

AWARD NO. 4/1972-73(Supplementary).

NAME OF THE VILLAGE : NANGAL RAYA
NATURE OF ACQUISITION : PERMANENT
PURPOSE OF ACQUISITION :..... PLANNED DEVELOPMENT OF DELHI. f

AWARD

These are proceedings for determination of compensation under Section 11 of the Land Acquisition Act. The land under acquisition is situated in village Nangal Raya and was notified under Section 4 of the Land Acquisition Act vide Delhi Administration Notification No.F.15(III)/59-LSG dated 13th November, 59 for a public purpose namely for Planned Development of Delhi. After considering the objections under Section 5-A, Delhi Administration, issued a notification under Section 6 of the Land Acquisition Act for an area measuring 266.02 bighas vide notification No.F.4(92)/62-L&H dated 13th December, 1968. Land measuring 0.03 biswas out of Khasra No.578/165/2/2/1 has already been acquired vide award No.4/1972-73 of village Nangal Raya. The acquiring department requires immediately an area measuring 7.02 bighas comprising of Khasra Nos.133/1, 419/135, 420/135, 136 and 137/1. Notices under Section 9 & 10 of the Land Acquisition Act were issued to the persons interested in the land under acquisition. The claims and evidence filed by the persons interested will be discussed under the heading Compensation Claims.

& CORRECT AREA

The land was measured on the spot by the land acquisition field staff and the available area found at the spot is as under:-

Field No.	Area Big.Bis.	Kind of Soil
133/1	2.03	Rosli
419/135	0.06	G.Mumkin
420/135	1.08	-do-
136	1.18	-do-
137/1	1.07	-do-
Total:	7.02	

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OWNERSHIP

The ownership, tenancy, area and kind of soil are as under:-

S.No.	Name of owner	Name of occupant	Kh.No.	Area Big.Bis.	Kind of soil
1.	Ram Kishan, Har Kishan Gopal ss/o Bhiku in equal share.	Military Deptt. (non occupancy tenant).	136	1.18	G.M.
2.	Tara Chand, Munshi Lal, Girwar Singh ss/o Mehar Chand equal share in 3 shares, Budh Singh, Chiman Parkash, Rohtas ss/o Mst. Lachhmi wd/o Bhagwan Dass equal share in one share.	Self	133/1	2.03	Rosli
3.	Dalu s/o Sukh Ram one share, Khiman s/o Beg Ram 1/3 share, Ram Chander s/o Girdhari 1/3 share, Rama Nand s/o Sis Ram 1/3 share in three shares. Mst. Lachho Devi Mst. Phool Bati ds/o Bhagwani equal shares in three shares.	Om Parkash s/o Bohat Ram (occu- pancy tenant in respect of Kh. No. 420/135. Lachhmi Narain, Sukhbir ss/o Kundan, Darbari s/o Salag (occu- pancy tenants) in Kh.No. 419/135.	419/135 420/135	0.06 1.08	G.M. -do-
4.	Chander Bhan s/o Nathu 1/6 share, Ram Kishan, Har Kishan, Gopal ss/o Bhiku equal share in 1/6 share; Hukmi, Fateh ss/o Tilka equal share 2/3 share.	Military Deptt. (non-occupancy tenant).	137/1	1.07	-do-

COMPENSATION CLAIMS

The following persons interested have filed compensation claim

S.No.	Name of the claimants.	Compensation claims
1.	Ram Chander, Rama Nand, Dalu, Chiman, Lachho, Phoolo, Om Parkash, Darbari, Lachhmi Narain, Sukhbir.	Have claimed compensation for No. 419/135 and 420/135 measuri 1 bigha 14 biswas @ Rs. 225/- per and also have claimed 15% interest on the cost of land.
2.	Ram Kishan, Harkishan & Gopal	Have claimed compensation for Kh.No. 136 measuring 1 bigha 18 biswas @ Rs. 225/- per sq.yd. and also have claimed 15% interest on the cost of land.
3.	Tara Chand, Munshi Lal, Girwar Singh, Budh Singh, Chiman Parkash, Rohtas, Lachhmi Devi.	Have claimed compensation for Kh.No. 133 @ Rs. 225/- per sq.yd. and also have claimed 15% interest on the cost of land.

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4. Chander Bhan, Ram Kishan, Har Kishan Gopal, Piarey Lal, Attar Singh, Om Parkash, Yash Pal & Puran Singh. Have claimed compensation for Kh.No. 137/1 @ Rs.250/- per sq.yd. and also have claimed 15% interest on the cost of land.

DOCUMENTARY EVIDENCE.

The following claimants have produced documentary evidence in support of their claims which are as under:-

1. Chander Bhan etc. (Claimants at S.No.4) have filed a copy of sale deed No.3516 dated 4.12.63.
2. Ram Chander etc. (Claimants at S.No.1) have filed an attested copy of sale deed No.3516 dated 4.12.63 and copy of sale deed No.2931 dated 17.2.60.

MARKET VALUE

The market value of the land under acquisition has to be determined with reference to the price prevailing at the date of notification under Section 4 of the Land Acquisition Act, with all its advantages and with all its potentialities. The best evidence available to arrive at the correct market value of the land would be the evidence of genuine sales effected about the time of notification either in respect of the land under acquisition or the portion thereof or sales of land precisely parallel in all circumstances to the land under acquisition.

The persons interested have filed copies of the sale deeds Nos. 2931 dated 17.2.60 and 3516 dated 4.12.63. The first sale deed relates to the land measuring 29 sq.yds. from Kh.No.502/178 of village Nangal Raya for a consideration of Rs.2000/- whereas the other sale deed No.3516 dated 4.12.63 relates to the sale of 29 sq.yd. out of Kh.No.502/178 ^{of village Nangal Raya K.L.Chopra} for a consideration of Rs.5000/-. Both these sales have been effected after the preliminary notification under Section 4 of the Land Acquisition Act, these are not the proper evidence to determine the market value and thus these sale deeds cannot be taken into consideration.

The necessity to find out parallel sale deeds so as to evaluate the market value is needless in the face of judicial judgement which is proper evidence to determine the market value. The land acquired in Award No. 1620 the material date of which was 13.11.59 of village Nangal Raya is quite adjacent to the land

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under acquisition and has the similar advantages and potentialities as those of the land under acquisition. The Land Acquisition Collector allowed Rs.3000/- per bigha kham in Award No.1620 of village Nangal Raya. In reference under Section 18 the Addl. District Judge enhanced the compensation in L.A. Case No.81/65 and 81/69 of Khem^{on} Vs. Union of India, relating to Kh.Nos.130, 41, 38. The Addl. District Judge ^{K.L. Chopra} allowed enhanced compensation at the rate of Rs.5000/- per bigha kham. This is a judicial judgement and is, therefore, the best evidence for evaluating the market value of the land under acquisition.

In Award No.4/1972-73 the material date of which was the same the Land Acquisition Collector allowed compensation of land at the rate of Rs.6200/- per bigha kham. In this award land measuring 3 biswas from Kh.No.578/165/2/2/1 was acquired. This land directly abuts on the Jail Road and has as such higher potentialities than the land under acquisition which is at a distance of about $1\frac{1}{2}$ furlong from ^{this K.L. Chopra} the land ~~under acquisition~~. Since the land under acquisition has not got the same potentialities and the advantages as the land acquired in Award No.4/1972-73 the market value of the land fixed by the Land Acquisition Collector in Award No.4/1972-73 cannot be made the basis for fixing market value of the land under acquisition. As already stated, the land under acquisition is situated quite adjacent to the land acquired under Award No.1620 of village Nangal Raya. The condition of the land under acquisition is identical to the land acquired in Award No.1620. The date of notification under Section 4 is also the same in both the awards. In the result, I award Rs.5000/- per bigha kham for the land under acquisition.

STRUCTURE

There is no structure on the land under acquisition.

TREES & WELLS

There are no trees and wells on the land under acquisition.

INTEREST

Possession of land under acquisition has not taken over

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as yet. The question of grant of interest of the possession therefore, does not arise. The date of notification under section 4 of the Land Acquisition Act is 13.11.59 and the date of notification under Section 6 is 13.12.1968. The gap between the dates of notification of these two notifications is more than three years. According to the provisions of the Land Acquisition (Amendment & Validation) Act, 1967 the persons interested are entitled to interest at the rate of 6% per annum under Section 4(3) for the period from 13.11.62 to the date of announcement of the award, on the market value of the land under acquisition.

SOLATIUM

15% solatium will be allowed as per the provisions of the L. A. Act for the compulsory nature of acquisition of land.

APPORTIONMENT

1. Compensation in respect of Khasra Nos.419/135, 420/135, 136 and 137 will be kept disputed on the basis of the occupancy tenants and non-occupancy tenants recorded in the revenue record. If the persons interested do not reach at an amicable settlement, the compensation will be sent to the A.D.J.

2. Compensation will be paid according to the latest entries in the revenue record.

LAND REVENUE

The land revenue is reported to be Rs.2.84 paise. It will be deducted from the Khalsa Rent Roll of the village from the date of taking over possession of the land under acquisition. The land will vest absolutely in the Government free from all encumbrances.

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Award is summarised as follows:-

1. Compensation for land measuring
7 bighas 2 biswas @ Rs.5000/-
per bigha kham. Rs.35,500.00
2. 15% solatium. Rs. 5,325.00
3. Interest U/s 4(3) of L.A. Act
@ Rs.6% per annum from 13.11.62
to 18.3.75 (12 years 125 days.) Rs.26,289.45 ✓

GRAND TOTAL: Rs.67,114.45

(Rupees sixty seven thousand one hundred fourteen &
paise fourty five only).

K.L. Chopra
(K.L. CHOPRA)
LAND ACQUISITION COLLECTOR(P)
DELHI.

Announced + filed today.

K.L. Chopra
18/3/75