha.
1.	17-1-74	294, 295	Rs.1200/-	Rs.10000/-
2.	17-1-74	295	Rs.1750/-	Rs.10000/-
3.	17-1-74	288	Rs.2500/-	Rs.10400/-
4.	17-1-74	294, 295	Rs.2500/-	Rs.9540/-
5.	19-10-74	241	Rs.5000/-	Rs.5000/-
6.	19-10-74	241	Rs.2500/-	Rs.5000/-

The sale deeds at Sr.No. 104 relate to small plots of land measuring 120 sq.yds. to 200 sq.yds. The plots of land are presumably for residential purposes. It may not be out of place to mention here that Delhi Land Reforms Act is applicable to the land of ~~Masoodabad~~ ^{Masoodabad}. In view of the restriction of section 22 and 23 of Delhi Land Reforms Act, the land in question could be used only for the purpose of agriculture, horticulture or Animal Husbandary etc. These sale deeds which are of small plots of land will not be helpful in assessing the market value of land under acquisition which is a big chunk of land measuring 36 bighas 8 biswas.

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The sale deeds at Sr.No.5 & 6 relate to Kh. No. ~~248~~ 241, ~~which~~ ^{whereas} which abuts on the Delhi Najafgarh Road, ~~which is the~~ ^{Kakool} land under acquisition is at a distance of more than 3 furlong from Delhi Najafgarh Road. The land covered under sale deed at Sr.No.5 and 6 is situated in a more advantages position than the land under acquisition and as such these sale deeds will not give useful guidance in assessing the fair market value of the land under acquisition.

In award No. 33/72-73 of village Masoodabad land was acquired for the Remodelling of Najafgarh Drain from Chawla Bridge to Kakool Regulator and the Collector awarded Rs. 1400-00 per Bigha. The land acquired vide this award is situated in close proximity of the land under acquisition and certain Kh. Nos, a portion of which are covered in this award, are also under acquisition in the present award. Thus award No.33/72-73 is by far the best exemplar in assessing the fair market value of the land under acquisition. The date of preliminary notification of award No. 33/72-73 is 19.2.71, whereas the date of preliminary notification of the present award is 29.12.1975. Thus there is a time gap of four years ten months. Some appreciation will have to be given while assessing the market value of the land under acquisition. In the result, I award Rs. 1800-00 per bigha kham.

Trees.

There is one Kikar tree on the land under acquisition. A sum of Rs.100/- is assessed as its compensation.

Structures & Wells.

There are no structures and well on the land under acquisition.

RELIGIOUS INSTITUTION

There is no religious institution on the land under acquisition.

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INTEREST

The acquiring department has taken the possession of the land under acquisition on 20.7.76. The persons interested are, therefore, entitled to interest under sec. 34 of the Land Acquisition Act w.e.f. 20.7.76 till the date of tender of payment.

SOLATUM

15% solatium will be allowed as per the provisions of the Land Acquisition Act for the compulsory nature of acquisition of land.

APPORTIONMENT

(a) Khasra Nos. 210, 212, 224, 225, 229, 230, 442, 443, 444, 447 and 448 have been hypothecated with the Govt. The compensation is kept disputed. The compensation will be cleared on the production of clearance certificate from the Tehsildar (Tacavi Loan).

(b) Compensation of Kh. Nos. 327, 328, 444 and 447 is kept disputed, because the allottees have also claimed compensation of these khasra Nos. If the persons interested do not reach an amicable settlement within a reasonable time, the compensation will be sent to the Addl. District Judge, Delhi under section 30/31.

(c) Khasra Nos. 271 and 277 are in possession of Ravinder Kumar s/o Om Parkash. Compensation of the said Kh. Nos. is kept in dispute and will be sent to the Addl. District Judge under section 30/31 if the parties do not reach an amicable settlement within a reasonable time.

(d) Compensation will be paid according to the latest entries in the revenue record.

LAND REVENUE

The land revenue is reported to be Rs. 9.05 paise. It will be deducted from the Khalsa Rent Roll of the village from the date of taking over possession of the land under acquisition.

12/4/76

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SUMMARY OF THE AWARD

Award is summarised as under:-

1. Compensation for the land measuring 36 bighas 8 biswas @ Rs.1800/- per bigha kham.	Rs.65,520.00
2. 15% solatium.	Rs. 9,843.00
3. Compensation for tree.	Rs. 100.00
4. Interest under section 34 of the L.A. Act w.e.f. 20.7.76 to 19.8.1976.(30 days).	Rs. 371.13
G.TOTAL:	Rs.75,834.13

(Rs. seventy five thousand eight hundred thirty four & Paise thirteen only).

K.L. Chopra
(K.L. CHOPRA)
LAND ACQUISITION COLLECTOR(P)
DELHI.

Announced & filed today.
K.L. Chopra
31/3/77
(L.A. 1P)