

AWARD NO. : 1/2007-2008  
 Name of Village : Mehrauli  
 Area under acquisition : 71 Bigha 13 Biswa  
 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 Dt.11-11-99  
 Notification u/s 6 : F.9(24)/98/L&B/LA/9692 Dt. 9-11-05

A notification u/s 4 of the LA Act was issued vide No. F.9 (24)/98/L&B/LA/12059 Dt.11-11-99 & u/s 6 vide No. F.9 (24)/98/L&B/LA/9692 Dt. 9-11-05 for Acquisition of 71 Bigha 13 Biswa of land village Mehrauli.

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
135min	-	8-13
136	-	5-17
137	-	5-10
138	-	8-13
139	-	5-08
140	-	1-14
<b>Total</b>		<b><u>71-13</u></b>

## **HISTORY**

Subsequent to notification u/s 4, the notification u/s 6 vide no F.9 (24)/98/L&B/LA/9694 dt. 29-9-2000 and u/s 17 No. F.9 (24)/98/L&B/LA/9695 dt.29-9-2000 have been issued. The award No. 21/2002-03 too had been announced on 28-9-02, while "Status quo as regards nature title & possession was under operation. However, during the aforesaid acquisition proceeding the following writ petitions were received in respect of Khasra Nos as detailed below-

S.NO.	CWP. NO.	KH.Nos
1	7141/99	130 to 139
2.	7108/2000	129
3.	7105/2000	128
4.	7446/99	
5.	7619/99	
6.	7332/99	
7.	244/2000	136min, 137min, 138min

Further, vide order dt. 3-2-05 in CWP.No.7446/99, 7332/99,7105/00,7619/99 &244/2000 the Hon'ble High Court of Delhi has quashed the notification u/s 6 dt.29-9-2000 and subsequent proceedings under LA Act 1894.

As per the direction of Hon'ble High Court of Delhi, the objection u/s 5 A were heard and notification u/s 6 vide no. F.9 (24)/98/L&B/LA/9692 Dt. 9-11-05 was issued on 9-11-05.

The following Civil Writ Petitions were received subsequent to notification u/s 6

CWP No.	Title	Status of the Case
CWP No.23297/05	Rajinder kumar Aggarwal Vs UOI	The Hon'ble High Court granted status quo with respect to nature title and possession of subject land on 04.1.2006, which remained in operation till Civil Writ Petition was

		dismissed on 5-2-2007.
CWP No.23117/05& CM no. 15207/06	Shanti India (P) Ltd. Vs LG & Ors	The Hon'ble High Court granted status quo with respect to nature, title and possession of subject land on 25-5-06, which remain in operation till Writ petition was dismissed on 5-2-2007.
CWP No.23654/05& CM no. 15662/06	Jaggiwan Co-op. H.B.Society Ltd.Vs. LG	The Hon'ble High Court granted status quo with respect to nature, title and possession of subject land on 25-5-06, which remains in operation.

It is clear from the status of the above-mentioned CWP's that there is "status quo" but expressly there is no stay or direction to restrain against the announcement of award. However since the notification U/s.6 of L.A Act has been issued vide notification no. F.9 (24)/98/L&B/LA/9692 Dt. 9-11-05 one of the interpretation of the same could be that award may be announced. Therefore the undersigned consider it necessary to announce the award as per the provisions of section 11 of L.A Act. However the award made hereunder will not interfere with the restraining orders passed by the various courts.

#### **JOINT SURVEY**

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 the recorded owners.

**Compensation Claims:** - No claim has been filed by the petitioners/interested persons.

**Documentary Evidence:** Nil

**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.

The notice u/s50 (2) of L.A. Act has been issued to the requisitioning agency i.e. DDA. In response to the notice U/s 50(2) of L.A. Act no reply has been received till date.

As per the revenue record the land use of the above-mentioned land in acquisition is agricultural.

Keeping in view the above-mentioned fact that the land is agricultural, I assess the market value of the land @ 12.16 lacs per acre, which is fixed by the government vide letter No.F.9 (20)/LB/LA/9498-9506 dt. 11-9-01.

**TREES :** The land under acquisition had number of trees; at this juncture no compensation has been assessed due to non availability of valuation report. For this purpose a supplementary award will be made after the valuation of the trees.

**WALLS & STRUCTURE:** At this juncture no compensation has been assessed for authorized walls and structure due to non-availability of valuation report from PWD. In this regard a supplementary award will be made after the valuation of authorized structure.

**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. The period of "status quo" granted by the Hon'ble High Court of Delhi remained under operation w.e.f. 29-11-1999 to 3-2-05

and again 4-1-06 to till date in one CWP or another pertaining to various kh.nos under instant acquisition. Accordingly, while computing additional amount u/s 23(I-A), the period of "status quo" has been excluded.

#### **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 L.A. 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>S. No.</u>	<u>Details</u>	<u>Amount of Compensation</u>
1.	Market value @ Rs.12.16 lacs per acre for an area measuring 71 Bigha 13Biswa	= Rs. 1,81,51,338=11
2.	Solatum @ 30%	= Rs. 54,45,401=43
3.	Additional amount @ 12% u/s 23(1-A) w.e.f. 11-11-99 to 08-11-07 (352 days)	= Rs. 21,00,582=25
	<b><u>TOTAL</u></b>	<b>= <u>Rs. 2, 56,97,321=79</u></b>

(Total Rupees Two crores fifty six lacs ninety seven thousand three hundred twenty one & paisa seventy nine only)

  
(S.K.SINGH)

**LAND ACQUISITION COLLECTOR (SOUTH)**

  
**PRINCIPAL SECRETARY (REVENUE)**

Award announced in open Court on 08/11/07 -  
