

AWARD NO... 13/96-97...

NAME OF VILLAGE:- Shahb-ad Daulatpur
Nature of Acquisition:- Permanent
Purpose of Acquisition:- Sewage Treatment plant for public purpose

INTRODUCTORY

These are the proceedings for determination of compensation under section 11 of the LA Act, 1894 in respect of land measuring 311 bigha 19 biswa situated in the revenue estate of Shahbad Daulatpur village. The Govt. of the National Capital Territory of Delhi (L&B) Department issued Notification NO.F.11(16) /93/L&B/LA dated 23.12.94 under section 4 of the LA Act for acquisition of the said land at public expense for public purpose namely 'Sewage Treatment Plant'. The notification under section 6 & 17 (1) of the LA Act were issued by the N.C.T Delhi (L&B) Department vide No.F.11(16)/93/L&B/LA/25184 dated 28.12.94 and F.11(16)/93/L&B/LA dated 28.12.94 respectively.

In pursuance of the said notification, the notices under section 9 and 10 of the LA Act were issued to the interested persons and the claims filed by them are discussed under the heading 'Claims'.

MEASUREMENT

The area to be acquired as given in the notification under section 6 is 311 bigha 19 biswa. The same was measured on the spot. There are some discrepancies in the notified area and actual area on ground which are given as under:-

<u>Kh. No.</u>	<u>Area Notified</u>	<u>Actual Area</u>	<u>Increase/Decrease</u>
52/9	4 - 16	4 - 6	(-) 0-10
10	4 - 16	4 - 11	(-) 0-05
12	4 - 16	4 - 11	(-) 0-05
21	4 - 16	4 - 11	(-) 0-05
22	4 - 16	4 - 11	(-) 0-05
56/13	3 - 12	3 - 07	(-) 0-05
14	5 - 16	5 - 11	(-) 0-05
15	4 - 16	4 - 11	(-) 0-05
57/2	4 - 16	4 - 11	(-) 0-05
9	4 - 16	4 - 11	(-) 0-05
11	4 - 16	4 - 11	(-) 0-05
12	4 - 16	4 - 11	(-) 0-05
13	4 - 16	4 - 11	(-) 0-05
14	4 - 16	4 - 11	(-) 0-05
15	4 - 16	4 - 11	(-) 0-05
20	4 - 16	4 - 11	(-) 0-05

As such there is total decrease of 4 bigha 4 biswa in the actual area from that of given in the notification. Thus the actual total area under acquisition in the present case comes to 307 bigha 15 biswa as per details given below:-

<u>Rectangle No.</u>	<u>Khasra No</u>	<u>Area</u>	
		<u>Bigha</u>	<u>Biswa</u>
42	21 min	1	00
51	19 min	2	00
	20	4	02
	21	4	16
	22	4	16
	23 min	2	07
	24 min	0	03
52	1	4	16
	2 min	3	00
	3 min	0	10
	7 min	2	00
	8 min	4	06
	9	4	06
	10	4	21
	11	4	16
	12	4	11
	13	4	16
	14	4	16
	15 min	3	00
	16	4	16
	17	4	16
	18	4	16
	19	4	16
	20	4	16
	21	4	11
	22	4	11
	23	4	16
	24	4	16
	25	4	16
53	5 min	1	00
	6 min	3	16
	14 min	1	00
	15	4	16
	16	4	16
	17 min	3	16
	23 min	1	00
	24	4	16

Rectangle No

Khasra No

Area
Bigha Biswa

53

25

4

16

56

3 min

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307

15

CLAIMS

The interested persons have filed their claims as under:-

S.No.	Name of Claimants	Kh. Nos	Claims	Remarks
1.	Har lal S/O Birbal	53/25 min	Rs. 2500/- per sq. yards	
2.	Rakesh Jain S/O Hukam Chand Jain	56/7	Rs. 2500/- per sq. yards	
3.	Naresh Kumar S/O Bhola Ram	52/20	Rs. 2500/- per sq. yards	
4.	Subash Chand S/O Roop Lal	52/11	Rs. 2500/- per sq. yards	
5.	Jerawar Singh S/O Hati Chand	52/23	Rs. 2500/- per sq. yards	
6.	Savitri Devi W/O Chander Man	53/25	Rs. 2500/- per sq. yards	
7.	Anand Singh S/O Bhalla Ram	56/4	Rs. 2500/- per sq. yards	
8.	Ashwani Kumar S/O Anand Parkash	53/15	Rs. 2500/- per sq. yards	
9.	Ashwani Kumar S/O Puran Singh	52/11	Rs. 2500/- per sq. yards	
10.	Satvir Singh S/O Nand Lal	56/6	Rs. 2500/- per sq. yards	
11.	Rajesh S/O Mahinder Pal	56/7	Rs. 2500/- per sq. yards	
12.	Ved Parkesh S/O Suraj Bhan	57/1	Rs. 2500/- per sq. yards	
13.	Tshwar Singh S/O Jage Ram	52/21	Rs. 2500/- per sq. yards	
14.	Mange Ram S/O Deep Chand	57/10	Rs. 2500/- per sq. yards	
15.	Sunder Devi W/O Zile Singh	56/4	Rs. 2500/- per sq. yards	
16.	Hanuman Prasad Geel	52/11	Rs. 5000/- per sq. yards	
17.	Diwan Chand S/O Ram Chand	57/4/2, 5	Rs. 2500/- per sq. yards	
18.	Reeta Sawhney W/O T.K. Swahney		Rs. 5000/- per sq. yards	
19.	Aditya Kansal S/O Madan Gopal	56/14-0-06 56/16-0-04	Rs. 5000/- per sq. yards	
20.	Sri Krishan S/O Subh Ram		Rs. 5000/- per sq. yards	

S.N.	Name of claimants	Kh. Nos	Claims	Remarks
21.	Rajesh Jain S/O Hukam Chand Jain	56/7	Rs.5000/- per sq.yards	
22.	Suresh Kumar Jain S/O Shekar Jain	52/20	Rs.500/- per sq.yards	
23.	Sanjay S/O Pawan Kumar	56/5 min	Do	
24.	Mahender Singh S/O Pyara Lal	56/5	Rs.5000/- per sq.yards	
25.	Ramesh Kalra S/O Balwant Rai Kalra	57/80/2	Rs.2000/- per sq.yards	
26.	Ved Parkash Kaushik S/O Suraj Bhan	53/16	Rs.5000/- per sq.yards	Sale deed for Rs.1,17,000/-
27.	Rattan Lal S/O Ram Dhan	50/25	Rs.5000/- per sq.yards	
28.	Mohar Singh S/O Rati Ram	53/10	Do	
29.	Jyoti Ram S/O Fathey Chand Jain	52/23	Do	
30.	Ashu Kumar S/O Gautam Chand	52/22	Do	
31.	Murte Devi W/O Darshan Kumar	52/20	Do	
32.	Shimla Devi W/O Ved Parkash	53/16	Do	
33.	Santosh Jindal W/O Sushil kumar Jindal	52/19	Do	
34.	Ashok Kumar S/O Narang	57/1	Do	Copy of sale Deed for Rs.24000/-
35.	Devender Kumar S/O Gyan Chand	52/22	Do	
36.	Amrik Singh Bawa S/O Hari Singh	52/1 min, 2 min 42/21 min, 22 min 23 min	Rs.1000/- per sq.yards	
37.	Lal Chand Jain S/O Ram Narain	52/2	Do	
38.	Subash Chand Jain S/O Mam Chand	52/21	Rs.5000/- per sq.yards	
39.	Madan Jain S/O Khaijan Singh Jain	53/15		Copy of sale deed for Rs.24000/-

S.No.	Name of claimants	Kh. No.	Claims	Remarks
40.	Raj Reep S/o Karam Singh	57/10.	Rs.5000/- per sq.yards	
41.	Satish Kumar S/O Prem Chand	53/21/2	Do	Copy of sale deed for Rs. 30,000/-
42.	Balwan Singh S/O Ram Bhaj	53/15 min	Rs.1000/-.per sq.yd.	Copy of sale Deed for Rs. 48000/-
43.	Sanjeev Aggarwal S/O S. P. Aggarwal	53/13, 19, 23 56/3,8	Rs.2000/- per sq yards Rs.1.10 lac for b/wall Rs.15000/- for boring and Hand pump	
44.	Anil Verma S/O Manhar Lal	53/13, 19, 23 56/3,8	Do	
45.	Subash Chand Gupta S/O Pars Chand	Do	DO	
46.	Manoj Kumar Garg S/O Ram Avtar Garg	Do.	Rs.2000/- per sq.yards	
47.	Subash Rani W/O Harsh Vardhan Vasen	Do	DO	
48.	Sunil Gupta S/O Murari Lal Gupta	51/22/1	DO	
49.	Vima Jain S/O Meji Ram Jain	53/13, 19, 23 56/3,8	Rs.2500/- to Rs.3000/- per sq.meter	
50.	Kishori Lal S/O KANSHI RAM JAIN	DO	Rs.2500/- to 3000/- per sq. meter	
51.	Mahabir Pd. Jain S/O Lalji Ram Jain	Do.	Rs.2500/- per sq. mertr	
52.	Mahabir Pd. Jain S/O Ram Chander Jain	53/24	Rs.1000000/- per Killa	Copy of sale deed for a sum of Rs.20,000/-
53.	Devi Singh S/O Nathu	56/5	Rs.2000/- per sq. Yards	Copy of General power of Attorney
54.	Chander Bhan S/O Shambu Ram	DO	Do.	

S.No.	Name of claimants	Kh. Nos	Claims	Remarks
55.	Om Parkash	57/10	DO	
56.	Sat Parkash Vashisth			
	S/O Narayan Lal Vashisth	56/6 min	Rs. 2500/- per sq yards	Copy of sale deed of Rs. 27000/-
57.	Ashok Kumar Goel S/O			
	Banaarasi Dass Goel	56/14/2 min	Rs. 3000/- per sq. yde.	
58.	Amar Singh S/O			
	Bhim Singh	56/6 min	-	-
59.	Pawan Kumar Goel			
	S/O Chander Bhan	53/23		
		56/3,8	Rs. 3000/- per sq. yards	
60.	Rajesh Kumar Gupta			
	S/O. Jawahar Lal	56/14/2 min	DO.	
61.	Godhar Shah Alais			
	Godhan Shah S/O			
	Sahibdatta Mal	52/18	Rs. 4000/- per sq. yards	
62.	Ram Chandar Kalra			
	S/O Bihari Lal	52/23 min	DO	
63.	Lakshaman Dass			
	S/O Shiv Dayal	52/18 min	DO	
64.	Satish Kumar S/O			
	Nanak Chand	52/19 min	DO	
65.	Charanjit Singh			
	S/O Harnam Singh	DO	DO	
66.	Dharam Vir Singh			
	S/O Hem Raj--	56/5 min	DO	
67.	Satish Kumar S/O			
	Gopi Chand Dogra	56/7 min	1.. Rs. 4000/- per sq. yards 2. Rs. 25000/- for structures	
68.	Kishan Lal S/O			
	Hakim Chand	52/19 min	Rs. 4000/- per sq. yards	
69.	Pawan Kumar S/O			
	Reshan	53/17/2	Rs. 5000/- per sq. yards	
70.	Sharda Sharma W/O			
	D.K. Sharma	57/24	DO	
71.	Parmila Goel W/O			
	M. C. Goel	53/23, 19, 13 53/53, 56/3, 8 28/15/3	DO	
72.	Neero Khanna W/O			
	Kinny Khanna	57/3	Rs. 3000/. per sq. yards Rs. 5.00 lac for damages to b/wall Rs. 10.00 lac for alternative business Alternative industrial plot Rs. 5.00 lac special market price	

S.No.	Name of Claimants	Kh. Nos	Claims	Remarks
				Rs.5.00 Lac for inconvenience
73.	Tarun Bhall S/O Kedar Nath Bhall	57/3	Rs. 3000/- per sq. yards Rs. 10000/- per bigha for crops Rs. 2.00 lac for severance charges Rs. 2.00 lac for loss of income	
74.	Satish Bhall S/O Kundan Lal Bhalla	Do	DO	
75.	Usha Rani W/O kedar Nath	57/8	Rs. 3000/- per sq yards As mentioned in item 72.	
76.	Kedar Nath S/O Kundan Nath	Do	DO	
77.	O.P. Kapoor S/O Rai Bahadur S. Kapoor	DO	Rs. 2500/- per sq. yards DO	
78.	Usha Rani	DO	DO	
79.	Dhanpat Rai S/O Ram Narain	57/7 min	Rs. 3000/- per sq yards	Copy of sale Deed for Rs. 1, 16, 500/-
80.	Mohan Lal S/O	57/6, 7	Rs. 3000/- per sq yards	
81.	Usha Rani W/O Ravi Shankar	57/7	DO	Copy of sale deed for Rs. 1, 16, 250/-
82.	Jehri Mal S/O Bhikka Ram	57/6	DO	DO
83.	Geeta Rani W/O Krishab Lal	DO	DO	copy of sale deed for Rs. 1.17 lac
84.	Chattar Singh S/O Ratti Ram	56/4	Rs. 2500/- per sq yards	Copy of sale deed for Rs. 25000/-
85.	Rameshwar Dass S/O Ranat Ram	57/7 min	Rs. 3000/- per sq metre	Copy of sale deed for Rs. 1, 16, 500/-
86 & 87	Xavier Delhi through its President Sh. Thomas V. Kunnunkal S.J.	42/5, 6, 15, 16, 17 24, 25, 43/1, 10, 19, 20, 21, 22 51/1, 10, 52/4, 5, 6, 7, 8, 12/2, 13, 14, 15, 16, 17	Equal land be allotted in a nearby locality (1st preference)	
88.	Jasvir Singh S/O Harmander Singh	53/13, 19, 23, 56/3	Rs. 2000/- per sq. merte	Rs. 12 lac per acre

S.No.	Name of Claimants	KH. Nos	Claims	Remarks
89.	Krishan Lal S/O Sant Ram	57/3, 4/1, 7, 8	Rs 2000/- per sq. yards	as mentioned in itme no. 72.
90.	Savitri Devi W/O Ram Chandar	57/25	Rs. 5000/- per sq yards	
91.	Veen Duggal W/O Kewal Krishan Duggal	56/15	Rs. 500/- per sq yards	
92.	Devender Kumar S/O Madan Lal	42/21	Rs. 1000/- per sq yards	Copy of sale deed Rs. 25000/-
93.	Gumbir Kumar Jain (HUF)	52/2 min	DO	Copy of sale deed for Rs. 20000/-
94.	Rakesh Kumar S/O Om Dutt	52/1 min	DO	Copy of sale deed for Rs. 25000/-
95.	Suresh Chand S/o Radumal	52/1	DO	DO
96.	Anil Kumar S/o Redu mal	DO	DO	DO
97.	Vined Kumar S/O Redu mal	42/21 min 52/2 min	DO	DO
98.	Jagdish Rai Jain S/O Rattan Lal	52/3	DO	Copy of sale deed for Rs. 20000/-
99.	H.K. Jain (HUF) through its Karta	52/1 min, 2 min, 3 min	DO	Copy of sale deed for Rs. 90,000/-
100.	Braham Parkash S/O Tedar Mal	52/10	Rs. 5000/- per sq yards	
101.	Vikram Singh S/O Lakhi Ram	56/5	DO	
102.	Parveen Kumar S/O Laxmi Narain Gupta	52/23 min	Rs. 10000/- per sq yards	Rs. 8.00 lac for structures etc.
103.	Daya Kishan S/O Rupan	57/11 min	Rs. 2000/- per sq yards Rs. 1.10 lac for b/wall etc. Rs. 15000/- for boring and hand pump.	

S.No.	Name of Claimants	Kh. No.	Claims	Remarks
104.	Ramesh Kumar S/O Raj Singh	DO	DO	
105.	Krishan Bansal S/O Shankar Lal Bansal	56/16	Rs. 2150 per sq yards	
106.	Vishnu Bhagwan Aggarwal S/O Radha Krishan Aggarwal	DO	DO	
107.	Kamla W/O Sri Narain	56/9	Rs. 5000/- per sq yards	
108.	Ashok Garg S/O L.R. Garg	57/24	Rs. 4000/- per sq yards	
109.	Sushma W/O Skinder Lal	57/25	Rs. 500/- per sq yards	
110.	Sat Narain Aggarwal S/o Laxmi Narain Aggarwal	56/9	DO	
111.	Niranjan Lal S/O Chamba Ram	53/24	DO	
112.	Vikas Aggarwal S/O Sat narain Aggarwal	53/23 56/3,8	DO	
113.	Kusum W/O S.D. Singal	53/11, 13, 23 56/3,8	DO	
114.	Sarwan Kumar S/O Suraj Bhan	53/13, 19, 23 56/3,8	DO	
115.	Vijay Kumar Jain S/O Ram Chander Jain	DO	Rs. 2500/- per sq yards.	
116.	Mohan Lal S/o Sri Ram	57/6 min	Rs. 11000/- per sq yards Rs. 1.20 lac for boundary Rs. 1.00 lac for raising the level of land. Rs. 10 lac for the cost of safda trees.	
117.	Brig. Madan Mohan Chopra S/O D.R. Chopra	57/4/1	Rs. 3000/- per sq yards Rs. 5 lac for the damages to b/wall as mentioned at item No. 72	

EVIDENCE

Some of the claimants have filed photocopies of sale deeds pertaining to village Shahbad Daulatpur, along with their claims which are mentioned below:-

S.No. of Claimants	Sale deed NO and dated	Amount of sale deed (Rs)	Area	Kh. No
26	3905 dt. 1.6.90/19.6.90	1,17,000/-	1-04	53/16 min
34	6893 d . 22.4.88/25.4.88	24,000/-	Do	57/1 min
42	12138 dt. 23.6.88/28.6.88	48,000/-	2-08	53/15 min
79	3921 dt. 7.8.91/4.9.91	1,16,500/-	1-04	57/7 min
81	3923 dt. 7.8.91/	1,16,250/-	Do	57/7
83	1040 dt. 15.2.91/14.3.91	1,17,000/-	Do	57/6
84	13613 dt. 8.7.88/22.7.88	25,000/-	1-10	56/4 min
85	5243 dt. 4.7.92/13.7.92	1,16,500/-	1-04	57/7 min
92	10218 dt. 12.10.89/18.10.89	25,000/-	Do	42/21
93	538 dt. 22.1.90/2.2.90	20,000/-	Do	52/2 min
94	10279 dt. 12.10.89/26.10.89	25,000/-	1-00	52/1 min
96	9892 dt. 27.9.89/18.10.89	25,000/-	1-04	52/1
99	3743 dt. 27.3.89/10.4.89	90,000/-	2-18	52/1 min, 2 min and 3

MARKET VALUE

While determining the market value of land as on 23.12.94 i.e. the date of notification under section 4 of the Act, several factors such as location of the land, nature of the soil, awards announced in the recent past of the same or adjoining villages, pronouncement of different courts, ^{under the law} claims filed by the interested persons and price policy of the Government regarding acquisition of agricultural land are to be taken into consideration.

The land under acquisition is basically agricultural land.

The interested persons have claimed exorbitant prices of their land by making claims from Rs.5,00 /- per sq.yards to Rs.11,000/- per sq.yards. However no evidence of this rate has been filed by the claimants. As such the claims, therefore, cannot form the basis of determination of market value.

Some of the claimants have filed photo-copies of sale deeds which are mentioned above under the heading 'EVIDENCE'. All of these sale deeds are for the period 1938 to 1992 and for small piece of land which can not be relied upon for determination of price of large area. As such I don't accept them as reliable evidence for the determination

of compensation in the present case.

In a policy announcement which came into effect from 27.4.90 the Govt. of Delhi fixed the minimum price of agricultural land @ 4.65 lac per acre for the purpose of acquisition of agricultural land.

This rate of Rs. 4.65 lac per acre has been given in the adjoining village Rithala also in my own award No. 4/96-97. Date of notification under section ⁴ in that case was 21.7.93.

In view of the absence of any reliable documentary evidence on record to the contrary, I find Rs. 4.65 lac per acre to be the most reasonable price. I accordingly determine the market value of the land under acquisition @ Rs. 4.65 lac per acre or Rs. 96,875/- per bigha. In addition to the market value, the land owners will be entitled to all other benefits as per provisions under the act.

TUBE-WELL/WELL

There is no well or tube-well on the land under acquisition as such no compensation is paid on this account.

TREES

There is no tree on the land under acquisition. Although there are some small trees which are in the infancy stage which cannot be converted into firewood. Hence I do not assess the market value of these trees.

STRUCTURES

There are some boundary walls on some of the khasra Nos. under acquisition which are already in deteriorated condition and I do not assess any market value for the same. However there is some structures on khasra No. 53/5 min (0-04) and 15 min (0-10) which is also in deteriorated condition, but I deem it appropriate to give the owners of these structures some removal charges. As such I give Rs. 500/- to the owner of Kh. No. 53/5 min and Rs. 1000/- to the owner of khasra No 53/15 min. Land owners are at liberty to remove the material/malba.

SOLATUM

As provided under sub-section 2 of section 23 of the Land Acquisition (amended) act, 1894, the interested persons will be paid 30% solatium on the market value of the land, due to compulsory nature of acquisition.

POSSESSION

Possession of the land has already been taken over and handed over to the requisitioning department on 24.1.95. Interest under section 34 of L.A. (amended) Act, 1984 shall be paid @ 9% p.a. for one year from the date of possession and thereafter @ 15% p.a. till the date of announcement of the award.

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ADDITIONAL AMOUNT

The interested persons are entitled to additional amount @ 12% on the market value of the land from the date of notification under section 4 till date of possession or the announcement of award, which ever is earlier.

APPORTIONMENT

Compensation will be paid to the interested persons according to the latest entries in the revenue record. In case of any dispute regarding title apportionment of compensation, the matter will be referred to the Court of ADJ, Delhi under section 30-31 of the L.A. Act.

LAND REVENUE

Land revenue to be assessed and to be deducted from the khalsa rent roll of the village from the date of taking over possession of the land.

SUMMARY OF THE AWARD IS AS UNDER:-

1(i)	Market value of 307 bigha 1 biswa land @ Rs.96875/- per bigha (possession of this land already taken over on 24.1.95)	2,97,45,469/-
(ii)	Market value of 14 biswa land @ Rs.96875/- per bigha (possession not taken so far)	67,812/-
2(1)	Solatium @ 30% on market value 1(i)	89,23,641/-
(ii)	Solatium @ 30% on market value 1(ii)	20,344/-
3(i)	Additional amount @ 12% p.a. wef 23.12.94 to 24.1.95 (33 days on Rs.2,97,45,469/-)	3,22,718/-
(ii)	Additional amount @ 12% p.a. wef 23.12.94 to 13.12.96 (720 days on Rs.67,812/-)	16,052/-
4.	Interest @ 9% p.a. wef 24.1.95 to 23.1.96 (365 days on Rs.2,97,45,469/-)	26,77,092/-
5.	Interest @ 15% p.a. wef 24.1.96 to 13.12.96 (324 days on Rs.2,97,45,469/-)	39,60,630/-
6.	Cost of removal of structures /Malba	1,500/-
GRAND TOTAL:-		<u>4,57,35,258/-</u>

(Rs. Four crore fifty seven lac thirty five thousand two hundred fifty eight only)

APPROVED

SECRETARY (REVENUE)

(SAHIB SINGH)
LAND ACQUISITION COLLECTOR(N)

19/12/96

present sh. Ashwani Kumar