

(5)

A W A R D NO. 36/89-90

NAME OF VILLAGE

: MOHD. PUR MUNIRKA

PURPOSE OF ACQUISITION

: PLANNED DEVELOPMENT OF DELHI

NATURE OF ACQUISITION

: PERMANENT

These are the proceedings for determination of compensation U/s 11 of the Land Acquisition Act. An area measuring 400 sq. yds. (approximate 8 biswas) comprising of kh. No. 114-116 situated in village Mohd. Pur Munirka known as Plot No. 24-A, Sunlight Colony, was notified u/ss 4, 6 & 17(i) of the Land Acquisition Act vide Notification No. F.9(16)/78-L&B(i) dt. 12.4.1988 & F.9(19)/78-L&B(ii)(iii) dt. 26.4.1988 respectively. The land is required by the Government for a public purpose, namely, for the Planned Development of Delhi at public expense. Due publicity was given to the notifications. Notices under section 9 & 10 of the Land Acquisition Act were issued to the interested persons to file their claims etc. The claim filed by the interested persons are discussed under the heading 'Claims'.

MEASUREMENT :-

An area measuring 400 sqyds. ( i.e. 8 biswas) comprised in known as plot No. 24-A, Sunlight Colony kh. No. 114-116/ was found to be correct at the time of spot measurement and as such area measuring 400 sq. yds. (8biswas Approx.) is being acquired in the present case.

.....2/-.



CLAIMS:-

The following interested persons have filed their claim for payment of compensation :-

<u>Sl-No.</u>	<u>Name of the claimant</u>	<u>Kh. No.</u>	<u>Area</u>	<u>Compensation claimed</u>
1.	S/Shri Murli Manohar & Gordhan Dass ss/o Shri Nirmal Dass r/o South Avenue, BloemNo.1 Shop No.T-5, Coal Depot. Near Minto Bridge, New Delhi.	114-116	400 sq.yds. (0-08 biswas approx.)	Claim compensation Rs.1 crore for land in addition to solatium, additional amount and interest as provided under Amendment Act.

MARKET VALUE :-

Market value of the land is to be determined as on 12.4.1988, the date of notification under section 4. All the relevant factors viz. potentiality, situation and level etc. are to be considered and kept in mind while arriving at the fair market value of the land. The claimant claimed compensation Rs. One crore for land which is exorbitant and had also failed to produce evidence regarding market value of the land.

To arrive at a reasonable market value of the land, the field staff was directed to consult the revenue record to find out whether any sale deed has been executed in the vicinity of the land during the period of notification u/s 4. Since no mutation in respect of land falling in this village is reported to have been ~~sanctioned~~ sanctioned during the year 1986-88. The field staff was directed to consult the Sub Registrar concerned to ascertain whether any sale deed has been executed in this village. The field staff has reported that following 21 sale deeds were executed during the year 1984, the average of which comes to Rs.44/-per sq.yd.



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Sl.No.	Sale Deed No. & date of Regn.	Area	Amount of consideration	Average per sq. yard.
1.	1030 dt. 18.2.84	185 sq.yds.	Rs.8102/-	Rs.43.79
2.	1031 dt. 18.2.84	185 sq.yds.	Rs.8102/-	Rs.43.79
3.	1032 dt. 18.2.84	185 sq.yds.	Rs.8102/-	Rs.43.79
4.	1033 dt. 18.2.84	185 sq.yds.	Rs.8102/-	Rs.43.79
5.	1034 dt. 18.2.84	185 sq.yds.	Rs.8102/-	Rs.43.79
6.	1035 dt. 18.2.84	185 sq.yds.	Rs.8102/-	Rs.43.79
7.	1036 dt. 18.2.84	185 sq.yds.	Rs.8102/-	Rs.43.79
8.	1037 dt. 18.2.84	185 sq.yds.	Rs.8102/-	Rs.43.79
9.	1038 dt. 18.2.84	185 sq.yds.	Rs.8102/-	Rs.43.79
10.	1039 dt. 18.2.84	185 sq.yds.	Rs.8102/-	Rs.43.79
11.	1040 dt. 18.2.84	185 sq.yds.	Rs.8102/-	Rs.43.79
12.	1041 dt. 18.2.84	370 sq.yds.	Rs.16204/-	Rs.43.79
13.	1042 dt. 18.2.84	370 sq.yds.	Rs.16204/-	Rs.43.79
14.	1043 dt. 18.2.84	370 sq.yds.	Rs.16204/-	Rs.43.79
15.	1044 dt. 18.2.84	370 sq.yds.	Rs.16204/-	Rs.43.79
16.	2956 dt. 26.5.84	370 sq.yds.	Rs.16204/-	Rs.43.79
17.	2957 dt. 26.5.84	370 sq.yds.	Rs.16204/-	Rs.43.79
18.	2958 dt. 26.5.84	370 sq.yds.	Rs.16204/-	Rs.43.79
19.	2951 dt. 26.5.84	185 sq.yds.	Rs.8102/-	Rs.43.79
20.	2959 dt. 26.5.84	370 sq.yd.	Rs.16204/-	Rs.43.79
21.	2960 dt. 26.5.84	185 sq.yds.	Rs.8102/-	Rs.43.79

No sale deed is reported to have been executed during the years 1985-86 and 1987. However, one sale deed No.1349 was executed on 25.2.1988 according to which Plot No.45 area measuring 370 sq.yds. was sold for Rs.7,03,000/- i.e. @ Rs.1900/-per sq.yd. It would appear from the above that the rate prevalent in 1984 was Rs.44/- p.s.yd. whereas in the year 1988, it jumped to Rs.1900/-per sq.yd. There has been increase in the prices of the land from time to time but no reliance can be placed on the solitary sale deed executed during the year 1988 as the prices would not have jumped so much from Rs.44/-p.s.yd. to Rs.1900/-per sq.yd. during a span of 4 yrs.

The last Award No.62/82-83 in respect of village Mohd.Pur Munirka was announced on 19.1.83 and a sum of Rs.15,000/-per bigha was assessed with reference to the material date of 14.7.1981. No order regarding enhancement of amount has so far been received. The date of notification under section 4 in the present case is 12.4.88 whereas in the above Award, it was 14.7.81. Thus there is a gap of about 7 years between

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these two dates of notifications. In case we add element of interest at a flat a rate of 12% per annum for the above period on the above market value of land of Rs.15,000/-per bigha, the total amount after adding interest comes to Rs.27,600/- or say Rs.28,000/-PB. This would have been helpful in case no sale deed had taken place. However, as stated above, 21 sale deeds are reported to have been executed on 18.2.84 which relate to plots and as such, these sale deeds cannot be ignored altogether as a plot measuring 400 sq.yds. is being acquired in this case. The average rate of these sale deeds comes to Rs.44/-per sq.yd. or say Rs.44,000/-per bigha.

Most of the sale deeds were executed on 18.2.84 whereas the last six sale deeds are reported to have been taken place on 26.5.1984. As stated, the date of notification u/s 4 in the present case is 12.4.1988 whereas the dates of sale deeds are 18.2.84 & 26.5.1984. i.e. there is a difference of 4 years. It would be justified, if the market value is determined after adding element of interest on the above amount. The present rate of interest as per provisions of section 34 of the Land Acquisition Act is 9% for one year and for the subsequent years, it is 15%. In case we add element of interest at the flat rate of 12% per annum on a sum of Rs.44/- for a period of 4 yrs., the total amount so calculated comes to Rs.65/-per sq.yd. or say Rs.65,000/-per bigha. In view of the reasons mentioned above, it would be justified that a sum of Rs.65,000/-per bigha is determined and I award the same accordingly.

Compensation for Well, Tree & Structures :-

There is reported to be no Well, Tree & Structure on the land presently under acquisition and hence no compensation is assessed on account of these.

Solatium :-

As provided under sub-section 2 of Section 23 of the Land Acquisition Act, the interested persons will be paid 30% solatium on the market value of land due to compulsory nature of acquisition as per provisions of the Land Acquisition (Amendment) Act, 1984.

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INTEREST :-

Since the possession of the land presently under acquisition was taken over on 28.12.89, interest U/s 34 of the Land Acquisition Act will be paid from the date of taking over of possession till the date of announcement of the Award.

ADDITIONAL AMOUNT :-

The interested persons are entitled for additional amount U/s 23(1) of the Land Acquisition Act @ 12% on the market value of land from the date of notification u/s 4 i.e. 12.4.88 till the date of Award or date of possession whichever is earlier as per provisions of the Act.

APPORTIONMENT :-

The payment of compensation will be made to the interested persons according to the <sup>entire</sup> latest available in the revenue record. In case of dispute arising therein regarding the apportionment of compensation, the matter will be referred to the Court of Addl. District Judge Delhi U/s 30-31 of the Land Acquisition Act.

VESTING OF OWNERSHIP :-

From the date of taking over possession of the land, the land is absolutely vested in the Govt. free from all encumbrances.

SUMMARY OF AWARD

1. Land measuring 400 sq.yds. @ Rs.65/- per sq.yd.	Rs. 26,000-00
Solatium @ 30%	Rs. 7,800-00
Interest U/s 34 of L.A. Act @ 9% per annum w.e.f. 29.12.89 to 28.3.90 i.e. for 90 days on the market value of land.	Rs. 750-08
Addl. Amount @ 12% w.e.f. 12.4.88 to 28.12.89 i.e., One Year Two Hundred Sixty One Days.	Rs. 5,351-01
Total	Rs. 39,901-09

( Rs. Thirty Nine Thousand, Nine Hundred One and paise Nine Only)

D.C., in his capacity as Secretary (Revenue), is requested to kindly approve the above Award.

APPROVED

SECRETARY (REVENUE)

( MANOJ KUMAR )  
LAND ACQUISITION COLLECTOR (MW)  
DELHI.

30/3/90

Hand Amounts  
U/s. 12(2) of L.A.  
Act. n. Fr. 30/3/90



Attest Announced in the  
presence of the following  
persons:

① Sri Muthi Manohar  
to Sri Nairaland  
Shop No. 100, Near  
Minto Road, New Delhi

Muthi Manohar  
29/3/60

29/3/60.



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कार्पवाही कब्जा मौजा मौहम्मदपुर मुनीखा

औरतानुसार भूमि अधिग्रहण अधिनियम (म.प.)

आज दिनांक 28-12-89 को करीब दो कब्जा खसरा नं 114-116 मि.

(Plot No. 24-A) गाम मौहम्मदपुर मुनीखा जो प्लॉट 4, 6 व 17  
(सबलॉट 32 कोलौनी) के तहत आ चुका है, वा कब्जा देने बगहराही श्री सुरेंद्र कुमार  
कोशिक कानूनगो (इल.ए.), श्री जगपाल सिंह पन्नाही (इल.ए.)  
व श्री जी.ए. सी तरफ से श्री हौम पद्मेश शर्मा, नायब तहसीलदार  
व भूमि व भवन विभाग की तरफ से डी. R. P. Aggarwal (M.T.)  
मौजे पर होना मिले इनकी मौजूदगी में उपरोक्त खसरा  
नम्बर जो मौजे पर खाली है, महरम भूमि व भवन विभाग  
के नायब तहसीलदार डी. R. P. Aggarwal के खसरा  
नम्बर 114-116 मि. (Plot No. - 24-A) तादापी 0-0 बिल्से वा  
कब्जा नकई, इन्के चारो तरफ दूमा कर दिया गया।  
मौजे पर किसी किसी की मजहूर पेश नहीं आयी इस  
अमल की मुतादी व मुस्तहरी बजौले श्री जगपाल सिंह पन्नाही  
करायी गई। फरवरी इल्का बगहरा होने का सरका होना  
नहीं आया उसी रात जीत बाले अमल दरामद कागजात माल गफ्त  
तहसीलदार महरौली भिजवाई जोगी, नवल कार्पवाही कब्जा  
महमल है।

Deo Chandra  
N.T. (L.A.)  
28/12/89

28/12/89

Deo Chandra  
28/12/89

28/12/89



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DELHI ADMINISTRATION : DELHI (LAND & BUILDING DEPARTMENT )  
NOTIFICATION

Dated : 26/4/1988

No.F.9(19)/78-L&B(ii):Whereas the Lt.Governor, Delhi is satisfied that the land is required to be taken by Govt. at public expense for a public purpose namely, 'Planned Development of Delhi', it is hereby declared that the land described in the specification below is required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected ~~km~~ at the office of the Collector of Delhi.

SPECIFICATION

Name of the village	Total Area (Bigha-Biswa)	Kh.Nos.	Area (Bigha-Biswa)
Mohd.Pur Minirka	400 sq.yds. (approximate 8 biswa)	114-116 min. Plot No.24-A, Sunlight Colony.	400 sq.yds. (approximate 8 biswa)

By Order,

(MRS. NEERAU SINGH)  
JT. SECRETARY (LAND & BUILDING)  
DELHI ADMINISTRATION : DELHI

15/4/88

15/4/88

N.T.(L&B)  
15/4/88 to PL report  
Sh. J.P. Patwari 15/4/88

N.T. (L&B)



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DELHI ADMINISTRATION : DELHI (LAND & BUILDING DEPARTMENT )  
N O T I F I C A T I O N

Dated: 12/4/1988

No.F.9(19)/78-L&B(1): Whereas it appears to the Lt.Governor, Delhi that the land is likely to be required to be taken by Govt. at the public expense for a public purpose, namely for 'Planned Development of Delhi', it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Lt.Governor, Delhi is pleased to authorise the Officer for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

The Lt.Governor being of the opinion that provisions of sub-section(1) of section 17 of the said Act are applicable to this land, is further pleased under sub-section 4 of the said section to direct that the provisions of section 5-A shall not apply.

SPECIFICATION

Name of village	Total Area (Bigha-Biswa)	Khasra Nos.	Area. ( Bigha - Biswa)
Mohd.pur Munirka	400 sq.yds. (Approximate 8 biswa)	114-116 min. Plot No.24-A, Sunlight Colony.	400 sq.yds. (Approximate 8 biswa)

By Order,

( MRS. GEETA SAGAR )  
JOINT SECRETARY(LAND & BULDG.)