

Award No.

30 / 1771-12

Name of the village

Neemri

Nature of acquisition

Permanent.

Purpose of acquisition

Planned Development of
Delhi.

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act. The land under acquisition is situated in village Neemri and was notified u/s 4 of the Land Acquisition Act vide notification No.F.1(16)/67-L&H(1) dated 1.5.1970 for a public purpose namely for the planned development of Delhi. After considering objections u/s 5-A, the Delhi ^{Administration} Acquisition issued a declaration u/s 6 of the Land Acquisition Act for an area measuring 0.10 biswas vide notification No.F.1(16)/67-L&H(1) dated 12th August, 1970. In pursuance of the aforesaid notification, notices u/s 9 & 10 of the Land Acquisition Act were issued to all the persons interested in the land under acquisition. The claims filed by the claimants are discussed hereafter under the heading "Compensation claims".

TRUE AND CORRECT AREA:

The land was measured on the spot by the field staff along with the representative of the Acquiring Department. The area available at the spot is as under:

<u>Field No.</u>	<u>Area</u>	<u>Classification as per revenue record</u>
257/191/1	0-10	Gair Mumkin Abadi.

COMPENSATION CLAIMS:

The following persons have filed their claims for compensation:

<u>Sl.No.</u>	<u>Name of the claimant</u>	<u>Compensation claimed .</u>
1.	Shri Utt am Chand	He has claimed Rs.3,000/- as cost of fixtures and fittings, Rs.3,000/- as goodwill, Rs.1,000/- as incidental expenses and Rs.3,000/- for loss of business. He has asked for alternative residential business accommodation. He has mentioned that he is in occupation of a shop No.19/115. A copy of rent receipt dated 1.9.70 has been filed.

2. Balmiki Mandir Sabha

The Sabha has requested to acquire land of the Mandir from acquisition but in case the Government needs it the same area ~~acquisition~~ could be acquired from any other place in the premises.

3. Shri Jhunan & 52 others.

They request that the land under acquisition should not be acquired.

MARKET VALUE:

In determining the market value of the land many factors enter into reckoning for instance, size, shape of the land and rise and fall of demand for the land. The best evidence available would be evidence of genuine sales effected about the time of notification either in respect of the land under acquisition or a portion thereof or the sales of the land precisely parallel in all circumstances to the land under acquisition. If the evidence of the sales of similar land or the awards of the courts in the locality with similar advantages are available, The market value can be fixed with reference to the prices mentioned in them. The claimants have not filed any sale deed or evidence supporting the rate claimed by them.

According to the records of the Sub Registrar's office, the following sale deeds are entered preceding to the date of notification:

S.No.	Book No.	Date of Registration.	Area	Considered money.	Average per sq. ft. higha.
1.	2315	20.1.70	200 sq.yds.	Rs.3000/-	15,000/-
2.	2331	18.2.70	100 "	Rs.2,000/-	20,000/-
3.	1878	9.3.70	300 "	8,000/-	26,666/-

The sale transactions are at a distance from the land under acquisition and therefore, it is not necessary to discuss them. We have therefore, to take recourse to the awards in this village. About 9 awards have been made relevant for determining market value for the land under acquisition are award Nos. 2009 and 2045. In award No.2009 of which the date of notification u/s 4 is 3.10.66, The L.A.C. allowed a flat rate of Rs.5,000/- per higha kham and in the other award (2045),

the L.A.C. also allowed a flat rate of Rs.5,000/- per bigha kham and the date of notification u/s 4 is 4.1.86. Close to the material date is the award No.2009. Having found that the market value of the land in question in 1968 was Rs.5,000/- per bigha kham, now it is to be seen as to what its value was on 1.5.1970. It is a matter of common knowledge that the market value of the land has been increasing in Delhi every year. I am of the opinion that the said rate must be 5% per year. In that way the increase was about 20%. By way of giving that increase, the market value works to Rs.6,000/- per bigha kham. This method of calculating the market value has been adopted by the A.D.J in L.A.C.No.74/68 - Mahabir Pershad Versus Union of India and in many other cases. For the foregoing reasons, I fix the market value of the land under acquisition at the rate of Rs.6,000/- per bigha kham and award the same.

STRUCTURES:

The Assistant Engineer(Valuation) Delhi Development Authority has assessed the cost of structures at Rs.2,550/- to which I agree and award the same.

TREES AND WELLS

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

15% Solatium:

15% Solatium is payable over and above the market value of the land.

INTEREST:

No interest is payable as the possession of the land has not been taken over.

LAND REVENUE:

The land under acquisition is assessed at 19 paise as land revenue which will be deducted from the khatauni of the village from the date of taking over possession of the land.

APPORTIONMENT:

As the ownership of land under acquisition is in Shamlat Deh as per the revenue record, the compensation of the land as well as the structures be remitted to the A.D.J. u/s 30-31 of the Land Acquisition Act.

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The award is summarised as under:

SUMMARY

1.	Market value of land measuring 10 biswas @ Rs. 3,000/- per bigha	Rs. 3,000.00 ✓
2.	Market value of structures	× Rs. 2,568.00 ✓
3.	15% Solatium for non-payment of compulsory acquisition.	Rs. 833.70
	G.Total:	<u>Rs. 6,391.70</u> ✓

(Rupees six thousand three hundred ninety-one & paise seventy only).

(SHAM KARAN)
LAND ACQUISITION COLLECTOR(P)
DELHI.

...
Sanctioned and paid

15.11.71