

OFFICE OF THE LAND ACQUISITION COLLECTOR (SOUTH)
M.B.ROAD, SAKET, NEW DELHI.

Award No. : 21/2002-03
Name of Village : Mehrauli.
Area under acquisition : 71 Bighas 13 Biswas
Purpose of acquisition : Vasant Kunj Residential Scheme under
Planned Development of Delhi.
Nature of Acquisition : Permanent
Notification u/s 4 : F.9(24)/98/L&B/LA/12059 Dtd. 11-11-99
Notification u/s 6 : F.9(24)/98/L&B/LA/9694 Dtd.29-9-2000.
Notification u/s 17 : F.9(24)/98/L&B/LA/9695 dated 29-9-2000

A notification u/s 4 of the LA Act was issued vide No. F.9(24)/98/L&B/LA/12059 Dtd. 11-11-99 & u/s 6 vide No. F.9(24)/98/L&B/LA/9694 Dtd.29-9-2000 for acquisition of 71 Bighas 13 Biswas of land village Mehrauli. Notification No. F.9(24)/98/L&B/LA/9695 dated 29-9-2000 was issued under sub section (1) of Section 17 of the LA Act 1894.

The detail of true and correct area of the land under award is as under :-

<u>Field No./Kh. No.</u>	<u>Area</u>
125	5-08
128	1-04
129	4-14
130	7-09
131	7-06
132	3-09
133	2-08
134	4-00
135 min	8-13
136	5-17
137	5-10
138	8-13
139	5-08
140	1-14

Total	<u>71-13</u>



The following Civil Writ Petitions were received in respect of the khasra numbers given below:

CWP No.	Khasra number	Status of the Stay
7141/99	130 to 139	"There shall be an injunction restraining the respondents from taking possession of the land in question until further orders" order dated 29-11-99. The counsel Sh.Sanjay Poddar informed Sh.Amit Yadav., Patwari orally that the petition has been Dismissed. However no such orders are available on file.
7108/2000	129	Stay on dispossession.
7105/2000	128	Stay on dispossession.
7446/99		No stay as per record.
7619/99		"Notice. Mr.Rakesh Prasad accepts notice. List on Feb 24, 2000. In the meanwhile there will be stay of dispossession" Order dated 22-12-99
7332/99		"Stay of dispossession of the petitioner from the land subject matter of the acquisition proceedings until further orders" order dated 10-12-99.
244/2000	136 min, 137 min, 138 min	"Status quo as of today shall continue to be maintained as regards possession, nature and title of the property" Order dated 4-9-02

It is clear from the status of the above mentioned CWPs that there is stay against dispossession but expressly there is no stay or direction to restrain against the announcement of award. However since the notification U/s.17(1) of L.A Act has been issued vide notification no. F.9(24)/98/L&B/LA/9695 dated 29-9-2000 one of the interpretation of the same could be that award may be announced only after taking of possession. On the other hand Section 11 A of L.A Act have imposed a rider that the award shall be announced within a period of two years from the date of publication of declaration otherwise the entire proceedings for



acquisition of the land shall lapse. Therefore the undersigned consider it necessary to announce the award as per the provisions of section 11 A of L.A Act.

However the award made hereunder will not interfere with the restraining orders passed by the various courts.

The joint survey of the land was carried out by the field staff of DDA, L&B and Revenue Staff on 11/01/99 and 02-02-1999.

NOTICES:- Notice u/s 9&10 were issued to the all recorded owners.

COMPENSATION CLAIMS:

The following person have filed claims for compensation:

S. no	Name of Claimant	Kh. No.	Claim	Remarks
1.	Shanti India (P) Ltd.	125 (5-08)	Rs. 30,000 per sq. for land and Rs. 1.5 crore on account of structures etc. on the land.	No valuation report from the government approved / authorised valuer has been filed.
2.	Jagjiwan Co-operative House Building Society Ltd. E-15/13, Krishna Nagar, Delhi.	130 (7-9) 131 (7-6) 132 min (2-9) 137 min (1-0) 133 (2-8) 136min. (2-08) 138 min (4-10) 139 (5-08) 135 min (3-06)	Rs. 24,60,84857 for the land Rs. 52,53,928 for Boundary walls Rs. 65,410 for pump house Rs. 13,42,591 for filling work/levelling Rs. 19,67,877/- for roads Rs. 16,69,109/- for office rooms, guard rooms and stores, generator rooms Rs. 16,82,517 for Nursery and Plantations Rs. 26,03,062/- for Fees to Architects Rs. 2,50,000/- for electrical works Rs. 41,86,772/- for work of	No valuation report from the government approved / authorised valuer has been filed.

Ram

			<p>building material screening, sartin and consolidation with road roller, brick masonary open surface drain with class designation</p> <p>Rs. 1,31,592/- for repair and whitewash</p> <p>Rs. 2,65,000/- for borewell with labour</p> <p>Rs. 12,62,000/- for community halls</p> <p>Rs. 22,62,912/- for temple and its maintenance</p> <p>Rs. 8269 for other Misc. Work</p> <p>Rs. 4,00,00,000/- for damages resulting due to acquisition</p> <p>TOTAL 30,52,20,772/-</p>	
3.	<p>Sh. Rajinder Kumar Aggarwal s/o Late Sh. Moti Ram Aggarwal r/o Panchwati Shri Ram Mandir Road Opp. Pocket -D III/4Vasant Kunj New Delhi</p>	<p>137 min (4-10)</p> <p>138 min (4-03)</p> <p>136 min. (3-17)</p>	<p>Rs. 2,00,00,000/- for building</p> <p>Rs. 30,00,000/- for boundary wall with barbed wire fencing</p> <p>Rs. 5,00,000/- for concrete Road.</p> <p>Rs. 5,00,000/- for Swimming Pool with infrastructure</p> <p>Rs. 50,000/- for trees</p> <p>Rs. 5,00,000/- for fruit plant and ornament plants</p> <p>Rs. 5,00,000/- for tube wells.</p> <p>Rs. 20,00,000/- for expenses incidental to change of residence/place of work.</p>	<p>No valuation report from the government approved / authorised valuer has been filed.</p>
4.	<p>Sh. Kehar Singh S/o Sh. Ram Dhan</p>	140 (1-14)	NIL	
5.	<p>Sh. Mahavir Singh S/o Late Sh. Khem Chand</p>	140 (1-14)	NIL	
6.	<p>Sh. Maman Singh S/o Sh. Prithi</p>	140 (1-14)	NIL	
7.	<p>Sh. Mahander Singh S/o Sh. Prithi</p>	140 (1-14)	NIL	

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8.	Sh. Sahab Singh, Sh. Randhir Singh Bir Bhan Khajan Singh all sons of Sh. Siri Chand r/o Vill Kishangarh, Meharuli	129 (4-14)	Rs. 40,000/- per sq. yds.	
9.	Sh. Khem Chand , Vijay Singh, Surat Singh, Laxman Singh and Sh. karan singh all sons of Sh. Nand Lal r/o Vill. Kishangarh, Mehrauli.	129 (4-14)	Rs. 40,000/- per sq. yds.	
10	Sh. Hira Nand Ram S/o Sh. Jhangi Ram r/o 160-A, Cariappa Marg, Khirki Extn.	128 (1-04)	Rs. 10,500/- per sq. meters for land, Rs. 2,00,000/- for boundaries, plants & crops. solatium & Interest @ 18%.	No valuation report from the government approved / authorised valuer has been filed.

DOCUMENTARY EVIDENCE:

The following documentary evidence were adduced by some of the claimants in support of their claims:

1. Schedule of market rates of land in Delhi/New Delhi, annexed with Ministry of Urban Development letter No. J-22011/1/91-LD dated 24-1-92.
2. Original brochure of the 'Delhi Development Authority' for 'Vasant Kunj HIG Housing Scheme' opens on 1st August 2002.
3. Sale Deed dated 16-10-98 in respect of mustatil number 24 kila no. 2(4-0), 9 (4-16), 12(4-16) alongwith farmhouse etc. Vill. Mehrauli.
4. Twenty Sixth report of the committee on petitions (10th Lok Sabha) dated 6-3-1996, with reference to Jagjiwan Co-op. House Building society Ltd.



5. Order of the Registrar of co-op Societies dated 31-7-01 regarding revival of Jagjiwan Co-op. House Building Society Ltd.
6. Map showing location of the land of the Jagjiwan Co-op House Building Society Ltd.

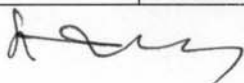
MARKET VALUE:-

The market value of the land has to be determined with reference to the price prevailing as at the date of preliminary notification. The market value means the price that would be paid by willing purchaser to a willing seller where both are actuated by business principles prevalent at the time in the locality. The price, therefore, paid for comparable properties in the neighborhood are the usual evidence as to the market value. Keeping in view of this, the Government has fixed Rs. 12.16 lacs per acre as a matter of policy for agricultural land as conveyed vide letter No. 9(20)/80/L&B/LA/9498-8506 dated 11-9-01. Therefore, on the basis of price fixed by the Government, I assess the market value of the land @ Rs. 12.16 lacs per acre.

TREES:

The land under acquisition had following trees in the respective khasra numbers. The Naib Tehsildar has estimated the compensation for the trees as mentioned below against each type of trees. I agree with him and assess the same accordingly :-

Kh.no	Name of Tree	No.of trees	Remarks	Rate	Value Assessed
136 min,	'Nimboo'	6		Rs.100/- per tree	Rs.600/-
137 min,	'Amrudh'	8		Rs.30/- per tree	Rs.240/-
138 min.	'Aam'	6		Rs.100/- per tree	Rs.600/-
	'Anar'	3		Rs.100/- per tree	Rs.300/-
	'Mausami'	8		Rs.80/- per tree	Rs.640/-
	'Maalta'	4		Rs.50/- per tree	Rs.200/-
	Silver Oak	125		Rs.100/- per tree	Rs.12,500/-
	'Sheesam'	1		Rs.200/- per tree	Rs.200/-
	'Pilkhan'	3		Rs.120/- per tree	Rs.360/-
	'Cheed'	6		Rs.200/- per tree	Rs.1,200/-
	Rubber plant	26		Rs.50/- per tree	Rs.1,300/-



Teak	12	Rs.250/- per tree	Rs.3,000/-
'Sarifa'	3	Rs.80/- per tree	Rs.240/-
'Kamrak'	1	Rs.100/- per tree	Rs.100/-
'Ashok'	100	Rs.100/- per tree	Rs.10,000/-

WALLS & STRUCTURE:

The land under acquisition had following structures at the time of notification U/s.4 of L.A Act (As per Joint Survey report) in their respective khasra nos. alongwith the area. The Naib Tehsildar has estimated the compensation for the same as mentioned below against each structures. I also inspected the site on 27-9-02 and being agreed with him assess the same accordingly: -

Kh. no.	Structure	Area	Remarks	Value assessed
136 min, 137 min, 138 min.	One big building consisting a. basement, b. ground floor, c. partly first floor One swimming pool, Gym, Servant quarters, boundary walls Internal pakka path etc.	161 Sq.Mtrs approx. 550 Sq.Mtrs approx. 140 Sq.Mtrs approx. 200 Sq.Mtrs approx.	Good quality construction with marble flooring and wood work. Construction quality is much lower than the above mentioned and can be treated ordinary construction.	@ Rs.3600/- per Sq.Meter = Rs.30,63,600/- @ Rs.1000/- per Sq.Meter = Rs.2,00,000/-
125	4 'Kothi' 1 Office 1 Gym Swimming pool, car parking, staff quarter, boundary wall etc.	138 Sq.Mtrs x 4 = 552 Sq.Mtrs approx. 50 Sq.Mtrs approx. 72 Sq.Mtrs approx. 180 Sq.Mtrs approx.	Good quality construction with marble flooring and wood work. } Ordinary Construction The construction quality is ordinary but poor than the above mentioned ordinary construction.	@ Rs.3600/- per Sq.Meter = Rs.19,87,200/- @ Rs.1000/- per Sq.Meter = Rs.1,22,000/- @ Rs.800/- per Sq.Meter = Rs.1,44,000/-

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139	Boundary wall	Encompassing the land	Very poor construction quality	Rs. 25,000/-
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30% SOLATIUM

30% solatium is payable on the market value of the land U/s. 23(2) of L.A Act 1894.

ADDITIONAL AMOUNT U/s.23 (1-A) :

In addition to the market value of the land an amount calculated at the rate of 12 % per annum on such market value for the period commencing on and from the date of publication of the notification under section- 4, sub-section-(1), in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

APPORTIONMENT:

Compensation will be paid on the basis of the latest entries in the revenue record. If there is a dispute regarding title/apportionment, which could not be settle here within a reasonable period, the dispute will be referred to the court of ADJ for adjudication u/s 30 & 31 of LA Act.

VESTING OF OWNERSHIP:

From the date of taking over the possession of the land, the land under acquisition will vest absolutely in government and free from all encumbrances.

LAND REVENUE DEDUCTIONS :

The land revenue assessed by the revenue officer concerned till date shall be deducted from the awarded money at the time of making the payment.



SUMMARY OF AWARD:

<u>Sl. No.</u>	<u>Total Area</u>	<u>Rate per Acre</u>		<u>Amount of Compensation</u>
1.	71-13	Rs. 12.16 Lacs per acre	:	Rs.1,81,51,333=00
2.	Cost of walls and structure		:	Rs 55,41,800=00
3.	Cost of Trees		:	Rs. 31,480=00

	Sub Total		:	Rs.2,37,24,613=00
4.	Solatum @ 30%		:	Rs. 71,17,384=00
5.	Additional amount @ 12% u/s 23 (1-A)			
	w.e.f 11-11-99 to 28-9-02 i.e.			
	2 years and 321 days i.e 1051 days)		:	Rs. 81,97,666=00

	Total		:	Rs. 3,90,39,663=00

Total Rupees Three Crores Ninty Lacs Thirty Nine Thousand Six Hundred Sixty Three Only.


(S.S.KANAWAT)

LAND ACQUISITION COLLECTOR
SOUTH DISTT : NEW DELHI


(G.S.PATNAIK)
DIVISIONAL COMMISSIONER
DELHI.

Award announced.


28.9.02.