

A W A R D NO. 2/74-75 39

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

These are proceedings for acquisition of land comprising in Kh.No. 633/199/1 in village Sadora Kalan. The Delhi Administration had originally issued notification No.F.15(57)/64-LSG-1 dated 19.7.1966 u/s 4 of the Land Acquisition Act in respect of land measuring 351 Bigha 16 Biswas of village Sadora Kalan and the declaration u/s 6 of the Land Acquisition Act was issued in respect of land measuring 240 Bigha 13 Biswas comprising in field Nos. 476/170, 477/170, 172, 173, 176/1, 478/179, 480/179, 483/179, 190, 631/194, 198, 633/199/1, 633/199/2, 633/199/3, 201, 217, 442/217. The Delhi Administration deleted the land measuring 83 Bighas 10 Biswas comprising in field Nos. 633/199/1, 172, 173, 176/1, 442/217, 217 from the two notifications referred to above namely F.15(57)/64-LSG(1) dated 19.7.1966 and F.15(57)/64-LSG-1 dated 5th April, 1966 vide notification Nos. F.15(57)/64-L&H(1) & F.15(57)/64-L&H (11) dated 29.10.1966 and issued a fresh declaration in respect of area measuring 83 bighas 10 biswas u/s 6 of the Land Acquisition Act vide notification No.F.15(57)/64-LSG-iii dated 29.10.1966 on the grounds that this land was already covered under notification No.F.15(111)/59-LSG dated 13.11.1959. Award No. 2020 * in respect of land comprising in field Nos. 172, 173 & 176/1 was issued by the former L.A.C. in 1967. The present award therefore relates to the land measuring 57 Bighas 6 Biswas in Kh.Nos. 633/199/1.

MEASUREMENT & CLASSIFICATION OF LAND.

The revenue staff has reported that the land was measured on the spot and its area was found to be 57 Bighas 6 Biswas. There is no reason for me to disagree with the report of the revenue staff and thus I take the area of the land as 57 Bigha 6 Biswas.

The classification of the land is as below:-

<u>Kh.No.</u>	<u>Area</u>	<u>Kind of land</u>
633/199/1	Big-Bis 57-3	Bagh Nehri
633/199/1	0-3	Gair Mumkin Ghah

There has been no objection to the above classification of the land.

CLAIMS & EVIDENCE

The following claims have been received :-

<u>Name of the claimant</u>	<u>Amount claimed</u>
A) 1. Mst. Anwari Begum	Rs. 56,30,000/- as compensation for land at the rate of Rs. 100/- per sq.yd
2. Mst. Sarwari Begum	
3. Mst. Akhtari Begum	
4. Mst. Zohra Begum	
5. Mst. Razia Begum	Rs. 80,000/- as compensation for trees
6. Mst. Zakia Begum	
7. Mst. Qudsia Begum	
8. Mst. Jalil Ahmed	Rs. 20,000/- as compensation for wells
9. Sh. Noor Ahmed	
10. Sh. Khalil Ahmed	
B) Ram Mehar s/o Ram Rikh	Rs. 300/- per sq.yd for the land & 15 % solatium

The interested persons have not furnished any document in support of their claims and hence their claims are discussed hereinafter under the heading Market Value.

MARKET VALUE

There has been a number of awards under the provisions of the Land Acquisition Act in village Sadora Kalan. I find that award No. 1985 and award No. 2020 are relevant for the determination of the compensation of the land as the land in both these awards was covered under the notification dated

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12 13.11.1985 and falls in the same village namely Sadora Kalan. I find that the learned A.D.J. has assessed the rate of compensation in respect of land in village Sadora Kalan, vide award No. 1985 in the following manner:-

"The land abutting on the Link Road was assessed at the rate of Rs. 8000/- per Bigha. ~~making~~ Bagh Nehri land was assessed @ Rs. 5600/- per Bigha Land under Najafgarh Drain was assessed @ Rs. 2500/- per bigha and the value of the remaining land was assessed @ Rs. 5100/- per bigha."

The farmer L.A.C. has assessed the rate of compensation in respect of Bagh Nehri & other kind of land at Rs. 5600/- & 5100/- per Bigha respectively after following the decision of the learned A.D.J. Shri Hans Raj in previous cases of the same village. It has come to notice that the interested persons had filed reference petitions against the assessment of compensation as done in award No. 1985 & 2020 in the Court of learned A.D.J. and the learned A.D.J. has been pleased to increase the rate of compensation only in respect of land abutting on the Link Road from Rs. 8000/- to Rs. 9,350/- .

On my personal inspection of the land on two occasions I found that the land comprising in Kh.No. 200 adjoins the land comprising in Kh.No. 633/199/1 i.e. the boundary of these two fields is common to some extent. I find that Shri Ram Parsad s/o Sh. Shiv Sahai had made a reference petition u/s 18 of the Land Acquisition Act for payment of compensation at enhanced rate in respect of Kh.No. 200 and the learned A.D.J. after considering the

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entire matter was pleased to decide ~~that~~ that there was no case to revise the rate of compensation as already decided by the L.A.C. and thus the rate of compensation in respect of the land comprising Kh. No.200 remained 5600/= per Bigha being Bagh Nehri. The A.D.J. was further pleased to observe that no enhancement is justified in respect of the land comprising in Kh. No.200. I, therefore, accordingly assess the rate of compensation in respect of the land comprising in field No.633/199/1 at the rate of Rs.5600/= per Bigha.

The claimants have not furnished any evidence in support of their claims and instead had claimed Rs. 8,00,000/- on account of loss and damages suffered by them for the long delay in actually acquiring the land. This ground is hardly tenable as the claimants have themselves obtained stay orders from the Hon'ble High Court of Delhi and there are new provisions in the Land Acquisition Act as amended to make payment of interest @ 6 % of the market value of the land.

TREES

Shri P.S. Bhatnagar, Assistant Horticulturist , DDA has assessed the value of the trees on the land under acquisition and according to his report the total weight of trees in the land is in the following manner:-

1. Jaman	1415 Qtls @ Rs. 3.35 per Qtls	Rs. 4740.00
2. Mango	3293 Qtls @ Rs. 4.00 per Qtls	Rs. 13172.00
3. Shisham	40 Qtls @ Rs. 8.70 per Qtls	Rs. 348.00
4. Pipal	21 Qtls @ Rs. 1.35 per Qtls	Rs. 28.00
5. Khatha	12 Qtls @ Rs. 2.20 per Qtls	Rs. 26.00
6. Kikar	8 Qtls @ Rs. 4.00 per Qtls	Rs. 32.00
7. Misc.	304 Qtls @ Rs. 2.70 per Qtls	Rs. 821.00

Total

Rs. 18807.00

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He has also added a sum of Rs. 18,807/- after allowing 100 % increase at the current rates of the wood. I disagree with the addition of 18,807/- on the grounds that date of notification u/s 4 of the Act is 13.11.1959 and not of the year 1973. I also find that he had assessed the value of the timber at Rs. 18807/- as per rate approved by the Chief Engineer ,C.P.W.D. in 1966 and thus he has already given the advantage of 7 years in assessing the value of the timber. The rate of timber in the year 1959 must definitely be lower than the rate of timber prevailing in the year 1966 and I therefore make 1/3 rd deduction of the value of the timber as assessed by Shri P.S. Bhatnagar. I, therefore, assess the value of the timber of the trees at Rs. 12,525/-. Shri Bhatnagar has also assessed the cost of fruits at Rs. 58,960/-. I disagree with this assessment of Shri Bhatnagar. With a view to know the actual position of the fruits in the garden I had inspected the land on two occasions and found that the garden was in the state of complete neglect and this fact has also been admitted by Shri Bhatnagar in his report. On enquiries I found that there was more or less no income from the Jaman trees and other kinds of trees except that of Mango trees and that the Mangoes trees ^{ed} fetch/about Rs. 1100/- during the year 1972-1973. ^{not} All the three Wells were/functioning and there was no irrigation even by Nehar water at this time and thus there is no irrigation in the land either by Well or by Nehar, and the trees have dried up.

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After assessing the value of the timber of all the trees on the land I do not therefore find any case to assess any compensation in respect of Fruit particularly when the claimants have not produced statements in respect of income of the garden of any year for obvious reasons.

WELLS & STRUCTURES

There are only three Wells on the land under acquisition at present and these are in existence prior to 1959. Shri S.K. Dass, Asstt. Engineer(Valuation), D.D.A. has assessed the value of the three Wells in the following manner:-

- 1) Well having diameter of 1.90 meters
= Rs. 3010/-
- 2) Well having diameter of 2.20 meters
= Rs. 3000/-
- 3) Well having diameter of 3.42 meters
= Rs. 6,395/-

I find in award No. 1985 that the learned L.A.C. had fixed the highest rate of compensation of Well at Rs. 2082/- after taking into consideration that it was fitted with electric motor. The assessment of the value of the Wells made by Shri S.K. Dass are therefore definitely on the high side. I, therefore, assess the value of all the three Wells in the following manner :-

Value of two small Wells at Rs. 2000/- per Well

Value of one big Well at Rs. 3000/-

Total value of three Wells at Rs. 7000/-

15 % SOLATIUM

The interested persons will be entitled to have 15 % solatium on the compensation awarded to them for compulsory nature of acquisition.

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INTEREST

The date of notification u/s 4 of the Act is 13.11.1959 while the date of notification u/s 6 is 29.10.1966 and thus interest @ 6 % of the Market Value of the land is payable for the period from 13.11.1962 to ^{16.5.74} ~~26.12.1973~~ after excluding the period during which the proceedings for the acquisition of the land ^{were} held up on account of stay orders of the Hon'ble High Court of Delhi i.e. from 13.2.1967 to 26.5.1970(both days exclusive).

APPORTIONMENT

The payment of compensation is to be paid to the rightful owners with reference to the latest entries in the revenue records. The owners are allowed to remove the trees from the land within a period of 30 days. No compensation in respect of trees shall be paid to them if the trees are removed by them. The payment of compensation in respect of trees shall thus be made on a report from the Revenue Staff after lapse of 30 days.

LAND REVENUE

There will be a deduction of Rs. 174.73 Ps ~~will~~ 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.

Subject to the above remarks, the award is summarised as follows:-

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+Compensation of land measuring 57 bighas 6 biswas @ Rs.5600/- per bigha.	=	Rs.3,20,880.00
Compensation for wells	=	Rs.7,000.00
Compensation for trees	=	Rs.12,525.00
15% solatium	=	Rs.51,060.75
Interest @ 6% on the above from 13.11.62 to 12.2.67.	=	Rs.1,67,870.96
(4 years 91 days) & 27.5.70 to 16.5.74 (3 years 354 days)		
Total: 8 years 80 days.		
G. Total:	=	Rs.5,59,336.71

(Rupees five lakhs fifty nine thousand three hundred
thirty six & paise seventy one only).

Sgn. 16.5-1974.
(S.O. Jain)
Land Acquisition Collector(N)
Delhi.

*I have kindly announced & filed the award
with the Deputy Commissioner, Shri Khalid Ahmed Shikah
Ahmed & Shri Ram Krishna N.T.(DS).*

Received a copy of Award.

Khalid Ahmed.

16.5.74.

Jamil Ahmad
16.5.74

Sgn. 16.5.74
W.C. (DS) Secy.