

A W A R D NO. 98/83-84
NAME OF VILLAGE : MAUJPUR
NATURE OF ACQUISITION : PERMANENT
PURPOSE OF ACQUISITION: PLANNED DEVELOPMENT OF DELHI.

These are proceedings u/s 11 of the Land Acquisition Act, 1894 for determination of compensation in respect of land measuring 4 Bighas 5 Biswas situated in Village Maujpur. The land forms part of general notification issued by Delhi Administration u/s 4 of the L.A. Act, 1894 vide No. F.15(III)/59-LSG dated 13.11.1959 for 34070 acres scheme. The declaration u/s 6 of the Act was issued vide No. F.4(19)/65-L&H(III) dated 27.4.1963 for an area of 9 bighas 9 biswas.

The land is being acquired by the Govt. at the Public expense for a public purpose namely for the Planned Development of Delhi.

Notices u/s 9 & 10 of the Act were issued to the persons interested in the land who filed the claims in response to notice. The claims filed will be discussed under a separate heading "Claims & Evidence."

MEASUREMENT & TRUE AREA

Notification u/s 6 of L.A. Act, 1894 was issued for an area measuring 9 Bighas 9 Biswas. Area measuring 3 Bighas 19 Biswas has already been acquired through award No. 44/73-74 of the said Village while the present proceedings are confined to an area of 4 Bighas 5 Biswas only as per instructions received from the Under Secretary (L.A.), L&B Department, Vikas Bhawan, New Delhi vide his D.O. letter No. F.8(14)/81-L&B/8621 dated 22.3.1983 regarding acquisition of land on top priority basis comprising in Khasra No. 320/1-3-4 of Village Maujpur. The area was found correct as per measurement carried out by the field staff at the spot. The remaining notified area under section 6 of the Act will be acquired through a supplementary Award on receipt of further instructions from Land & Building Department of Delhi

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Administration. Acquisition proceedings were held up on account of stay granted by Hon'ble High Court of Delhi in their order dated 11.2.1982 later made absolute vide order dated 30.7.1982.

This was in consequence to Civil Writ No. 112/83 filed by Shri Haji Mohd. Shafi & Others Vs. UOI. The writ petition has been dismissed as having been withdrawn & stay orders vacated. vide order passed on 5.12.1983.

DETAILS OF THE LAND

Kh.No.	Area	Kind of soil
320/1-3-4	4-5	Bagh Nehri

OWNERSHIP & OCCUPANCY

S.No.	Name of owner	Name of occupant	Kh.No.	Area
1.	Mohd. Safi, Mohd. Swahlin ss/• Mohd. Rafi r/• 2084, Gali Khzeer Wali, Ashka Lale Sahib Gali Kasam Janwali marau Delhi-6.	Self	320 1-3-4	4-5 (Bagh Nehri)

CLAIMS & EVIDENCE

Name of claimant	Kh.No.	Area	Amount claimed	Evidence
1. Hazi Mohd. Safi, Hazi Mohd. Swahlin ss/• Hazi Mohd. Rafi r/• 2084, Ballimaran, Delhi.	320/1-3-4	4-5	1. Rs. 2000/- p. sq. yd 2. 15 % selatium	Nil

MARKET VALUE

In the present case the date of preliminary notification is 13.11.1959 and as such the market value is to be determined as prevailing during that period. The claimants have demanded ^{exorbitant} rates of compensation, but adduced no evidence in support of their claim.

Before I embark upon the private sale transactions in determining the market value, it would be helpful to look into the various Awards that have been drawn in ^{respect} ~~support~~ of this Village. The particulars of Awards are given below:-

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S.No.	Award No.	Date of notification u/s 4	Rate awarded
1.	60/72-73	10-11-1960	Rs. 830/- per Bigha
2.	27/73-74	24.10.61	Rs. 930/- -do-
3.	44/73-74	13.11.59	Rs. 800/- -do-
4.	28/73-74	24.10.61	Rs. 930/- -do-
5.	43/73-74	13.11.59	Rs. 800/- -do-
6.	29/73-74	24.10.61	Rs. 930/- -do-

Compensation awarded thus varies from Rs. 800/- to Rs. 930/- per bigha in respect of notification u/s 4 of the Act dated 13.11.59, 10.11.60 and 29.10.1961.

REFERENCES u/s 18

References u/s 18 have been filed by the persons interested. The details of the decided reference are as under:-

S.No.	L.A.C. NO.	Award No.	Date of decision	Rate per bigha
1.	8/73	44/73-74	28.9.78	Rs. 800 to Rs. 2800/-

Kh.No. 318/2(0-11), 319/2(1-15), 320/5(0-8) total 2 Bigha 14 Biswas. The appeal had been filed by the Government against the judgement of Ld.A.D.J. on the amount of Rs. 2000/- which is still pending in the Hon'ble High Court of Delhi. In view of this, the above judgement cannot be taken exclusively as a guidance to determine the market value in the present case. Further in view of existence of over-whelming number of awards available during the relevant and subsequent period, sufficient guidance as to the determination of market value can be sought and there is no need to find out the rates at which private transactions took place. These must have been taken into consideration in the various awards made during the period.

The award No. 44/73-74 made in Oct., 1973 in respect of the same notification dated 13.11.1959 determined market value at Rs. 800/- per bigha. In view of the time gap and also the fact that the Govt. had filed an appeal against the

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judgment of the Ld. ADJ enhancing the market value from Rs. 800/- per bigha to Rs. 2800/- per bigha, I feel that market value of Rs. 1200/- per bigha is quite reasonable under the circumstances and I assess the same accordingly.

TREES

There are some fruit trees on the land under acquisition. Details of the same with valuation per tree are as under :-

S.No.	Name of trees	Total No. of trees	Rate per tree	Total compensation
1.	Mangoes	10	Rs. 100/-	Rs. 1000/-
2.	Amrud	25	Rs. 30/-	Rs. 750/-
3.	Kakrenda	5	Rs. 20/-	Rs. 100/-
Total:-				Rs. 1850/-

I assess the value accordingly.

STRUCTURE

There is one structure (one Jhuggi) of Sh. Islhamuddin s/o Jamaluddin which is made of bricks with chapper as its roofing which was constructed after the date of notification u/s 4 i.e. 13.11.59 as reported by Field Staff. No compensation is assessable of the same. There is no Well on the land as verified by the Field Staff.

SOLATUM

15 % solatium will be paid on the market value of the land in ~~consideration~~ consideration of the compulsory nature of acquisition.

INTEREST

The date of notification u/s 4 of L.A. Act, 1894 in the present case is 13.11.59 and the date of notification u/s 6 of the L.A. Act, 1894 is 27.4.1968. The case, therefore, falls within the purview of the Land Acquisition (Amendment) and Validation Act, 1967. Interest would, therefore be payable @ 6 % per annum only on the market value of the land from the date of expiry of three years from the date of preliminary notification which in the present cases to 13.11.1962, till

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the date of announcement of the award. The interest u/s 4(3) for the stay period i.e. 11.2.82 to 5.12.83 will not be allowed in this case as laid down in the provision to section 4(3) of the Amended Act, 1967.

LAND REVENUE

The land under acquisition is assessed to Rs. 2.34 as Land Revenue which would be deducted from the Khalsa Rent Roll from the date of taking over possession.

APPORTIONMENT

Payment will be made according to the latest entries in the revenue record. In case of dispute the matter will be referred to ADJ u/s 30-31 of the L.A. Act, 1894 (if the parties do not reach an amicable settlement within a reasonable period.)

VESTING OF OWNERSHIP

From the date of taking possession under the award the land subject to acquisition will vest absolutely in the Govt. free from all encumbrances.

Subject to the above, the award is summarised as under :-

SUMMARY

Compensation for land measuring 4 bigha 5 biswas @ Rs. 1200/- per bigha	Rs. 5100-00
TREES	Rs. 1850-00
STRUCTURE	Nil
SOLATION @ 15 %	Rs. 1042-50
Instt. u/s 4(3) of L.A. (Amendment) & Validation Act, 1967 on market value from 13.11.62 to 29.2.84 (likely date of announcement) except for the stay period from 11.2.82 to 5.12.83 (19 yrs 176 days)	Rs. 5961-15

Rs. 13953-65

(Rupees Thirteen Thousand Nine Hundred Fifty Three and Paise Sixty Five only)

[Signature]
(R. C. CROGH)
LAND ACQUISITION COLLECTOR (MSW)

Announced
and placed on record
today

[Signature]
29/2/84
LAC (MSW)

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आदेशानुसार मूनि अधिकारी अधिकारी
(MSW)
कसरा नं. 138 पहली संजल तीश हजारी कोटि दिल्ली

आदेश दिया जाता है कि गांव राजपुर
का एवाडि बाबत क्षेत्रफल 4-05 दिनांक 29/2/84
को सुनाया जाना है। अतः लाहलदारान जा कि निम्न
लिखित है को सूचना दी जाय कि ल दिनांक 29-2-84
को बलकत 10 बजे सब ह होजर है ल उपरांत
क्षेत्रफल का एवाडि जिसका Notification No.
U/S-6 No. F-4(19)/65-244M(III) दिनांक 27/4/68 है
सूना। शिखार हजा बाद तमील वापस होवे।

दिनांक:- 25/2/84

मूनि अधिकारी अधिकारी
(MSW)
तीश हजारी कोटि दिल्ली

45 N.T. LA
25/2/84

- | नं. सूना | नाम |
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| 1. | हाजी मोहम्मद शफी पुत्र हाजी मोहम्मद रफी
निवासी 2084 बल्ली मारान देहली |
| 2. | हाजी मोहम्मद स्वाहालिन पुत्र
हाजी मोहम्मद रफी निवासी
2084 बल्ली मारान दिल्ली। |
| 3. | जमाल उद्दीन गांव वाली। (अक्षर) |

25/2/84

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