

AWARD N O. 73/1972-73

Name of the village :- Sadhona Kalan (Roop Nagar).
Nature of Acquisition :- Permanent.
Purpose of Acquisition :- Planned Development of Delhi.

INTRODUCTION.

The land measuring 75 Sq. Yds. situated in Block No. 1 Roop Nagar is needed by the Government at the public expense for a public purpose i.e. Planned Development of Delhi. It was notified U/s 4 of the L.A. Act vide notification No. F.15(82)/67-L&H dated 23.2.1968. The substance of the notification was given due publicity and objections were invited from the interested persons. No objection was received. A report was accordingly sent to Delhi Administration. A declaration U/s 6 of the Land Acquisition Act was made vide Delhi Administration notification No. F.15(82)/67-L&H dated 3.6.68. Notice U/s 9(1) of the L.A. Act was given due publicity and notices U/s 9(3) and 10(1) of the L.A. Act were served upon the known interested persons who have responded by filing their claims.

MEASUREMENT AND OWNERSHIP.

According to the notification U/s 6 of the L.A. Act the open plot of land bounded by 20' wide lane on the north, Government acquired land for widening of the G.T. Road on the south, Public road No. 2, Roop Nagar on the east and portion of acquired land and public road along Najaggarh Drain on the west measures 755 Sq. Yds. From the verification made on the spot U/s 8 of the L.A. Act by Land Acquisition staff the area to be acquired comes to 75 Sq. Yds.

Sh. Jai Narain S/O Bishamber Dayal and Sh. Sham Lal S/O Jai Narain are reported to be owners of land out of which 492 Sq. Yds. was acquired in award No. 1767 and 75 Sq. Yds. is being acquired now. S/Shri Jai Narain and Sham Lal have claimed

that after leaving out 492 Sq.Yds. of land acquired in award No.1767 they are left with 228 Sq.Yds. of land . But the present notification pertains to 75 Sq.Yds. which is available for acquisition and the area is correct according to the boundaries given in the notification U/s 6. I, therefore, hold true and correct area under present acquisition to be 75 ~~xxxx~~ Sq. Yds.

CLAIMS.

S/Shri Jai Narain S/O Sh. Bishamber Dayal and Shri Sham Lal S/O Shri Jai Narain have filed a claim for the land under acquisition @ Rs. 400/- p er Sq.Yd. Their claim is for 228 Sq.Yds. land, but only 75 sq. yards of land is being acquired under present notification.

EVIDENCE.

The claimant has filed unattested copy of certificate of sale of property No.153 Block 24, Shakti Nagar on 5.2.68 for Rs. 39,750/- by the Department of Rehabilitation. This sale took place in the year 1958 and the land under acquisition was also purchased in 1958. The sale of the same land is a better piece of evidence and should be preferred to other sales in the same year.

MARKET VALUE.

The land under acquisition is situated in Roop Nagar between Roop Nagar road No.2 and the road running along the Najafgarh Drain.

There are following awards in respect of land situated in Roop Nagar.

Sl.No.	Award No.	Date of notification U/S 4.	Rate awarded by L.A.C.
1.	1767	14.9.1964	Rs. 8/- per Sq. yd.
2.	1865	18.1.1960	Rs. 53/- per sq.yd. in Block A. & Rs. 36/- per.sq.yd. in Block B.
3.	1894	9.1.1964	Rs. 65/- per sq.yd.

Award No. 1767 is most relevant to the determination of market value of the land under acquisition for the reasons that part of the land belonging to the same owners was acquired in this award. The land acquired in award No. 1865 and 1894 are much better situated than the land under present acquisition, which faces the Ganda Nala known as Najaf Garh Drain. The land acquired in award No. 1894 is far away from the Ganda Nala and abuts on the road and the land acquired in award No. 1865 is situated near the Shakti Nagar Chowk which is the crossing of G.T. Road and main road running from Shakti Nagar to Maurice Nagar. The close proximity of the land under acquisition to the Ganda Nala (Najafgarh Drain) detracts from the value of the land.

Three references U/s 18 of the L.A. Act are reported to have been filed against award No. 1767. Out of ~~which~~ them one has been dismissed by the A.D.J. Delhi. The following two reference petitions have been decided on merits.

Sl.No.	L.A. Case No.	Name of the parties.	Date of decision.	Rate awarded by A.D.J., Delhi.
1.	316/68	Jai Narain Vs. Union of India.	20.3.1970.	Rs. 80/- per sq. Yd.
2.	317/68	Sham Lal Vs. Union of India.	-do-	-do-

The Government has not filed appeal against the above mentioned decision of the A.D.J. Delhi. The land acquired in award No. 1767 was notified I/s 4 on 14.9.1964. The market value of this land has been fixed by the A.D.J. Delhi @ Rs. 80/- per sq. yd. on 14.9.1964 as shown above. The present notification U/s 4 for the land under acquisition is dated 23.2.1968. The A.D.J. Delhi in his judgement in L.A. Case No. 316/68 Jai Narain versus Union of India pertaining to award No. 1767 has observed that the prices of land in Delhi have been increasing every year and the increase must not be less than 5% p.a. The A.D.J. had allowed

the increase in the price of land @ 5% p.a. from 7.1.1958 to 14.9.1964 in that case as the land acquired in award No.1767 was purchased by the claimants in this case on 9.1.1958. Following this decision of the A.D.J. Delhi based on the sale of the same land I consider it fair and reasonable to allow an increase @ 5% p.a. in the market value of land from 14.9.64 to 23.2.1968. Calculated on this basis the increase works out to Rs. 14/- per sq. yard. I, therefore fix the market value of the land under acquisition @ Rs. 94/- per sq. yard on the date of notification U/S 4.

OTHER COMPENSATION.

STRUCTURE:

There is boundary wall on one side and a small Kothri with temporary tin roof. The structure is reported to be erected after the date of notification U/S 4. The claimant has also not claimed anything for any structure on the land under acquisition. No compensation is, therefore, assessed for the structures. The owner is allowed to remove the material immediately after the announcement of the award.

TREE.

There is a Khirini tree in the land under acquisition which has been assessed by the Naib Tehsildar @ Rs. 12/- I agree with the assessment and allow the same.

SOLATUM.

15% of the market value of land under acquisition shall be paid on account of compulsory acquisition as provided in Section 23(2) of the Land Acquisition Act, 1894.

APPORTIONMENT.

The ~~same~~ compensation will be paid in the presence of both the claimants. In case of dispute the matter will be referred to A.D.J. Delhi for adjudication of the title.

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SUMMARY OF THE AWARD.

1. Market value of the land measuring 75 Sq.yards @ Rs.94/- per sq.yard.	Rs. 7,050-00.
2. Value of tree.	Rs. 12-00.
3. 15% solatium for compulsory nature of acquisition.	Rs. 1,059-30.
Grand Total.	<u>Rs. 8,121-30.</u>

B.M.L. Gaumat
(B.M.L. GAUMAT) 8.1.73
LAND ACQUISITION COLLECTOR(DS)DELHI.

*Copy made
Delhi*

Announced + filed today
B.M.L. Gaumat
8.1.73
LAc (Ds)