

IN THE COURT OF LAND ACQUISITION COLLECTOR, NARELA: DELHI

Award No. 5/95-96

Name of the Village : NARELA

Nature of acquisition : Permanent

Purpose of acquisition : For a public purpose, namely, for construction of roads situated in Sector A-5 to A-7 in the Narela Project under 'Planned Development of Delhi'.

AWARD

These are the proceedings for acquisition of land and determination of compensation under Section 11 of the Land Acquisition Act, 1894 (hereinafter called the 'Act') as amended from time to time in respect of the land measuring 11 Bighas 03 Biswas situated in village Narela, Delhi.

The Govt. of National Capital Territory of Delhi, through the Joint Secretary, Land & Building Deptt., issued notification No. F.11(23)/91-L&B/LA under section 4 and 17(1) of the Act on 31.3.93. Declaration No. F.11(23)/91-L&B/LA under section 6 of the Act was issued on 5.5.93. Since the emergent provision has been invoked by applying section 17(1), physical possession of the land in question has already been taken by the Delhi Development Authority through the Land & Building Deptt., without entertaining objections under section 5-A of the Act. All the aforesaid notifications were duly published and their substance given due publicity as per the provisions of the Act. The land proposed to be acquired is meant for public purpose, namely, for construction of roads situated in Sector A-5 to A-7 in the Narela Project under 'Planned Development of Delhi'.

In pursuance of the said notifications, notices under sections 9 & 10 of the Act were also issued to the interested persons and the claims filed by them are discussed in detail in this order.

2. MEASUREMENT & TRUE AREA :

The area to be acquired as given in the notification under section 6 is 11 bighas 03 biswas whereas at the time of physical measurement it was found to be 10 bighas 17 biswas. The difference of 06 biswas is on account of the fact that the land measuring 06 biswas comprising Khasra No. 87/27 has already been notified earlier in the notifications under section 4 and 17(1) bearing No. F.11(6)/90-L&B/LA issued on 19.3.93 as also under section 6 on 29.4.93. Possession of the aforesaid 06 biswas of land has already been taken by the D.D.A. on 7.10.93. Thus, the land actually to be acquired through this notification measures 10 bighas 17 biswas, the detail of which is given hereunder:-

Rectangle No.	Khasra No.	Area		Kind of land
		Bigha	Biswa	
56	1	4	- 15	Abpashi
	2	4	- 14	-do-
	3/1	1	- 08	-do-
Total :		10	- 17	

3. CLAIMS

The following persons have filed their claims in pursuance of the notices u/s 9 & 10 issued to them :

S.No.	Name of the Claimant	Khasra No.	Claim	Proof
1.	Rajinder Singh, Rajpal both sons of Nanna R/o 1364 Pana Paposian, Narela	56/1(4-15)	a) Rs. 2160/- per sq. mtr. for land, b) Rs. 5 lac for loss of profession, c) Other statutory benefits.	Nil
2.	Mir Singh, Sarup Singh Sons, Smt. Pataso wd/o Dharma, Charan Singh, Dayanand, Surje, Chand Ram all sons of Ranjit Singh, Mukhatiar Singh, Siri Gopal sons of Moola, all R/o Vill. Narela.	56/2(4-14) 56/3/1(1-08)	a) Rs. 5000/- per sq. yd for land, b) Solatium @ 30%, c) Statutory interest & other benefits.	Nil

ENCLOSURE

4. DOCUMENTARY PROOF

The claimants have claimed compensation even upto Rs.5,000/- per sq. yard without having filed any tangible documentary proof in the form of a sale deed, previous award or any judgement of a superior court concerning the land of village Narela.

5. MARKET VALUE

As per the provisions of law and the procedure in vogue market value of the land is assessed with reference to the date of notification u/s 4 of the Act. In the instant case the land was notified u/s 4 of the LA Act on 31.3.93. The land under acquisition is agricultural land.

As per the Joint Secretary, Land & Building, Delhi Administration, Delhi's letter No.F-9(20)/80/L&B/11312 dated 3.5.90, minimum price of agricultural land was fixed at Rs.4.65 lac per acre if notified during April, 1990. This price is effective from 27.4.90. An extract of para 4 of the said circular dated 3.5.90 is reported below:

"Keeping in view these advantages, it has been decided to fix Rs.4.65 lac per acre as the minimum price for all agricultural land in the Union Territory of Delhi, irrespective of its location or agricultural quality".

In view of the above and in the absence of any evidence for a higher market price, market value of the land in question is fixed at Rs.4.65 lac per acre or say Rs.96,875/- per bigha.

6. POSSESSION

Possession of 10 bighas 17 biswas of land was taken over by the Delhi Development Authority through the Land & Building Department on 13.10.93.

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7. CROPS

There were crops of Jowar etc. in all the fields at the time of taking over of possession. The interested persons were allowed to harvest their crops and they have already harvested the same and therefore the question of giving them any compensation does not arise. No damage was caused to any person or commodity during the transfer of possession.

8. WELLS, TUBEWELLS, TREES, STRUCTURES ETC.

There was no tubewell, well, tree, structure etc. on the land in question. There was, however, one well (Pucca) on the land bearing Khasra No.87/27(0-06) but this land has already been included in the earlier notification issued on 19.3.93 and the price of land shall be assessed separately in another award.

9. SOLATIUM

As provided for under sub-section 2 of section 23, solatium @ 30% on the market value of land due to compulsory nature of acquisition is payable in this case.

10. ADDITIONAL BENEFIT UNDER SECTION 23(1-A)

Additional benefit u/s 23 (1-A) of the Act shall be paid @ 12% per annum from the date of notification till the date of possession on the market value of the land acquired.

11. INTEREST UNDER SECTION 34

Since possession of the land has already been taken on 13.10.93, interest u/s 34 of the Act is payable @ 9% per annum for one year from the date of taking possession and thereafter @ 15% per annum till the date of payment.

12. APPORTIONMENT

Compensation shall be paid to the interested persons on the basis of the latest entries in the

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regarding the apportionment or payment of compensation, then the matter shall be referred to the Court of the Additional District Judge, Delhi for adjudication under section 30/31 of the L.A. Act.

13. LAND REVENUE

Land Revenue payable on the land in question shall be deducted from the Khatauni of the village from the date of taking of possession.

14. SOURCE OF FUNDS AND COMMENTS ETC., IF ANY, OF THE REQUISITIONING DEPARTMENT

The source of funds for this acquisition proposal is DDA, the requisitioning deptt. DDA was informed about the proposed award amount on 3-4-95 vide letter No.F.LAC(N)/DC/95 and given an opportunity to furnish their comments/views/objections to the proposed award within 7 days. The DDA was informed that if nothing is heard from them within the time limit the Award will be finalised on the presumption that DDA has no objection. No communication has been received from DDA in this regard. Hence, the Award is prepared as per summary below:-

15. SUMMARY OF AWARD

a) Market value of land measuring 10 bighas 17 biswas @ Rs.4.65 lac per acre or say Rs.96,875/- per bigha.	Rs. 10,51,093-70
b) Solatium @ 30% on market value	Rs. 3,15,328-11
c) Additional benefit @ 12% under section 23(1-A) on market value from 31-3-93 to 13-10-93, for 196 days.	Rs. 67,730-74
d) Interest u/s 34 @ 9% p.a. from 13-10-93 to 12-10-94 for one year.	Rs. 1,29,073-72
e) Interest u/s 34 @ 15% p.a. from 13-10-94 to 31-3-95 for 170 days.	Rs. 1,00,194-21
<b>Total</b>	<b>Rs. 16,63,420-48</b>

(Rupees sixteen lac, sixty three thousand, four hundred twenty and forty eight paise only).

Revenue Secretary

( G.S. THANEHAL )

Handwritten notes on the left margin:  
 Award announced in the open court,  
 issue notice u/s 12(2) of L.A. Act on  
 the file.  
 3.5.95  
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