

Corrigendum of Award No.1/86-87 of village Palam

Award No.1/86-87 of village Palam involving area of 811 bigha 05 biswa was announced on 28.4.86 by my predecessor. The market price was determined on the basis of Sale Deed No.7202 dt. 30.11.83 in which area of 4 bigha 16 biswa was sold for Rs.40,000/-. The average per bigha of this sale deed came to Rs.8333/-. Having relied upon this sale deed, the market value in the above award was assessed @ Rs.8400/-; Rs.6,000/- & Rs.3,000/-per bigha for blocks A, B & C respectively.

A representation was received in this office through Hon'ble L.G. : Delhi wherein it was stated that the actual area involved in the above sale deed No. 7202 dt. 30.11.83 on which the then L.A.C. had relied for assessing the market price in the above Award was '3 bigha 09 biswa' and not '4 bigha 16 biswa'. It was further stated in the representation that the average price per bigha in the above sale deed work out to Rs.11,594-20 and not Rs.8333/- as stated in the award.

To check the authenticity of the area of the above registered deed, the record of the Sub Registrar, Kashmere Gate were consulted and it was verified that actual area involved in the above sale deed was '3 bigha 09 biswa' and not '4 bigha 16 biswa'. Thus the average price of the above sale deed comes to Rs.11594-20 instead of Rs.8333/-per bigha. Since the then LAC had based his award on the average price of this very village sale deed, the market value would have been determined @ Rs.11,600/-per bigha for block 'A' and proportionately for blocks 'B' & 'C'. The case was then referred to the Legal Adviser to give his opinion whether the Land Acquisition Collector can revise the market value of the Award due to mis-calculation of the average price of the sale deed which was made the basis of the award. The Legal Adviser has opined that it being a clerical (mistake) error, the market value can be revised u/s 13 A of the Land Acquisition Act within a period of six months from the date of announcement of the award which is 28.4.86. Now in view of the above opinion of the Legal Adviser and having relied upon the above sale deed, the average price of which comes to Rs.11,594-20 per bigha, I assess the market value of the land @ Rs.11,600/-per bigha for Block 'A', Rs.9,200/-per bigha for Block 'B' and Rs.6,200/-per bigha for Block 'C', keeping in view the quality and situation of the land.

Further it came to notice that the compensation of the structures of kh. No.25/20 measuring 4 bigha 16 biswa which was acquired in the above award has wrongly been assessed. The possession of this khasra No. has not so far been taken over in view of the D.O. letter No.F3(51)/pt./85/P/1980 dt. 31.3.86 from Shri L.D. Gupta the then ADM(Revenue) addressed to Shri Gehani the then LAC.

.....

A perusal of the above award shows that a sum of Rs. 12,95,850/- was assessed for structures of the above kh. No. The site inspection showed that there is no structure on the land. Since this is also a clerical mistake, the said amount of compensation of Rs. 12,95,850/- is being reduced from the summary of the award. Thus the total amount of compensation of the Award now works out to Rs. 1,47,61,364-21 instead of Rs. 1,23,02,980-36 as per summary given below :-

1. Compensation for land kept in Block 'A' measuring 774 bigha 07 biswa @ Rs. 11,600/-P.B.	Rs. 89,82,460-00
2. Compensation for land kept in Block 'B' measuring 2 bigha @ Rs. 9,200/-P.B.	Rs. 18,400-00
3. Compensation for land kept in Block 'C' measuring 34 bigha 18 biswa @ Rs. 6,200/-P.B.	Rs. 2,16,380-00
Total	Rs. 92,17,240-00

4. Compensation for 12 wells @ Rs. 1000/-each and for 2 wells @ Rs. 1500/-each.	Rs. 15,000-00
---	---------------

5. Compensation for structure measuring 49440 sq.ftt less (-) 43195 " " 6245 Sq.ft.	Rs. 1,87,350-00
Total	Rs. 94,19,590-00

Add 30% solatium. Rs. 28,25,877-00

Damage for 19 Tube wells/Boring @ Rs. 600/- each. Rs. 11,400-00

Compensation for Trees. Rs. 16,600-00

Addl. Amount 12% per annum on the market value amounting to Rs. 92,17,240-00 from 27-1-84 to 27-4-86 i.e. 2 yrs. 91 days. Rs. 24,87,897-21

Grand Total Rs. 1,47,61,364-21

(Rs. One Crere, Forty Seven Lacs, Sixty One Thousand, Three Hundred Sixty Four and paise Twenty One Only)

D.C., in his capacity as Secretary (Revenue), is requested to kindly approve the award.

Sub
17.7 ADM L.A.

(R. S. YADAV)
LAND ACQUISITION COLLECTOR (PN)
DELHI.

Secretary (Revenue).

ADM (L.A.)

gemma
19/10/86

Announced in open Court
19/10/86
23/10/86
Lat. (PN)

the area bounded by the boundary

Sub: Award No.1/86-87 village Palam 204

Vide award No.1/86-87 an area of 811 bighas 05 biswas has been acquired in village Palam. A perusal of the award shows that 41 sale deeds were executed in village Palam prior to the date of notification u/s 4 (27.1.84 in the instant case). The area sold in most of the sale deeds is less than one bigha or slightly more than one bigha. Hence these sale deeds were not taken into consideration by the then L.A.C.(P) (Shri S.A. Gehani). He however determined the market value of the land @ Rs.8400/- per bigha, & having relied upon another sale deed No.7202 dated 30.11.83 in which the land was sold for Rs.40000/- i.e. Rs.8400/- per bigha.

A representation has since been received ^{through} from the Hon'ble Lt. Governor, Delhi in which it has been claimed that the actual area involved in the sale deed on which the L.A.C. had relied in determining the market price is 3 bighas 09 biswas and not 4 bighas 16 biswas as reported in the award. According to them the average ~~per~~ bigha comes to Rs.11600/- in respect of that sale deed and not Rs.8333/- per bigha. In this regard, the NT was deputed to consult the record of the sub Registrar at Kashmere Gate and he has reported that the area involved in the sale deed in question is 3 bighas 09 biswas and not 4 bighas 16 biswas and on which basis the then L.A.C. had assessed the market price. Taking into consideration that the actual area of the sale deed was 3 bighas 09 biswas, the value per bigha comes to Rs.11594.20 or say Rs.11600/- per bigha. Since there appears to be some clerical error in regard to the area of the sale deed relied upon by the L.A.C., Legal Adviser is again requested to advise whether we can revise the award on the basis of the same sale deed in which the average price per bigha comes to Rs.11600/- and not Rs.8400/- per bigha, as mentioned and relied upon by the L.A.C. in the said award.

Since the report is to be submitted to the D.C. by 18.6.86, L.A. is kindly requested to send his opinion by 16.6.86.

Legal Adviser

B. J. Yadav
(R.S. YADAV)
LAC(PN)

*yes. This is a clerical mistake
& can be corrected.*

L.A.C. (PN)

*In the light of the above, necessary revision
in the award shall be made after
due approval of the Secy (Rev), who*

(B.L. ZAMANI)
ADM(LA)
19.6.86

D.C.

*20.6.86.
3059/RDy/A/86
27/6/86*

203

is the competent authority under the act.

b.7 ^{war}
13/6/86.

ADM (LA)

D.C.

120/UR
13/6

Kindly peruse the note of the L.A.C. dated 12.6.86 from page N/1. I have examined the entire case and gone through the award file. In the chief data which is a part of the award at S.No.30 and against the name of Satya Pal Vs Banwari Lal, the total area indicating the sale value of Rs.40,000/- is mentioned as 4 bighas 16 biswas. This chief data is prepared on the basis of the report of the Patwari/Kanungo who collect the figures from the concerned Sub-Registrar's Office and submits to the concerned Naib Tehsildar who gets the chief data prepared, after which the L.A.C. appreciates the data prepared by the Tehsildar to arrive at the reasonable market value which forms the basis of his award to be drawn. To clarify the entire position, I had called the original registered sale deed from the office of the Sub-Registrar, Kashmere Gate and on going through the original deed, it is made out that the area involved in this transaction was actually 3 bighas 9 biswas as has been claimed by the representationists and not 4 bighas 16 biswas as has been shown in the award. The average market price of the land being acquired in village Palam on the basis of the correct figure of 3 bighas 9 biswas shall therefore come to Rs.11,600/- per bigha as against Rs.8400/- per bigha projected in the award drawn and announced by the LAC. On this basis the market value of the land per bigha in all the three categories viz A, B & C shall have to be enhanced to the extent of Rs.3200/- per bigha and the revised cost of land on this basis shall come to Rs.11600/- in A category, Rs.9200/- in B category and Rs.6200/- in C category respectively. In this regard the provisions made under Sec.13-A of the Land Acquisition Act are relevant which provides for correction of clerical errors and mistakes. This Section 13-A of Land Acquisition Act reads as follows:-

13-A. Correction of clerical errors, etc. "The Collector at any time but not later than six months from the date of award, or where he has been required under Section 18 to make a reference to the Court, before the making of such reference, by order, correct any clerical or arithmetical mistakes in the award or errors arising therein either on his own motion or on the application of any person interested or a local authority."

Before the report could be submitted to Secretary
contd...p3/-

from pre-page

(Revenue) the LAC referred the matter to the Legal Advisor who has also opined that this was a clerical mistake and could be corrected as may be seen from his noting dated 13.6.86 at page 1/N. My personal enquiries in the matter revealed that this was nothing but a clerical mistake which had occurred due to over looking and wrong entry of the area of 4 bighas 16 biswas against the correct figure of 3 bighas 9 biswas at the level of the Patwari/Kanungo which was made the part of the chief data by the Naib Tehsildar concerned and L.A.C. had relied on the data which had been put before him by the field staff. This clerical error can be corrected within a period of 6 months from the date of the award as per provision made under Section 13-A of Land Acquisition Act. The award in the instant case was announced on 28.4.86 and the same can, therefore, be revised under the above legal provisions. Secretary (Revenue) is, therefore, requested to approve the proposed correction to enable the L.A.C. to re-cast the award before it is re-announced after due correction.

D.C. may like to apprise L.A.C. on the lines.
Submitted please.

(B.L. ANAND) 19.6
ADM(LA)
19.6.86

Secy. (Revenue)/D.C.

Please let me know what is going to be the additional financial liability because of the proposed revision. It may also kindly be indicated whether in past we have ever revised any award on this ground.

(Satish Chandra)
Deputy Commissioner: Delhi.
19-6-1986

ADM(LA)

1. The additional financial liability because of the proposed revision shall come to about Rs. 40 lacs.
2. In the pre-revised Land Acquisition Act, there was no provision for correction of such errors etc. This Sec. 13-A has been added in the revised Act in the year 1984 only. No award as such has so far been revised on these grounds as there was no such occasion demanding this action.

(B.L. ANAND)
ADM(LA)
19.6.86

D.C.

ADM(LA)
19.6.86.

41/RDe/F/86
19/6/86

344/ADM(LA)
20.6.86.
3059/RDe/F/86
20/6/86

In the case of Palam village award was announced for 811 bighas of land. Large number of Pradhans and villagers have been meeting LG and the undersigned for giving very low amount as compensation. The matter was earlier examined whether the award can be revised or reviewed. It was very categorically pointed out by the Legal Adviser that the same is not permissible unless there is a clerical mistake (a note in this regard was submitted to LG some time back). However, the people have represented that the LAC wrongly took the rate of the registry on which he based his award. The matter was got checked up and an error was found and according to the Legal Adviser this clerical mistake can be corrected. In view of this the award can be revised. According to ADM(LA) this would be the first revision of its kind and the financial implications will be about Rs.41 lakhs. Since there is a clerical mistake and according to Legal Adviser, Land & Building Department, the award can be corrected the proposal is submitted for kind consideration and approval.

2. We may also ask ADM(LA) to fix up the responsibility for this mistake which has created so much awkward situation for the Administration.

(Satish Chandra)
Deputy Commissioner, Delhi.
25-6-86

Secretary (Land & Building).

CS.
LG.

DC's above proposal relates to correction of clerical mistake in an award. Section 13-A empowers the Collector, and in our case the DC, to determine the mistake and correct it on the merits of the case. DC is, therefore, fully competent to do the needful. As his functions in matters of drawing up of awards and correction of any clerical mistakes etc. are of quasi-judicial nature, it will not be appropriate to involve Secretary(L&B), CS and LG in such decisions. Such type of references to CS/LG may attract adverse comments of the

contd..

from pre-page

Appellate courts. As regards fixing up of responsibility for the clerical mistake in question, DC has already taken a view and must take strong disciplinary action against the erring staff and for that also, DC is fully competent.

CS/LG may kindly see.

(GANGA DAS)
Secretary (L&B)
24.7.86

I agree with 'X' in

CS

LG

pre-page.

LA may kindly

see for information only.

Done in Mithun
25.7.86

L.G. has seen a similar file and

The matter involved in this case is slightly different as compared to the cases of taking the compensation on the basis of adjoining villages. Here it has been a clerical error and, therefore, LAC wants to revise the award accordingly. Section 10 of the Acquisition Act provides correction of clerical errors etc. However, since this is the first case of its kind it is suggested that the matter may be got specifically examined so that in future similar decisions could be taken at LAC/ADM(LA) level. The main award is also enclosed.

(Sachin Chandra)
Deputy Secretary, Delhi.

Secy (L&B)

Pl. Sth

6/9

Secretary (L&B)

car

n

-

al

ce

1

s

8

2