

AWARD NO. 17/28-79

NAME OF VILLAGE : MUSTFABAD

NATURE OF ACQUISITION : PERMANENT

PURPOSE OF ACQUISITION : STORM WATER DRAINAGE SCHEME: SHAHDARA.

INTRODUCTION

Land measuring 6 bighas situated in the revenue estate of Mustfabad Tehsil and District Delhi was notified under the provisions of Section 4 of the Land Acquisition Act, 1894 vide Delhi Administration's notification No.F.7(35)/74-L&B(i) dated the 22nd July, 1977 at public expense, for public purpose namely, for Storm Water Drainage Scheme, Shahdara. Sub-section 1 of Section 17 of the said Act was made applicable to take possession of the land immediately, as it was required urgently. Therefore no opportunity for filing objections u/s 5A of the L.A. Act was given to the persons interested in the land. A declaration u/s 6 of the Act was made vide notification No. F.7(35)/74-L&B(II) dated 22.7.77. In pursuance of said notification, the notices u/s 9 & 10 of the L.A. Act were issued to all the persons interested after measurement of area and preparation of records and claims for compensation received in response to the notices are discussed hereafter under the heading 'Compensation Claims'.

TRUE AND CORRECT AREA

The area under acquisition as given in the declaration u/s 6 is 6 bighas and the same is found correct at the time of measurement at spot. The land stands notified as khasra Nos. 341min, 342min, 343min, 344min and 346 min in the declaration u/s 6 but there are entered as Kh. Nos. 341/1 etc/62-63, 342/1 etc/64, 343/1 etc/65, 344/1 etc/66 and 346/1 etc/68 in the field Book and 341/1 etc, 342/1 etc, 343/1 etc, 344/1 etc and 346/1 etc in the Khatauni xx of the village. Now part areas out of said khasra number are being acquired in the present case and each of them have been divided in three parts

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carving 'Titatmas'. Therefore part two of each of the khasra Nos. may be acquired as Kh.Nos.1etc/341/2, 1etc/342/2, 1 etc/343/2, 1 etc/344/2 and 1 etc/346/2. Details of field Nos. area and classification of the land are given as under:-

Khasra No.	Area Big.Bis.	Classification of land on the date of notification u/s 4
1 etc/341/2	1-06	Ghair Abpash
1 etc/342/2	1-04	-do-
1 etc/343/2	0-17	-do-
1 etc/344/2	1-02	-do-
1 etc/346/2	1-11	-do-
Total 6-00		Ghair Abpash.

The records of ownership and interests held by various persons in the area under acquisition have been prepared separately in the prescribed manner and are placed on the file.

POSSESSION

Possession of the land was taken over and handed over to the Flood Control & Drainage Deptt., Delhi Admn on 6.2.1978.

CLAIMS AND COMPENSATION

The following persons interested have filed their claims in response to the notices u/s 9 & 10 of the L.A. Act which are discussed below:-

S.No.	Name of the Claimant	Compensation claimed.
1.	Sh.Maksood Ali s/o Murtsa Ali	He has stated to be owner of 8 biswas out of Kh.No.341/1 which does not come in the alignment of drain and has requested to exclude the same from acquisition.
2.	S/Sh.Abdul Ghaffar and Mukhtiar Ahmed Ss/o Abdul Ghaffar	They have claimed the rate of Rs.25/- per sq.yd. solatium and interest for 600 sq.yds. out of Kh.No.341/63/2. Produced no evidence.
3.	Sh.Ahmed Hussain S/o Abdul	Claimed the rate of Rs.25/- per sq.yd. interest and solatium for 200 sqyds out of Khasra No.341/1/63/2. Produced no evidence.

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MARKET VALUE

The market value of the land under present acquisition on the material date i.e. date of notification 27.7.77 is to be determined considering the quality, situation and potentiality of the land and other advantages. The sales transactions in the village Musffabad prior to 5 years of the date of notification u/s 4 are scrutinized. All these sales transactions are pertaining to small areas plotted for residential purpose. In this village Delhi Land Reforms Act is applicable so that the agricultural land cannot be utilized for any other purpose except agriculture and horticulture without prior permission of the competent authority. So all these sales transactions pertaining to the land sold for residential purpose are overlooked. Scrutiny of the awards announced in village Mustfabad shows that ^{an}the area 1 bigha 6 biswas was acquired vide award No.3/76-77 whose notification u/s 4 is ^{date}7.4.74. The land covered under this award bearing Kh.No.186/393/1 and 186/394/1 are very close to the land under present acquisition and ~~not~~ ⁱⁿsituated less than one furlong distance. The L.A.C has awarded the rate of Rs.1565/- per bigha in that award. There is no much appreciation in the value of agricultural land within 3 years. So I consider Rs.1600/- per bigha as fair and reasonable market value for the land under present acquisition in the year 1977 and hence I award the same.

TREES WELLS AND STRUCTURES

There was no tree or well or structures in the land under acquisition at the time of taking over its possession.

SOLATIUM

The persons interested in the land under acquisition are entitled to 15% solatium on the market value assessed for the land on account of compulsory nature of acquisition.

INTEREST

Possession of the area under acquisition was taken over and handed over to the Flood Control & Drainage Deptt.

on 6.2.1978. Therefore, the persons interested in the land are entitled to interest @ 6% per annum on the compensation w.e.f. 6.2.1978 to the date of tender of payment i.e. announcement of the award.

APPORTIONMENT

The compensation shall be paid according to the latest entries in the revenue records of the village provided that there is no adverse claim in respect of title or interest in the land. In case of dispute, it may be paid if the contesting parties make amicable settlement otherwise remitted to the court of A.D.J. u/s 30-31 of the L.A. Act.

LAND REVENUE

Land under acquisition is assessed to Rs.0-69 paise as land revenue and same may be deducted from the Rent rolls of the village w.e.f. Kharif, 1978.

SUMMARY

The award is summarised as under :-

Compensation for the land measuring 6 bighas @ Rs.1600/- per bigha.	Rs.9600.00
15% of the solatium as compulsory nature of acquisition.	<u>Rs.1440.00</u>
	Rs.11040.00
Interest @ Rs.6% on Rs.11040.00 6.2.78 to 7.6.78(122days)	<u>Rs. 221.40</u>
Grand Total:	<u>Rs.11,261.40</u>

(Eleven thousand two hundred sixty one and paisa forty only)

(P.C. Misra)
Land Acquisition Collector (DS)
Delhi.

Announced & filed today.
P.C. Misra
8/6/78