

AWARD NO. - 13/76-77

Name of village : Sadora Khurd
Nature of acquisition : Permanent.
Purpose of acquisition : Planned Development of Delhi.

INTRODUCTION

The land situated in village Sadora Khurd is required by the Government at the public expense for a public purpose namely for the Planned Development of Delhi. A notification u/s 4 of the Land Acquisition Act, 1894 was issued vide notification No.F.4(83)/62-L&H(11) dated 14.6.1963. The substance of the notification was given due publicity and objections were invited from the interested persons. Only one objection was received from the Samrat Ashoka Co-operative House Building Society Limited. After considering this objection, a declaration was made by the Government u/s 6 of the Land Acquisition Act, regarding acquisition of land measuring 28 bighas 8 biswas vide notification No.F.4(83)/62-L&H dated 15.5.67. Notices were issued to interested persons u/s 9 & 10 of the Act and the claims and objections received from the interested persons are discussed hereinafter. The land is now being acquired as decided by the Govts in its letters No.F.4(27)/63-L&B dated 13.10.1972, F.15(15)/73-L&B dated the 16.2.1973 & F.15(15)/73-L&B dated 30.6.1973.

MEASUREMENT AND OWNERSHIP

According to the notification issued u/s 4 and section 6 of the Act the total area to be acquired is 28 bighas 8 biswas and the area is found to be correct on measurement by the revenue staff. I, therefore, hold the area under acquisition to be correct is 28 bighas 8 biswas, the details of which according to the revenue record is as below:-

2-

<u>Kh.No.</u>	<u>Area</u>	<u>Kind of land</u>
41	3.18	Bagh Nehri
42/1	19.05	-do-
42/2	5.01	-do- (Out of this land 2 bighas is G.M.Khal).
42/3	0.04	G.M. Chah Pukhta.
<u>Total</u>		<u>28.08</u>

CLAIMS AND EVIDENCE

The following claims have been received from the claimants for compensation.

<u>Name of the Claimant</u>	<u>Compensation Claimed</u>	
1. Samrat Ashoka Co-operative House Building Society Ltd.	It has claimed compensation @ Rs.150/- per sq.yd. for the land Rs.15000/- for two wells and a big Hauz, Rs.50,000/- for bangle, Rs.30,000/- for Fruit Trees and Rs.20000/- for boundary wall & Rs.10000/- for all stone building. It has not furnished any document in support of its claim except that filing of the copies of the sale deeds.	
2. Sh.Chandan Singh	He has claimed Rs.30000/- for the land but he has not mentioned the particulars of the land. According to him he is a tenant of Samrat Ashoka Co-operative House Building Society Ltd.	
3. Sh.Tikkan Dass s/o Gosha Mal Sh.Kishan Lal s/o Tek Mal	Rs.4000/-	-do-
4. Sher Singh	Rs.20,000/-	-do-
5. Devta Din	Rs.10,000/-	-do-
6. Sh.Babu Lal	Rs.10,000/-	-do-
7. Sh.Daulat Ram	Rs.18,000/-	-do-
8. Sh.Kishan Lal s/o Ram Singh	Rs. 6,000/-	-do-
9. Ram Rikhi	Rs.20,000/-	-do-
10 Sh.Khilari	Rs.10,000/-	-do-
11.Sh.Gma Shankar	Rs.10,000/-	-do-
12.Sh.Naresh Ram	-do-	-do-
13.Sh.Dwarka Parsad	-do-	-do-
14.Sh.Ram Ashra	-do-	-do-
15. Sh. Ram Gopal	-do-	-do-

18. Sh. Bhikhi Lal	Rs. 6,000/-	-do-
19. Sh. Bani Ram	-do-	-do-
20. Sh. Bharat	-do-	-do-
21. Sh. Ram Parkash	Rs. 20,000/-	-do-
22. Sh. Ram Kewal	Rs. 10,000/-	-do-
23. Sh. Ram Lakhan	-do-	-do-
24. Sh. Tulsī	-do-	-do-
25. Sh. Chhedi Lal	-do-	-do-
26. Sh. Suba Ram	Rs. 6,000/-	-do-
27. Sh. Babu Lal	Rs. 8,000/-	-do-
28. Sh. Phool Chand	Rs. 6,000/-	-do-
29. Sh. Johri Lal	Rs. 20,000/-	-do-
30. Sh. Janak Raj	-do-	-do-
31. Sh. Babu Ram	Rs. 4,000/-	-do-
32. Sh. Lotu Ram	.do-	-do-
33. Sh. Dina Nath	Rs. 10,000/-	-do-
34. Sh. Mekhu Lal	Rs. 8,000/-	-do-
35. Sh. Daya Ram	Rs. 30,000/-	-do- (29.6.68)

(subsequently he has given up his claim in his letter)

All these claimants have not furnished either oral or documentary evidence in support of the claims. They have not furnished any copy of the lease deed etc. According to Khasra Giridawari report for the year 1962-63 there was no Jhuggi-Jhopri on the land. No compensation is therefore payable for these jhuggi-jhopries. *Mullath*

MARKET VALUE

The land under acquisition is surrounded by Nehar Jaman Garbi in the South and by a road in the North. There is also a road on the east side of the land. I have already mentioned that Samrat Ashoka Co-operative House Building Society has furnished copies of sale deeds in respect of the entire land. The society has also furnished the original sale deeds and according to the calculations of all the sale deeds the society is reported to have purchased the land.

14 bighas 5 biswas at a cost of Rs.2,11,595/-, totalling Rs.3,87,095/- whereas the Society has mentioned the cost Price of the land as Rs.3,96,500/-. The difference between these two amounts is due to the fact that Society has also added the registration charges. To be precise the actual cost Price of the land which was paid by the Society in respect of the entire land is Rs.3,87,095/- only and the Society cannot claim more than this price under any circumstances. These sale transactions have taken place just a few months earlier than the date of issue of notification u/s 4 of the Act in the same year namely 1963. I find that there had been three awards i.e. award No.1556, 1625 in this village earlier, the date of notification u/s 4 in respect of which was 13.11.1959. The former learned L.A.C. had discussed both the awards in his award No.1984 and while discussing these two awards he had discarded the principle of classifying the land in Blocks on the basis of kind of land and had assessed the value of land after taking into consideration the location of the land i.e. he had classified the land into two Blocks. Block A consisted of land situated on the circular road and Block B consisted of other kind of land. He had assessed Rs.10,700/- for the land comprising in Block A and Rs.6000/- for the land comprising in Block B. The learned A.D.J. Shri J.D. Jain had discussed award No.1984 in his main judgement No.L.A.C.446 of 1967 in the case of Chhatar Singh Vs. U.O.I. I find from the aforesaid Judgement that the learned A.D.J. was pleased to discard the principle adopted by the former L.A.C. and instead assessed the rate of compensation on the basis of kind of land. He assessed the land under garden @ Rs-11,700/- against Rs.10,700/- awarded by the former L.A.C. He also assessed the land without garden @ Rs.7500/- against Rs.6000/- assessed by the former L.A.C. I, however, find that the Government has gone in appeal against the enhancement over and above the rate of Rs.7500/-

for the garden land and other kind of land respectively, for arriving at the rate of compensation of the land under acquisition. The date of notification in Award No. 1984 was 13.11.1959 while the date of notification in the present case is 14.6.1963. Thus if I give the benefit of interest of 3½ years then the rate of compensation of Bagh Nehri land comes to Rs. 12950/- per bigha and Rs. 9000/- per bigha for other kind of land. The average rate of cost price of the land which was paid by the Society however comes to Rs. 13,626/- per bigha. I do not however fix the rate of compensation @ Rs. 13,626/- per bigha as the cost price of the land includes the benefit for trees and the structures thereon. I, therefore, assess the rate of compensation @ Rs. 12950/- per bigha for the Bagh Nehri land and Rs. 9000/- per bigha for other kind of land.

STRUCTURES

The Assistant Engineer (Valuation) has assessed the price of the structures in the following manner:-

One Pucca House, one ~~Stair~~ case, one under ground water Tank, one Kacha Well, one ~~boundary~~ Pucca House, One Stair case, One well, one boundary wall at Rs. 185450/- ^{Rs. 18540/- (w/w)}. The Asstt. Engineer (Valuation) has arrived at this valuation after giving the depreciation of 50%. There are no basis for me to disagree with his report. I agree with his report and assess Rs. 18,540/- as compensation of the ~~ex~~ walls, boundary wall and structures.

TREES

According to the report of the Revenue Staff there are following trees in the land:-

<u>Name of the tree</u>	<u>No. of trees.</u>
Molsari	2
Mangoes	4
Jaman	3
Pipal	4
Mulberry	2

income. The compensation of Bagh Nehri land has been assessed after taking into consideration the above trees as well. No compensation is therefore assessed ~~for~~ for the trees separately.

INTEREST

According to the provision of the L.A. (Amendment & Validation) Act, 1967 simple interest @ 6% is allowed on the market value of the land from the date of expiry of 3 years viz. 14.6.1966 to 12.9.76, the date of announcement of the award.

APPORTIONMENT

The compensation will be paid on the basis of latest entries in the revenue record and in case ^{of dispute} it will be sent to A.D.J. Delhi for adjudication.

15% SOLATIUM

The owners will be paid 15% solatium for compulsory acquisition charges as provided in the L.A. Act 1894.

SUMMARY OF THE AWARD

Compensation of land measuring 26 bighas 4 biswas @ Rs.12,950/- per bigha.	Rs. 3,39,290.00
Compensation of land measuring 2 bighas 4 biswas @ Rs.9000/- per bigha.	Rs. 19,800.00
Structure	Rs. 18,540.00
Total market value	Rs. 3,77,630.00
15% solatium	Rs. 56,644.50
Interest u/s 4(3) of the Act from 14.6.66 to 12.9.76 @ 6% on the market value (10 years 91 days)	Rs. 2,32,226.93

GRAND TOTAL

Rs. 6,66,501.43

LAND REVENUE

There will be a deduction of Rs.61.47P from the Khalsa Rent Roll of the village with effect from the date of taking over possession of the land.

The aforesaid land will vest absolutely in the Government free from all encumbrances from the date of taking over possession.

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