

A W A R D No. 5/84-85

NAME OF VILLAGE : SMALKA
 NATURE OF ACQUISITION : PERMANENT
 PURPOSE OF ACQUISITION : CONSTRUCTION OF RAJOKRI BUND
 No. 11

These are proceedings for acquisition of land in Village Samalka which is required by the Government at public expense for public purpose namely for the construction of Rajekri Bund No. II. This land was notified under section 4, 6 & 17 of the Land Acquisition Act, 1894 vide notification No. F. 7(41)/81-L&B(1)(2)(3) dated 22.1.1982 respectively. A Declaration u/s 6 of the said act was issued vide notification No. F. 7(41)/81-L&B(2) dated 22.1.1982 for the land measuring 36 bighas 12 biswas. Notices u/s 9 & 10 of the L.A. Act were issued to the interested persons for filing the claims who have responded to the notices and have filed their claims which will be discussed under a separate heading "Claims & Evidence."

MEASUREMENT

The field staff has carried out measurement on the spot. Notification for the excess land measuring 10 biswas was made in Kh. No. 32/25 (Actual area is 2 bighas 07 biswas instead of 2 bigha 17 biswas). There is thus a clerical mistake to work out the area at the time of preparation of draft notification. The award is thus confined to 36 bighas 02 biswas, the details of which are as under:-

Kh. Nos.	Area Big-Bis	Kind of soil
24/6/2	2-14	Gair Abpash
15/2	3-01	Abpash
16/2	3-01	Abpash
25/2	3-01	Abpash
32/5/2	3-01	G. Abpash
6/2	2-05	G.M. Garha
32/15/2	1-18	G. Abpash

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16/2	2-07	G. Abpash
25/2	2-07	Gxxxxxx Parti No.1
37/5/1/2	1-07	Abpash
5/2/2	1-00	-do-
7/2	1-09	-do-
14/2	1-12	-do-
16/2	2-03	-do-
24/1/2	1-03	-do-
56/20/2	1-16	G.M. Nala
26/2	0-15	-do-
27/2	1-02	-do-

Grand Total:- 36-02

Ownership & Occupancy Right

Sl.No.	Name of owner	Name of occupant	Kh.No.	Area
1.	Chander s/o Rura, Bihari s/o Niram, Shee Ram s/o Ram Parshad in equal share 1/4 share, Ballu Singh, Bal Ram ss/o Ram Lal equal share one share, Ram Kishan, Khushi Ram ss/o Kesho Ram, Smt. Bhagwani wd/o Harnam equal share 3 share in 1/4 share. Mukh Ram adt. s/o Mst. Mehar Chand 1/4 share Nihal s/o Kanshi Ram, 1/4 share.		37/5/1/2	1-07
2.	Munshi Ram, Kanwar Lal, Hardwari Lal, Tek Chand, Sabha Chand, Jai Ram ss/o Bhim Singh equal share 1/2 share, Molar, Har Chand, Shee Narain ss/o Smt. Maro d/o Udmu equal share 1/2 share in one share. Rugh Nath s/o Sis Ram, Har Narain s/o Meel		24/6/2	2-14
3.	Chand equal share 2/3 share, Lakshmi s/o Fateh Singh, Mst. Ugam Devi wd/o Fateh Singh, equal share 1/9 share, Chander Bhan, Jai Narain ss/o Kanhaxx equal share 2/9 share in one share. Jagan, Devi Ram ss/o Bihari equal share in one share. Sri Chand, Hari Singh, Nand Kishore ss/o Devi Singh equal share in one share.			

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3. Man Phool, Piare Lal, Mir Singh, Ram Phal, Siri Bhagwan ss/o Liaq Ram equal share 1/2 share Man Raj, Mangal ss/o Maha Singh equal share 1/2 share	37/14/2	1-12
4. Mangat s/o Tata Ram, full share	37/16/2	2-03
	37/24/1/2	1-03
		<u>3-06</u>
5. Mangat s/o Har Chand 1/4 share	37/5/2/2	1-00
Toti Ram, Tulsi s/o Dil Sukh equal share 1/2 share.	37/7/2	1-09
Ganga Ram, Ram Khilari ss/o Ram Parshad equal share 1/4 share		<u>2-09</u>
6. Sada Ram, Ram Sarup, Hari Dass, ss/o Ratti Ram equal share 1/2 share. Ramesh Chand, Ram Khilari, Om Parkash ss/o Abhey Ram equal share 1/2 share	32/15/2	1-18
	32/16/2	2-07
		<u>4-05</u>
7. Shee Ram, Singh Ram ss/o Hari Singh equal share 1/4 share. Ram Chander, Kishna ss/o Hazari equal share 1/4 share. Salten s/o Amar Singh, Udmu Ram, Siri Ram, Ratti Ram ss/o Des Ram equal share 1/2 share.	56/27/2	1-02
8. Sis Ram s/o Hira, Smt. Maha Devi wd/o Saliq Ram equal share, Man Phool, Pirohu, Lakhi, Dali ss/o Siri Ram equal share 1/2 share Same Singh, Banwari, Udmu Ram, Sundu Ram, Khacheru Ram ss/o Kirpa Ram equal share 1/2 share in 1/3 share.	32/25/2	2-07
9. Shee Ram, Singh Ram ss/o Hira Singh equal share 1/2 share	24/15/2	3-01
Ram Chander, Kishna ss/o Hazari equal share 1/2 share	16/2	3-01
	25/2	3-01
	32/5/2	3-01
	6/2	2-05
		<u>14-09</u>
10. Gram Sabha	56/20/2	1-16
	26/2	0-15
		<u>2-11</u>

Grand Total- 36 Bighas 02 Biswas

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CLAIMS & EVIDENCE

S. No.	Name of the claimant	Compensation claimed
1.	Sh. Kishan, Ram Chander ss/• Hazari, Shee Ram, Singh Ram ss/• Hira	Have claimed compensation for Kh. No. 24/15/2(3-1), 16/2(3-1), 25/2(3-1), 32/5/2 (3-1), 6/2(2-5), 56/27/2(1-2) total 15 bigha 11 biswas @ as under :- a) Rs. 1,00,000/- per bigha for the land. b) Rs. 1,00,000/- for the change of residence. c) Rs. 1,00,000/- for super- structure. d) Rs. 500/- for trees. e) Rs. 2,00,000/- for extra labour and loss of irrigation facilities. f) Rs. 50,000/- for standing crops g) Rs. 50,000/- for severance h) 15 % statutory allowances i) 6 % statutory interest. j) Alternative accommodation.
2.	S/Sh. Munshi Ram, Kanwar Lal Hardwari Lal, Tek Chand, Jai Ram ss/• Bhim Singh, Kamal Kishore, Jitander, Kishore, Raj Kishore ss/• Sabha Chand, Molar, Mehar Chand, Shiv Narain ss/• Mori d/• Udmi Ram, Raghu Nath s/• Sis Ram, Chander Bhan, Jai Narain ss/• Kanha, Lachman s/• Fateh Singh, Uggan Devi wd/• Fateh Singh, Tirlok Chand, Satya Parkash ss/• Siri Chand, Hari Singh, Nand Kishore ss/• Devi Singh, Jagan Devi Ram ss/• Bihari Lal	Have claimed compensation for Kh. No. 24/6/2 @ Rs. 50,000/- per bigha for severance. Rs. 10,000/- per bigha. 15 % solatium and interest according to law.
3.	Gaon Sabha through its Pradhan of Smalka Hari Singh	Has claimed compensation for Kh. No. 56/20/2, 56/26/2 @ Rs. 50,000/- per bigha.
4.	Sultan Singh s/• Amrit Singh, Shiv Lal s/• Udmi, Lekh Ram, Chiman Singh, Thandi Ram, Krishan ss/• Banwari, Ratti Ram, Siri Ram ss/• Des Ram	Have claimed compensation for Kh. No. 56/27/2 (1-02) @ Rs. 50,000/- per bigha for land besides solatium and interest as provided under the law.
5.	Ram Kumar, Ballu Singh ss/• Ram Lal	Have claimed compensation for Kh. No. 37/5/2/2(1-7) @ Rs. 50,000/- per bigha for land and Rs. 10,000/- for severance and for solatium, Instt. according to law.
6.	Hari Dass, Sada Ram, Ram Sarup ss/• Ratti Ram	Have claimed compensation for Kh. No. 32/15/2(1-13), 32/16/2(2-7) @ Rs. 50,000/- per land contd. Rs. 2000/- for trees & for alternative site or employment order to earn their livelihood.

7. Man Phool, Ram Phool
Siri Bhagwan s/o Laiq
Ram, Meer Singh, Piarey ss/o
Long Ram, Man Raj, Mangal
s/o Mohan Singh
Have claimed compensation for
Kh.No. 37/14/2(1-12) @ Rs.50,000/-
for land Rs.5000/- for loss,
Rs.5000/- for a Water Tank,
Rs.2000/- for crop.
8. Ram Khilari and Ramesh
Chand ss/o Abhey Ram
Have claimed compensation for
Kh.No. 32/15/2, 32/16/2 @
Rs.50,000/- for land, In ~~tax~~ &
solatium, Rs.10,000/- for alter-
native, Rs.5000/- for bifercation
Rs.5000/- for loss of profession.
9. Mangat s/o Tota Ram
Has claimed compensation for
Kh.No. 37/16/2, 37/24/1/2 @
Rs.50,000/- for land, Rs.5000/-
for construction of Pucca Khol
Rs.5000/- for the loss of Haudi
Rs.7000/- for crop.
Rs.10,000/- for deterioration.

DOCUMENTARY EVIDENCE & PROOF

No documentary evidence and proofs have been filed by any persons interested in support of their claims.

AWARDS

The details of the awards which have been announced in the Village are as under :-

Sl.No.	Award No.	Date of notification u/s 4	Rate awarded per bigha
1.	70/72-73	3-12-71	Block A Rs.2760/- Block B Rs.1850/-

REFERENCE U/S 18

Their references u/s 18 have been filed by the persons interested but none of them has ^{been} decided so far.

MARKET VALUE

The market value of the land under acquisition is to be determined with reference to the date of preliminary notification i.e. 22.1.1982. In assessing the market value of the land under acquisition, the material date, benafide & sale transactions of the land similarly circumstanced as also the awards for similarly situated lands made with reference to the date of notification u/s 4 of the Land Acquisition Act, 1894 are to be taken into consideration. In this Village the following awards are reported to have been

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made:-

S.No.	Award No.	Date of notification	Rate awarded per bigha
1.	70/72-73	3-12-1971	Rs. 2760/- per bigha for Block A Rs. 1850/- per bigha for Block B

The material date in this award is 3.12.1971 while in the present case it is 22.1.1982. Therefore, this award does not help in arriving at the correct market value in this case.

As regards the Sale Transactions having taken place in the Village the following instances have come to notice through Field Staff:-

S.No.	Year	Area	Consideration money	Average per bigha
1.	1978-79	Big-Bis 17-14	Rs. 51,000-00x	Rs. 2881-35 Ps
2.	1979-80	56-11	Rs. 1,90,100-00	Rs. 3361-62 Ps
3.	1980-81	53-09	Rs. 2,96,304-00	Rs. 5542-40 Ps
4.	1981-82	14-12 ¹ 4	Rs. 1,07,000-00	Rs. 7322-50 Ps
		142-6 ¹ 4	Rs. 64,44,04-00	Rs. 4526-60 Ps

The average per bigha in the sale transactions of the above table comes to Rs. 4527/- (round figure) and most of the sales were effected 2 to 3 years prior to the material date in the present case. These sales, therefore, do not provide guidance to the extent required. However, during 1981-82, land measuring 7 bighas 4 biswas was sold for Rs. 40,000/- vide sale deed No. 7088 dated 4.9.1981 by Smt. Chaype widow of Shri Sunder to Shri Matadin s/o Shri Prabhu Dayal. Average per bigha comes to Rs. 5560-00. Sale took place on 4.9.81 while the material date of present case is 22.1.1982. Sale is about 5 months earlier. This sale of Rs. 5560/- can give guidance in the present ^{Case} and during the next 4 to 5 months period, no evidence is available regarding.

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appreciation of the market value.

No judgment is available regarding enhanced compensation awarded by the Court of Additional District Judge in awards made in respect of this Village under section 18 of L.A. Act, 1894.

Keeping in view the above factors, the market value of Rs. 5700/- per bigha appears to be reasonable which I determine accordingly. This is sufficient and reasonable. Some addition has also been made for the gap of 4 months and 18 days as sale took place earlier by this period.

WELLS & TREES

There are no Wells and Trees on the land under acquisition. Hence, no compensation is assessed for the same.

STRUCTURE

Cemented water Nali which is built up before the date of notification u/s i.e. 22.1.1982, exists on the land under acquisition, the details of the same with valuation as per actual cost less depreciation @ 30 % are given as under:-

<u>Kh.No.</u>	<u>Description of structure</u>	<u>Assessible amount</u>
24/15/2	140 ft. water Nali made of bricks and Plastered with Cement, A Haudi by 4'x3'x3'	Rs. 1200-00
16/2	198 ft. water Nali and a Haudi 4'x3'x3' made of bricks and plastered with Cement	Rs. 1600-00
25/2	-do-	Rs. 1600-00
32/5/2	198 ft. water Nali made of bricks and plastered with cement	Rs. 1500-00
Total:-		Rs. 5900-00

Naib Tehsildar has assessed the value which I consider quite fair and award the same.

INTEREST

The possession of the land under acquisition was taken over on 22.3.1982. Interest will be given from the date of taking over possession till the date of announcement of the award.

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SOLATIUM

15 % solatium will be paid on the market value of the land in consideration of the compulsory nature of acquisition.

APPORTIONMENT

1. Payment will be made according to the latest entries in the revenue record.
2. Where there is a dispute the matter will be referred to the Court of ADJ, Delhi under section 30 and 31 of the Land Acquisition Act, 1894 (if the parties do not reach an amicable settlement within a reasonable period.)

LAND REVENUE

The land in question is assessed to sum of Rs. 8-10 P as land revenue. The same may be deducted from the Khalsa Rent Roll of the Village w.e.f. taking over the possession.

SUMMARY

Compensation of land measuring 36 bighas 02 biswas @ Rs. 5700/- per bigha	Rs. 205770-00
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Cost of structure	Rs. 5900-00
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15 % Solatium	Rs. 31750-50
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Total:-	Rs. 243420-50
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Instt. @ 6 % from 22.3.82 to 29.2.84 (1 yr. 345 days) on a sum of Rs. 243420-50 by which date the award is likely to be announced.	Rs. 28372-45
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G.Total:-	Rs. 271792-95
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(Rupees Two Lacs Seventy One Thousand Seven Hundred Ninety Two and Paise Ninety Five only)

(R.C. CHOUGH)
LAND ACQUISITION COLLECTOR(MSW)
DELHI.

Announced and
kept on record
today the 24th May 1984

24/5/84
LAC MSW

Pl issue notice
u/s 12(2) of LA Act
24/5/84

लायनवाही लकड़ा ग्राहक रसालका

आज दिनांक 22-3-82 को बमुजिब हुक्म जनाब
LAC (MSW) साहब मौका पर ग्राहक रसालका बहंसाई
श्री प्यारे लाल व्यासगो, श्री बेय सिंह पटवारी, श्री जोगिन्द
सिंह पटवारी व श्री शोभा राम चपरासी (LA) पहुंचे।
बमुजिब डोगाम महकमा लघु सिंचाई खण्ड विभाग
(महसौली उपखण्ड) की ओर से श्री A.K. Bharchwag.
(J.E) मौका पर मौजूद हैं। वास्तविक दायन में से बाऊजूद
इतलाया कि वे कोई लाजिर नहीं है। भूमि अधिसूचित
u/s- 4, 6, 17 No. F. 7 (41)/81- L & B (1)(2)(3) dt. 22-8-82
बशमूला नम्बरान खसरा 24
6/2, 15/2, 16/2, 25/2
(2-14) (3-1) (3-1) (3-1)

32

5/2, 6/2, 15/2, 16/2, 25/2 37
(3-1) (2-5) (1-18) (2-7) (2-7) 5/1/2, 5/2/2, 7/2, 14/2
(1-7) (1-0) (1-9) (1-12)

37

16/2, 24/1/2 56
(2-3) (1-3) 20/2, 24/2, 27/2 कुल लायरी 36-2
(1-16) (0-15) (1-2)

की मौका पर बजरीय जीव उन्दाजी पैमाइश करके
व बुजियात खास लगाकर निशान देही की गई। रकबा
हजा में कुछ नम्बरान खसरा में गेहूं व हरड़ की
फसल खड़ी है जिसकी सूचि अलग से तैयार करके
लायनवाही लकड़ा ले साध लगा दी गयी है। सालिम रकबा
36-2 बीसवें ला लकड़ा वाकई मध्य फसल को इकट्ठा
किया गया और उसी वकत श्री A.K. Bharchwag (J.E)
महकमा लघु सिंचाई खण्ड ले हवाले किया गया। और
महकमा लघु सिंचाई खण्ड ले नुमाइश Sh. A.K. Bharchwag
(J.E) की ओर से वास्ता फसल को बाटेन ले लिए
मालकाज, भूमिदाराज को दिनांक 30-4-82 तक ला
समय दिया गया। इसके बाद मालकाज ला सम्बन्धित
भूमि से कोई वास्ता नहीं रहेगा यदि खड़ी फसल को
इस दौरान में महकमा लघु सिंचाई खण्ड की ओर से उजाड़ा गया या
किसी प्रकार की हानी पहुंचायी गयी तो मालकाज
भूमिदाराज को फसल ला फतिकर भी दिया जाना
उचित होगा। बरकत लायनवाही लकड़ा कोई
P.T.O.

455

मजाहमत पेश नहीं आई, मुजादी व मुस्तहरी
बाबत तबदीली जफजा मौका पर व देह-हजा में
बजरीये श्री शोभा राम चपरासी (L.A) व आवज
बुलन्द जरायी गई। पटवारी हलका बवजह दीगर
ज्वाह सवकार हाकिम नहीं आ सका है अतः एक
नकल ज्वाहवाही जफजा बरार उम्मत दरामदे
दर जगजात माल पटवारी हलका को बजरीये
तहसीलदार साइब (महबूली) मिजवायी जावेगी
और एक नकल महकमा Acquaintance को बुलन्द
Sh. A. K. Bhardwaj (J.E) को दी गयी। ज्वाह-
वाही जफजा मुसमल ले चुकी है 22-3-82

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22/3/82

(TO BE PUBLISHED IN PART IV OF DELHI EXTRAORDINARY GAZETTE)

DELHI ADMINISTRATION : DELHI

NOTIFICATION

Dated the 22nd. Jan., 1982.

No. F.7(41)/81-L&B (2) :- Whereas the Lt. Governor, Delhi is satisfied that the land required to be taken by Government at the public expense for a public purpose, namely, for Construction of Rajokri Bund No. II, it is hereby declared that the land described in the specification below is acquired for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected at the Office of the Collector of Delhi.

SPECIFICATION

S.No.	Name of village	Total Area Big.- Bis.	Field Nos. or Boundaries.		
			Rect No.	Khasra No.	Area Big.- Bis.

1.	Rajokri	7-19		449 min	0-14
				451 min	1-09
				455 min	1-03
				456 min	0-06
				459 min	1-10
				460 min	Less than bis.
				468 min	1-10
				469 min	Less than Bis.
				470 min	1-07
2.	Samalka	36-12	24	6 min	2-14
				15 min	3-01
				16 min	3-01
				25 min	3-01

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1982.11.11
for
28/11/82
18/12/82
25/11/82

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1.	2.	3.	4.	5.	6.
Samalka (Contd.)			32	5 min	3-01
				6 min	2-05
				15 min	1-18
				16 min	2-07
				25 min	2-17
			37	5/1 min	1-07
				5/2 min	1-00
				7 min	1-09
				14 min	1-12
				16 min	2-03
				24/1 min	1-03
			56	26 min	0-15
				27 min	1-02
			56	20 min	1-16

By Order,

(JANAK JUNEJA)
 JOINT SECRETARY (LAND & BUILDING)
 DELHI ADMINISTRATION : DELHI.

Contd.....p.3/-

(TO BE PUBLISHED IN PART I/ OF DELHI EXTRAORDINARY GAZETTE)
DELHI ADMINISTRATION : DELHI

* N O T I F I C A T I O N *

Dated th. 22nd. Jan., 1982.

No. F.7(41)/81-L&B (1) :- Whereas it appeared to the Lt. Governor, Delhi that the land is likely to be required to be taken by Government at the public expense for a public purpose, namely, for Construction of Rajkri Bund No-II, it is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Lt. Governor is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

The Lt. Governor being of the opinion that provisions of sub-section (1) of section 17 of the said Act are applicable to this land, is further pleased under sub-section 4 of the said section, to direct that the provisions of section 5-A shall not apply.

* S P E C I A L I C A T I O N *

S.No.	Name of Village	Total Area Big.- Bis.	Field Nos. or Boundaries.		Area Big.- Bis.
			Rect No	Khasra No	
1.	Rajokri	7-19			0-14
				449 min.	1-09
				451 min.	1-03
				455 min.	2-06
				456 min.	1-10
				459 min.	Less than Bis.
				460 min.	1-10
				468 min.	Less than Bis.
2.	Samalka	36-12		469 min.	1-07
				470 min.	
			24	6 min.	2-14
				15 min.	3-01
				16 min.	3-01
				25 min.	3-01

Contd.....p.2/-

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1.	2.	3.	4.	5.	6.
Samalka (Contd.)			32	5 min 6 min 15 min 16 min 25 min	3-01 2-05 1-18 2-07 2-17
			37	5/1 min 5/2 min 7 min 14 min 16 min 24/1 min	1-07 1-00 1-09 1-12 2-03 1-03
			56	26 min 27 min	0-15 1-02
			56	20 min	1-16

By Order,

(JANAK JUNEJA)
JOINT SECRETARY (LAND & BUILDING)
DELHI ADMINISTRATION : DELHI.

Contd.....p.3/-