

SUPPLEMENTARY AWARD NO. 40A/82-83 dt.

NAME OF THE VILLAGE	: MOHAMMAD PUR MUNIRKA
NATURE OF ACQUISITION	: PERMANENT
PURPOSE OF ACQUISITION	: PLANNED DEVELOPMENT OF DELHI

These are the supplementary proceedings of Award No. 40/82-83 announced on 16.10.82. After the announcement of the Award, the Land Acquisition Act¹⁸⁹⁴ have been amended and the Amendment Act came into force with effect from 24th Sept., 1984.

Under the Amended (68 of 1984) the provision of Sub Section 2 of Section 23 have been amended by clause (b) of Section 15 of the Amended Act and which provides solatium at 30%. A new Sub Section (1-A) of Section 23 of the Principal Act have also been inserted by clause (a) of Section 15 of the Amended Act which provides 12 per cent additional compensation on the market value from the date of publication of notification under section 4 of the Land Acquisition Act till the date of the Award of the Collector.

As per provision of Section 30 of the Amended Act of 1984 the provisions of Sub Section (1-A) of Section 23 of the Principal Act as inserted by clause (a) of Section 15 of the Amended Act and Sub Section (2) of Section 23 as amended by clause (b) of Section 15 shall also apply in every proceedings for acquisition of any land under the Principal Act pending on the 30th Day of April, 1982 (the date of introduction of Land Acquisition (Amendment) Bill 1982 in the House of People) in which no Award has been made by the Collector before that date.

Keeping in view of the provisions of Amended Act, the interested persons/bhumidars of Award No. 40/82-83 announced on 10.10.82 are also entitled for payment of solatium at 30% on the market value and 12% as additional compensation with effect from 2.7.80, the date of publication of notification under section 4(1) of the Land Acquisition Act.

-12:-

As per above discussion, the following amount is also allowed to the interested persons and this amount shall be apportioned as per the original Award No.40/82-83.

SUMMARY OF THE AWARD

1. Land measuring 11 biswas
@ Rs.15,000/-per bigha. Rs. 8,250-00

Add 30% solatium Rs. 2,475-00

Additional amount as
required U/s 15 of the
Amended Act @ 12% on the
market value of Rs.8250/-
w.e.f. 2.7.80 to 16.10.82
i.e. 2 yrs. 107 days. Rs. 2,270-22

Total Rs. 12,995-22

Less Amount of Compensation
already tendered. (-) Rs. 9,487-50

TOTAL BALANCE NOW PAYABLE Rs. 3,507-72

(Rupees Three Thousand, Five Hundred Seven & Paise
Seventy Two Only).

[Signature]
(B.S.RANA)
LAND ACQUISITION COLLECTOR (PD)
DELHI.

Approved

[Signature]
Secy (Rev)

Amended and filed today -

[Signature]
26/8/85
[Signature]

(15) 467

(TO BE PUBLISHED IN PART IV OF DELHI EXTRAORDINARY GAZETTE)

DELHI ADMINISTRATION: DELHI.
NOTIFICATION

~~DRAFT NOTIFICATION U/S 4 OF THE L.A. ACT, 1894~~
No. F.9(35)/75-I&B/LA

Whereas it appears to the Chief Commissioner, Delhi the land is likely required to be taken by Government in 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 by the above purpose.

This notification is made, under the provisions of section 4 of the L.A. Act, 1894 to all whom it may concern.

In exercise of the powers by the aforesaid section, the Chief Commissioner is pleased to authorise the officers for the time being engaged in the under taking with their servants and workmen to enter upon the survey and land in the locality and all other acts required or permitted by that section.

Any person, interested who has any objection to the acquisition of any land in the locality may within 30 days of publication of notification file an objection in writing before the Collector of Delhi.

Name of the Village/locality	SPECIFICATION	
	Total area	Field Nos. or boundaries.
Mohd. pur Munirka.	High. Bis. 7-12	169/1, 170, 171, 173, 1376/838/2

By order

Sd/-
(BANSI DEAR)
JOINT SECRETARY (LAND & BUILDING)
DELHI ADMINISTRATION
DELHI

Dated 2nd July, 80.

F.9(35)/75-I&B/LA/16483

Forwarded to :-

Messiah

Thirun

19/10
TEHSILDAR (NOTIFICATION)
DELHI

(81)

(17)

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(TO BE PUBLISHED IN PART IV OF DELHI EXTRAORDINARY GAZETTE)
DELHI ADMINISTRATION: DELHI.
NOTIFICATION.

Dated: 20-2-1981

No.F.9(35)/75-L&B:- Whereas the Lt. Governor, Delhi is satisfied that land is required to be taken by Government at the 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, 1894, 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.

This declaration is with reference to this Administration notification No.F.9(35)/75-L&B/LA dt.2.7.80 issued under sub-section(I) of section 4 of the aforesaid Act.

A plan of the land can be inspected at the office of Collector of Delhi.

SPECIFICATION.

Locality or village.	Total Area Big.-Bis.	Field Nos./Boundaries Kh.Nos.	Area Big. Bis.
Mehd. Pur Munirka.	7- 12	169/1	0-04
		170	1-02
		171	2-08
		173	3-03
		1376/838/2	0-15
Total :			7-12

By order,

Sd/-

(Bansi Dhar)

Joint Secretary (Land & Building)
Delhi Administration, Delhi.

Compared. *pr*
NT.
87 18 2/81

Attested
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TEHSILDAR (NOTIFICATION),
DELHI

(487) 497

AWARD NO. : 40/82 83 dt 16/10/82.
VILLAGE : MOHD. PUR MUNIRKA
NATURE OF ACQUISITION : PERMANENT
PURPOSE OF ACQUISITION : PLANNED DEVELOPMENT OF DELHI

Introductory :

These are the proceedings u/s 11 of the Land Acquisition Act for the acquisition of an area measuring 11 biswas situated in village Mohd. Pur Munirka.

Khasra No. 1376/838/2 was notified for acquisition under section 4 of the Land Acquisition Act for the Planned Development of Delhi vide notification No. F9(35)/75-I&B/LA dated 2-7-80 & subsequently declaration No. F9(35)/75-I&B dated 20.2.81 was issued under section 6, in respect of 7 bigha 12 biswas land including the above said number. Notices under section 9 & 10 were issued to the interested persons and claims filed by them have been discussed under the heading 'Claims for compensation'.

Measurement, Area & Classification :

The area presently under acquisition is as under :-

Khasra No.	Area Bigha-Biswa	Classification
1376/838/2/2	00 - 11	Geir Mumkin

Its classification is as it existed at the time of the preliminary notification.

Claims for Compensation :

The following interested persons have filed claims:-

Sl.No.	Name of the claimant.	Substance of claim
1.	Shri P.K. Kuttan through V.L. Madan, Advocate.	Claims compensation of Rs.1,15,000/- & 15% for compulsory nature of acquisition & requests for de-notifying the land or in the alternative equitable site for carrying on the business.

.....2/-.

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1.	2.	3.
2.	Shri V.K. Murti through V.L.Madan, Advocate.	As in sl.No. 1 above.
3.	Shri Jadish Sharma S/o Ram Sarup Sharma through V.L. Madan, Advocate.	-do-.
4.	Shri Kishan s/o Karam Singh through V.L. Madan, Advocate.	-do-.
5.	shri Satnam Singh through V.L. Madan, Advocate.	-do-.
6.	Shri Dheer Singh Naveen through V.L. Madan, Advocate.	-do-.
7.	Shri Subhash Chander s/o Sona Ram through V.L. Madan, Advocate.	-do-.
8.	Shri Mohammad Salim s/o Abdul Raseed through V.L. Madan, Advocate.	-do-.
9.	Shri Lachhi Ram Gupta Cloth House through V.L. Madan, Advocate.	-do-.
10.	Shri Rang Nath Sukhla through V.L. Madan, Advocate.	-do-.
11.	Shri Jagdish Chander s/o Hans Raj through V.L. Madan, Advocate.	-do-.
12.	Shri Bhagwati Parshad s/o Thakur Deen through V.L. Madan, Advocate.	-do-.
13.	Shri Shamimuddin through V.L. Madan, Advocate.	-do-.
14.	Smt Bimla Devi w/o P.N. Dixit. through V.L.Madan, Advocate.	-do-.
15.	Dr. O.P. Barry through V.L.Madan, Advocate.	-do-.
16.	Shri Leela Ram through V.L.Madan, Advocate.	-do-

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|-----|--|---|
| 17. | Shri Vikram
through
V.L.Madan, Advocate. | As mentioned at sl. No. 1. |
| 18. | Bhagwan Singh & company. | Seeks exemption from acquisition, if acquired claims Rs. 1500/- per sq. yd for land; Rs. 10,000/- as the cost of construction in addition 15% solatium, 12% interest & alternative plot for construction of shop claimed. |
| 19. | Ram Bhajan s/o Lalji
r/o Hanuman Mandir Lalji
Vill. Munirka, P.O. J.N.U.
New Delhi. | Requested that notice u/s 9 & 10 of the L.A. Act, 1894 may be withdrawn. |

Documentary evidence :

The claimants have not furnished evidence in support of their claims but have demanded exorbitant rates for the land and construction which is in no way justified in the absence of the evidence.

Market Price :

Market price is to be assessed as on 2-7-80, on the date of notification under section 4 of the L.A. Act. All relevant factors ^{with} situation, potentiality etc. as provided in the L.A. Act are to be kept in view.

Land of this village have been acquired long back and only the pockets are left now or the land acquisition proceedings for which have been struck down by the courts on technical grounds. In this case a Temple with a boundary wall exists on khasra No. 1376/838/2/2 & it has now been decided that leaving 4 biswas (200 sq. yds) the actual area covered by the Mandir, the rest of the land be acquired. In order to ascertain the market price on the material date a search was made in the revenue record and

sale transactions close to the material date are as under:-

S.No.	Year	Mutation No.	Date of Registry	Field Area No.	Total Amount	Average P.B.
1.	1978-79	2036	10.5.79	800/2/2 0-05	Rs. 22,250/-	Rs. 89,000/-
		2037	-do-	800/2/3 0-2 1/2	Rs. 11,250/-	Rs. 90,000/-
				0-7 1/2		Rs. 89,333=33P

The average sale price on the basis of these sale transactions comes to Rs. 89,333=33 per bigha. The land under these transactions forming part of village abadi, ⁱⁿ far away from the land under acquisition. It is an established fact that plots forming part of village abadi can fetch more price in comparison to the the un-inhabited areas as in the present case. Moreover the village abadi is surrounded by a large number of developed colonies and as such the land transacted in the above sale transactions enjoys the benefit of surrounding colonies and the price paid for is certainly influenced by the development in the area around. Hence, these transactions have no comparison with the land under acquisition which is quite away from the village abadi and situated beside Ring Road.

A number of awards have been made in the village but none of them is relevant being of distant date except Award No. 25/81-82 in which material date is 4.8.79; L.A.C. had fixed the price at Rs. 15,000/-P.B. This market price is quite close to the material date in this case and no other relevant evidence for arriving at the fair market value is available. The courts have not decided references arising out of this award 25/81-82 & hence it will be reasonable if the price fixed under this award is allowed for the land in question.

I have inspected the land at site which is situated on the Outer Ring Road which is surrounded by developed colonies and unauthorised construction of the village abadi across the Outer Ring Road, but it is still un-developed.

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^{absence of} In the evidence ^{of} ~~of facts~~ from the claimant ^{but} I have no option ^{to} rely on the market price fixed in this very village in Award No.25/81-82 which is the only Award close to the material date in this case, hence the land is assessed at Rs.15,000/-per bigha and allow the same.

Compensation for Structures :

As per 'Khasra Girdawari' of the material date, the land has been entered as Geir Mumkin Mandir. The Mandir is not acquired presently and hence question of assessing compensation for structures does not arise.

Compensation for Well & Trees :

There is no tree or well on the land in question and hence no compensation is assessed.

Solatium :

Since the present acquisition is in the nature of compulsory one under the Land Acquisition Act, 1894; 15% solatium will be payable to the owners as per provisions of the Act.

Interest :

Since the preliminary notification and the declaration have both been made within the span of three years, therefore, no interest is payable under section 28 or 4(3) of the Amendment Act.

Deduction of Land Revenue :

The land is assessed to land revenue amounting to Rs.0.11 paise which will be deducted from the 'Khalsa' rent roll of the Vill. Mohd.Pur Munirka by which time possession under the award would have been taken.

.....6/-

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Apportionment :

Compensation will be paid on the basis of the latest entries available in the revenue record. If there is a dispute which could not be settled here within the reasonable time then the matter will be referred to the court of ADJ.

Vesting of ownership :

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

Summary of the Award :-

1. Land measuring 00-11 biswas	
@ Rs. 15,000/- per bigha.	Rs. 8,250=00
Add 15% solatium	Rs. 1,237=50
	<u>Rs. 9,487=50</u>

(Rs. Nine Thousand Four Hundred Eighty Seven & Paise Fifty Only)

received and filed today

[Signature]

16.10.82

Lac (P.O.)

[Signature]

(B.S. Rana)
Land Acquisition Collector(PD)
Delhi.