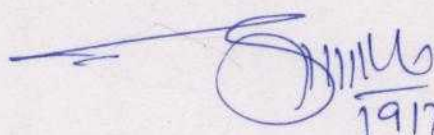


कब्जा लॉच लाई गांव नागाल राधा

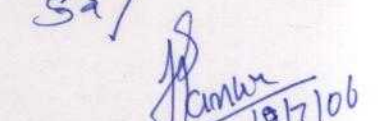
114

खसरा नं० 270/1(0-03) अर्वाड नं० 2/2006-2007

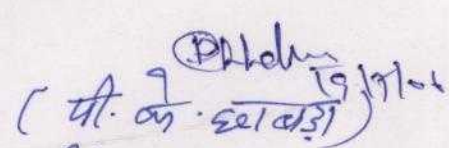
आज दिनांक 19.7.2006 को आदेशानुसार ADM/LAC (SW) व पत्र  
संख्या नं० F.14(19)/69/CRL/DDA/86 दिनांक 7.7.2006 के सिद्धि  
में गांव नागाल राधा में भूमि खसरा खसरा 270/1 एक बांटाकारी  
(0-03) को भी अर्वाड नं० 2/2006-2007 में अधिग्रहित है  
जा कब्जा लेने/देने हेतु बहमशद श्री पी. जे. चावडा पटवारी  
(L.A) मौला पर पहुंचा, मौला पर महजमा भूमि एवं मजरा  
विवरण से श्री दीपक सूरि पटवारी व महजमा डी.डी.ए. के  
तरफ से श्री बी.सी. त्यागी Kgo व श्री देव जारण पटवारी  
और हाजिर आये, सभी को मौजूदगी में खसरा नं० 270/1(0-03)  
को भी मौला पर खाली पड़ा है महजमा भूमि व मजरा  
विभाग के नुमाइंद श्री दीपक सूरि के हवाले किया गया तथा  
साथ के साथ श्री दीपक सूरि पटवारी L&B नुमाइंद कब्जा महजमा  
D.D.A के नुमाइंद श्री बी.एस. त्यागी Kgo के हवाले  
किया। बरबकत कब्जा लॉच लाई कोई मजहमत पैदा नहीं  
आयी, महजमा माल विवरण से कोई हाजिर नहीं है  
अतः इस कब्जा लॉच लाई में रुक जायी कारण को  
अमल लागू माल बजार में रह (दिमी वेंद) मिजवा  
ही जावेगी, कब्जा लॉच लाई पूरा हुई।



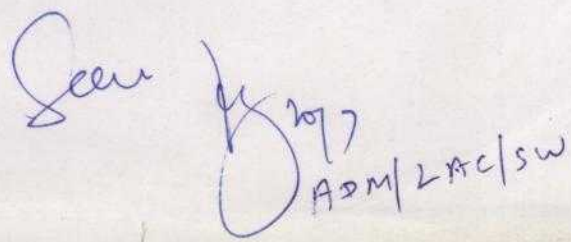
19/7/06  
(बी.एस. त्यागी) (दीपक सूरि)  
D.D.A. Pat. L. & B

  
19/7/06  
(जोगिन्द्र सिंह) Kgo  
L.A (SW)

  
19.7.06  
(देव जारण)  
Pat. D.D.A.

  
19/7/06  
(पी.जे. चावडा)  
Pat. L.A (SW)

NT(LA) on leave  
LAC(SW)

Seen  
  
ADM/LAC/SW

(110) 107

AWARD NO : 2/2006-07 Dist. (S/W)  
NAME OF VILLAGE : NANGAL RAYA  
NATURE OF ACQUISITION : PERMANENT  
PURPOSE OF ACQUISITION : PLANNED DEVELOPMENT OF DELHI

NOTIFICATION U/S 4 No.F.9(95)/2004/L&B/LA/1392 dt. 05/5/06  
U/S 6 No.F. .9(95)/2004/L&B/LA/1581 dt. 09/5/06  
U/S 17(1) No.F.9(95)/2004/L&B/LA/1582 dt. 09/5/06

### INTRODUCTION

These are proceedings for determination of compensation under section 11 of Land Acquisition Act, 1894 in respect of Land measuring 0 Bigha 3 biswas of land in village Nangal Raya which was notified under section 4 of Land Acquisition Act vide Notification No.F.9(95)/2004/L&B/LA/1392 dt. 05/5/06 for a public purpose namely planned development of Delhi. In view of the urgency of the scheme the provisions of section 17(1) & 17(4) of the Act were made applicable to the Land. The Delhi Govt. issued a declaration under section 6 of L.A. Act vide notification No.F.- 9(95)/2004/L&B/LA/1581 dt. 09/5/06.

In pursuance of the above notification, notice under section 9 & 10 of the L.A. Act were issued to all the interested persons to file their claims. The claims filed by the claimants are discussed hereinafter under heading 'CLAIMS'. The notices U/s 50(2) were also issued to the requisitioning department i.e. D.D.A. However, in spite of service of notice, no one appeared on behalf of D.D.A.

### MEASUREMENT

The area to be acquired as given in the declaration under section 6 of L.A. Act is 0 Bigha 3 Biswas. The details of the land under acquisition are as under :-

| Khasra No. | Area |
|------------|------|
| 270/1      | 0-3  |

✓

109

106

### CLAIMS

A notice u/s Section 9(1) was received by Shri Karan Singh s/o Shri Ram Swroop and on 12/5/2006, he asked for some more time to file his claims. Finally on 15/5/2006, the claims were filed by Shri Karan Singh, Shri Satya Prakash and Shri Rajender Singh, all sons of Shri Ram Swroop, R/o Village Gujjarwas, Distt. Rewari, Haryana. The claimants have claimed Rs. 50,000/- per sq. yards for the land as compensation.

The perusal of the claims reveals that the claimants have filed claims, which are exorbitantly high. The claimants have filed no documents as evidence in support of their claims. The claims are considered on merit and rejected, since it does not represent market value of the land.

### CLAIMS FOR STRUCTURE/DAMAGES TO GOODS ETC.

The claimants informed that the entire structure was pucca first class structure constructed on the land with water and electric connection, sewer connection etc. The claimants have further claimed that the value of the structure was not less than Rs. 15,00,000/- on the date of demolition of the structure. The claimants have also demanded damages/interest of Rs. 2,00,000/- as Loss & Damages to the goods at the time of taking over possession of the land.

In order to examine the claim for damages/structures the documents filed by the claimants were examined. They have filed a copy of sale deed of the property made in the year 1962 in favour of Shri Ram Narain s/o Shri Bhagwan Singh, copy of electricity bill, mutation papers of MCD and a site plan of the property. The claimants did not file any document regarding the structure existing on the land and no detail of construction made over the property was furnished. They did not file any sanction plan or any other paper concerning proof of expenditure of Rs. 15,00,000/- as mentioned in their claim dated 15/5/2006. They also did not file documentary or other proof for loss of Rs. 2,00,000 to the household and other goods. Therefore, In the present case, landowners have not submitted any sanctioned plan from any authority nor any permission from Govt. /local body etc. have been placed on record. Even no proof related to approval of building is received so far. According to the present policy of the Govt. circulated by Secretary, Land & Building Department, GNCT of Delhi vide circular No. F-11(56)/2001/L&B/LA/23352-75 dated 09/01/2004 and again vide F1/26/88/L&B/WC dated 12/5/2006, no compensation is payable for the unauthorized structures which have been built without any sanction plan. The land acquisition act 1894, section 24 clause 8 also lays down the following:-  
Matters to be neglected in determining the compensation-"eightly, any increase to the value of the land on account of its being put to any use which is forbidden by law or opposed to public policy". In absence of documentary or any other proof, the claims for structure/damages cannot be considered.



### CLAIMS FOR RENT & DAMAGES

In the present case, the land owner was dispossessed from his property prior to the Notification u/s 4(1) of the Act. However, the title of the land continued to vest with the land owner, therefore, the land owner is entitled to get rent for such period he remained out of possession of the property. The claims filed by Shri Karan Singh, Shri Satya Prakash and Shri Rajender Singh all sons of Shri Ram Swroop have been examined to determine rent for such period.

As per the direction of Hon'ble High Court principles of the judgement of R.L. Jain Vs Delhi Development Authority & Ors. 2004(3)SCC 272 is to be considered to assess the rent or damages payable for the period prior to section 4 notification during which the petitioner remained out of possession of the land.

In the present case, the land owner Shri Karan Singh, Shri Satya Prakash and Shri Rajender Singh have filed their claim to determine the rent at Rs. 6,30,000/- or Rs. 9000/- per month from 26.8.2000 to 26.6.2006 for a period of 70 months. It is pertinent to mention here that the Delhi Development Authority in their affidavit also admitted that the possession of the land was taken over and handed over to the Department of Education on 26.8.2000, however, the section 4 notification under the land acquisition act was issued in the present case on 5.5.2006. Therefore, it would be appropriate to assess the rent from 26.8.2000 to 5.5.2006 for a period of 68 months.

The claim filed by the claimants do not substantiate with any evidence as to what was the actual rent of the land for the relevant period. I also tried to find out the rental value of the land in the neighboring area, however the same is not available in the rent except to assess the rent on the basis of market value of the land. As per the authoritative pronouncement of the Hon'ble Supreme Court to assess the market value of the land on the basis of the rent multiplier of 20 years can be applied on the annual rent of the land. In the present case, the market value of the land is available, which is assessed in the present case is Rs. 1, 44,000/-. In order to assess the rent of the land it will be proper to adopt the market value of the land for rent, which is worked out to app. Rs. 7200/- per year or Rs. 600/- per month or Rs. 40,800/- for the period of 68 months. Therefore, following the above method, I assess the market rent of the land for the relevant period, i.e. 68 months at Rs. 40,800 or annually Rs. 72,00/- or Rs. 600/- per month.

### MARKET VALUE

The market value of land under acquisition is to be determined with reference to the date of notification U/s 4 of LA Act. 1894. In the present case the notification U/s 4 was issued on 05/05/06. The village Nangal Raya is an urbanized village and ceased to be a rural area. In order to determine the true market value of the land being acquired, the information of voluntary sale deeds executed in the office of Sub Registrar-IX was called. The information of one sale deed of previous years and two such deeds of current year are as below:-

| Sl. No. | Regd. No. | Date     | Size of Plot | Total value of Sale Deed |
|---------|-----------|----------|--------------|--------------------------|
| 1       | 3983      | 29/5/04  | 126 Sq. yds. | Rs. 1,00,000/-           |
| 2       | 4960      | 13/04/06 | 42 Sq. Yds.  | Rs. 40,000/-             |
| 3       | 6020      | 03/05/06 | 103 Sq. Yds. | Rs.120,000/-             |

Average value of 271 Sq. Yds.

Rs. Rs. 2,60,000/-

From the information the average value of land in the village comes to about Rs. 960/- per Sq. Yds. I have also gone through the previous award of same village Award No. 9/2005-06, wherein, (0-5) Bishwas of land was acquired. The land acquisition Collector took into consideration the voluntary sale deeds of this village and an amount of Rs. 864/- per sq. yds was assessed as fair market value vide award announced on 26.12.2005. Since, the information of voluntary sale deeds in the area is available, this has to be taken into consideration to determine the fair market value of land on the date of notification. The compensation amount announced in December 2005 has also been kept in view. Now, based on the information of voluntary Sale deeds as evidence above, I take Rs. 960/- per Sq. Yds. As fair market value for the present acquisition.

#### SOLATIUM

30% solatium will be given to the land owners on the market value of the land due to compulsory nature of the acquisition under section 23(2) of the Land Acquisition Act 1894.

#### ADDITIONAL AMOUNT

An additional amount @ 12% per annum on the market value of land U/S 23(IA) of Land Acquisition Act 1894 is to be given to the land owners for the period commencing from the date of notification U/S-4 to the date of physical possession or Award, whichever is earlier. In the instant case the land was in possession of DDA at the time of notification U/S 4 i.e. 05/05/2006. itself. Therefore, land owners are entitled for an additional amount @ 12% per annum on the market value of land U/S 23(IA) of Land Acquisition Act 1894 only for 60 days, i.e. from 05/05/2006 to 04/07/2006

#### APPORTIONMENT

The apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, I have the information as per the revenue record, whether or not they have appeared before me, have been determined as below. Where there is a dispute and the same is not settled the matter will be referred to the court of Additional District Judge, Delhi u/s 30-31 of the Land Acquisition Act, 1894.

Ram Swroop s/o Ram Narain

270/1 (0-3)

Rs. 2, 30,982.57/-

166/03

**LAND REVENUE**

The land revenue, as assessed in the revenue records, will be deducted from the roll of the village from the date of taking over the possession.

**SUMMARY OF THE AWARD**

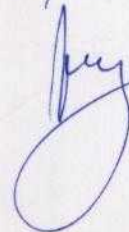
The award is summarized as under: -

|   |                                                                                            |                         |
|---|--------------------------------------------------------------------------------------------|-------------------------|
| A | The market value of land measuring 0 Bigha-3 Biswa (150 sq. yds.) @ Rs. 960/- per sq. yds. | Rs. 1,44,000/-          |
| B | 30% Solatium on market value u/s 23(2)                                                     | Rs. 43,200.00           |
| C | Additional amount @ 12% from 05/05/06 to 07/07/06 (63 Days)                                | Rs. 2,982.57            |
|   | TOTAL A+B+C                                                                                | Rs. 1,90,182.57         |
| D | Rent and damages                                                                           | Rs. 40,800/-            |
|   | <b>Grand Total</b>                                                                         | <b>Rs.2,30,982.57/-</b> |

  
Secretary (Revenue)  
Govt. of NCT of Delhi.

  
(K. K. DAHIYA)  
LAND ACQUISITION COLLECTOR  
DISTRICT SOUTH WEST

None present; Award announced in open court -

  
7/3  
LAC

98

GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF DELHI  
LAND & BUILDING DEPARTMENT, VIKAS BHAWAN, NEW DELHI

F. 9(95)/2004/L&B/LA/ 1581

Dated :- 09/05/06

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 for Planned Development of Delhi. It is hereby notified that the land in the locality described below is acquired for the above purpose.

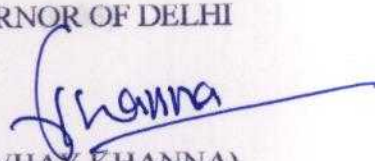
This declaration is made under the provisions of Section 6 of the Land Acquisition Act, 1894, in respect of the land notified U/s 4 of L.A. Act, 1894 vide Notification No. F.9(95)/2004/L&B/LA/1392 dated 05.05.2006 to all whom it may concern. Under the provisions of Section 7, of the said Act, the Land Acquisition Collector(South-West), Delhi is hereby directed to take orders for the acquisition of the said land.

A plan of the land may be inspected at the office of the Land Acquisition Collector (South West) Delhi.

SPECIFICATION

| V ILLAGE    | TOTAL AREA<br>(BIGHA -BISWA) | KHASRA NO. | AREA<br>(BIGHA -BISWA) |
|-------------|------------------------------|------------|------------------------|
| Nangal Raya | 0-03                         | 270/1      | (0-03)                 |

BY ORDER AND IN THE NAME OF THE LT. GOVERNOR OF DELHI

  
(VIJAY KHANNA)  
DY. SECRETARY (LA)

विजय खन्ना  
(विजय खन्ना)  
उप-सचिव (पु.अ.)

GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF DELHI  
LAND & BUILDING DEPARTMENT: VIKAS BHAWAN: NEW DELHI

No. F. 9(95)/2004/L&B/LA/ 1392

Dated :- 05/05/2006

NOTIFICATION

Whereas it appears to the Lt. Governor, Delhi that land is likely to be required to be taken by Government 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 acquired for the above purpose.

The notification is made, under the provisions of Sub-section 1 of Section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

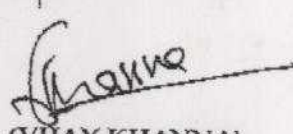
In exercise of the powers conferred by the aforesaid section, the Lt. Governor, Delhi is pleased to authorize the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey the land in the locality and do all other acts required or permitted by that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

The Lt. Governor, Delhi is satisfied also that provisions of sub-section (I) of the section 17 of the said Act are applicable to this land and is further pleased under sub-section (4) of the said section to direct that all the provisions of Section 5(A) shall not apply.

SPECIFICATION

| VILLAGE     | TOTAL AREA<br>(BIGHA -BISWA) | KHASRA NO. | AREA<br>(BIGHA -BISWA) |
|-------------|------------------------------|------------|------------------------|
| Nangal Raya | 0-03                         | 270/1      | (0-03)                 |

BY ORDER AND IN THE NAME OF THE LT. GOVERNOR OF DELHI

  
(VIJAY KHANNA)  
DY. SECRETARY (L.A)

FOR PUBLICATION IN PART IV OF DELHI EXTRA ORDINARY GAZETTE  
GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF DELHI  
LAND & BUILDING DEPARTMENT: VIKAS BHAWAN: NEW DELHI

No. F. 9(95)/2004/L&amp;B/LA/ 1392

Dated :- 05/05/2006

## NOTIFICATION

Whereas it appears to the Lt. Governor, Delhi that land is likely to be required to be taken by Government 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 acquired for the above purpose.

The notification is made, under the provisions of Sub-section 1 of Section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

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

The Lt. Governor, Delhi is satisfied also that provisions of sub-section (I) of the section 17 of the said Act are applicable to this land and is further pleased under sub-section (4) of the said section to direct that all the provisions of Section 5(A) shall not apply.

## SPECIFICATION

| VILLAGE     | TOTAL AREA<br>(BIGHA - BISWA) | KHASKA NO. | AREA<br>(BIGHA - BISWA) |
|-------------|-------------------------------|------------|-------------------------|
| Nangal Raya | 0-03                          | 270/1      | (0-03)                  |

BY ORDER AND IN THE NAME OF THE LT. GOVERNOR OF DELHI

*Shanne*  
(VIJAY KHANNA)  
DY. SECRETARY (LA)

No F. 9(95)/2004/L&amp;B/LA/ 1392

Dated :- 05/05/2006

Copy forwarded to Dy. Secretary (GAD) (in duplicate), Delhi Sectt., I. P. Estate, New Delhi. Three copies of the Gazette Notification may please be supplied to this Department.

*Shanne*  
(VIJAY KHANNA)  
DY. SECRETARY (LA)