

AWARD No.

5/76-77

Name of Village : Singhola
 Nature of Acquisition : Permanent
 Purpose of Acquisition : Construction of Embankment
 to drain No. 6

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act, 1894 regarding the acquisition of land in village Singhola at public expense for a public purpose, namely for construction of Embankment to drain No. 6. Notification u/s 4 for an area measuring 31 bighas situated in this village was issued by the Delhi Administration vide No. F.7(46)/71-L&B(1) dated 17.3.1975. As this land was immediately required for the construction of Embankment, another notification under sub section (i) of section 17 of the said Act was also issued by the Delhi Administration followed by a declaration u/s 6 for the above mentioned area. The notification No. and date in the above two cases being F.7(46)/71-L&B(11) dated 17.3.1975. In pursuance of this declaration notices were issued to the persons interested as per provisions u/s 9(1) & 10(1) of the said Act, calling the parties to file their claims. In response to these notices the persons interested filed their claims and objections which are discussed hereafter under the heading 'Claims'.

MEASUREMENT

The area under acquisition as given in the declaration under section 6 is 31 bighas only the demarcation of which is given by the acquiring department on 23.4.75.

Classification of Land

The details of Khasra Nos. in form 7-A have been prepared under para 55 of the Financial Commissioner's Order No. 28 which are as under :-

Rect.No.	Kila No.	Area Big.Bis
3	21/1	0-10
6	2/1	2-16
	3/1	3-04
	4/1/2	1-09
	4/2	2-03
	6/2	2-15
	7/2/2	0-04
	15/1	0-02

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7	10	1-0
	11/1	2-05
	19/1	0-15
	20/1	Less than 1 biswa
	22/1	0-01
	23/1	1-15
	24/2	3-18
	25/1	0-01
	26/2	5-15
15	16/1	0-04
	25/2	0-01
22	22 15/1	0-05
	7/2	0-07
	1/2	0-19
	2	0-12
Total:-		31-00

None of the Bhumidhar/owner or the person interested did raise any objection regarding measurements as well as classification of land. Therefore, I agree with the classification and measurement of the land in question as given by the field staff on the basis of entries of khasra girdawari and other relevant records. At the time of publication of notification u/s 4, the classification of land is as under:-

Kind of Land	Area
Abpash	10-17
G. Mumkin	10-12
Banjar Jadid	8-09
Banjar Qadim	1-02
Total:-	31-00

I have inspected the site and have observed that the land under acquisition though as per revenue record falls under different categories namely Abpash, Gair Mumkin etc. but materially there is no difference either in the quality of the soil, or its potentiality. Moreover whole of the land falling under acquisition is of even level except for Kh. No. 7/26/2 & 7/18/1 which are Gair Mumkin Johar. These Kh. Numbers are very much adjacent to Abbadi Deh and has been found to be only about 2 or 3 feet deep. Keeping in view its better situation, its low lying position can be ignored and can be put at par with those Kh. Nos. which are situated at far distance from Abbadi Deh for the purpose for calculating the market value of these Kh. Nos. I am, therefore, of the view that all these Kh. Nos. falling under acquisition can be taken to be of equal potential value while calculating their market value.

POSSESSION

The possession of the land now under acquisition has been taken over and handed over to the concerned department on 31.10.1975.

CLAIMS

The following persons have filed their claims in pursuance of notices issued to them u/s 9(1) & 10(1) of the L. A. Act, 1894.

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Next Page

Sr. No.	Name of the claimant	Compensation claimed	Remarks
1.	Sh. Amar Singh, Pradhan Gadh Babha Singhola	Compensation @ Rs. 20/- per sq.yd	Claimant failed to produce any docu- mentary or oral evidence in support of his claim.
2.	S/Sh. Ram Nath, Surab Singh ss/o Hira Lal r/o Vill. Singhola th. O.P. Mann, Advocate.	Compensation @ Rs. 5000/- per bigha and additional interest	-do-
3.	Sh. Inder Prakash s/o Sh. Musadi Lal r/o Narela (Delhi) and Sh. Kapten Singh s/o Sh. Ram Nath r/o Vill. Singhola th. O.P. Mann, Advocate.	-do-	-do-
4.	S/Sh. Sunder Lal, Ram Sarup ss/o Sh. Reti Ram r/o Vill. Singhola, Delhi th. O.P. Mann, Advocate.	-do-	-do-

MARKET VALUE

In order to determine the fair market value of the land under acquisition sale transaction of nearby land of village Singhola close to the material date of notification are taken into consideration which are tabularised as under:-

Sr. No.	Year	Mutation No.	Date of Regn.	Kh. No.	Area	Amount	Average per bigha
1.	1970-71	-	-	-	-	-	-
2.	1971-72	15	28.6.71	4/4 etc.	22-01	Rs. 22,000	Rs. 999-00
3.	-do-	24	24.5.71	14/2	2-14	Rs. 27,500	Rs. 10185-00
4.	1972-73	26	19.2.73	7/23	2-08	Rs. 12,000/-	Rs. 4166-66
5.	(Vendee presented before the Sub-Registrar for 2-08 Rs. 10,000/- which average comes to Rs. 4166.66)						
5.	-do-	27	27.2.73	23/4	2-0	Rs. 14,000/-	Rs. 7,000/-
6.	1973-74	-	-Nil-	-	-	-	-
7.	1974-75	33	8-8-74	41 Kita	10-01	Rs. 7350/-	Rs. 731-30

A perusal of the above sale transactions reveal that there is no sale in the year 1970-71 & 1973-74.

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As it is apparent from the above table sale transaction mentioned at Sr. No. 3, 4 & 5 have very high price which seems to be manipulated in view of the fact that there cannot be an abrupt increase in the price of the land. Further, it may be recalled that the present acquisition is a part of the scheme of construction of Drain No. 6 which passes through so many villages and the acquisition proceedings of which has been done in the previous years. In this scheme some khasra numbers were acquired in village Singhola vide award No. 85/72-73. Also the record shows that the field staff visited the site of the present acquisition on 10.1.1973 and the sale transactions mentioned at Sr. No. 3, 4 & 5 were executed on 24.3.71, 19.2.1973 and 27.2.1973 respectively. It can, therefore, be inferred that the owner of the above mentioned khasra numbers sold vide above mentioned sale transactions were in know of the fact that the nearby land is likely to be acquired in near future and, therefore, they managed to get the sale transactions executed at this high price. I, therefore, do not rely on these sale transactions and keep it aside while calculating the market value of the land under acquisition. Kh. No. involved in sale transaction mentioned at Sr. No. 2 is situated on the other side of Q.T. Road & is at a considerable distance. The situation of the land in two cases is quite dissimilar and, therefore, I do not rely on this sale transaction for calculating the market value of the land under acquisition.

Further it can be noted from the above given table that in the year 1974-75 some khasra numbers were sold at rate of Rs. 7350/- per bigha though this land is slightly away from the land under acquisition but is similar in all regard to the land under acquisition. I, therefore, take this sale transaction as to be a correct guideline for assessing the market value of the land under acquisition. Keeping in view above facts and the difference between the date of notification and the date of registration in two cases I assess the market value of the land under acquisition as Rs. 760/- per bigha and fix the same accordingly.

SOLATUM: 15 % would be paid in addition to the compensation for the land for compulsory nature of acquisition.

INTEREST: As the possession of the land has been taken by the concerned department on 31.10.1975. The persons interested are entitled to get the interest w/s 28 @ 8% p.a. w.e.f. 31.10.1975.

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245

LAND REVENUE

The land revenue works out to Rs. 4-62 Ps which will be deducted from Khatauni w.e.f. 31.10.1975 i.e. the date of taking over & handing over possession of the land.

SETTLEMENT APPOINTMENT

The person interested shall be paid compensation according to the latest entries in the revenue record of the land now under acquisition. In case of any dispute the payment shall be made after any amicable settlement between the parties concerned failing which the matter shall be referred to the court of L.J. for adjudication of title U/s 30,31 of the L.A. Act.

The award is summarised as under:-

SUMMARY:

Compensation of land measuring 31 Bighas @ Rs. 760/- per bigha.

Rs. 23,560-00

15% solatium for compulsory acquisition.

Rs. 3,534-00

Interest U/s 28 w.e.f. 31.10.75 to 30.9.76 (150 days)

Rs. ~~475-15~~
830-58

4-5-76 (187 days)

Grand Total

Rs. ~~27,469-15~~
27,924-328

(Rupees Twenty seven thousand ~~seven~~ ^{nine} hundred ~~sixty nine~~ ^{twenty four} and paise ~~thirteen~~ ^{eight} only)

fifty eight

(R. D. SRIVASTAVA)
LAND ACQUISITION COLLECTOR (NARELA)
DELHI.

*Announced in
Spec. Court.*

RDS
5/5/76

3-0 8
1-2 14

10/14/17 91-091

Revised
Rev: 6/1/11
24/3/26

15/15
A. J. (2) 15/15

कालिका माता का उडावा वाराणसी नं. 6 ग्राम सिवालिया त. ब. जिला- दिल्ली

मणिजिब प्रोग्राम आज दिनांक 30 अक्टूबर 1975 को बहमरा
जी चन्द्रन सिंह व्यापारियों और लोक नाथ पटवारे श्री अमियग्रहण
मण्डला को ग्राम सिवोला मौका पर पहुँचे वहाँ पर बड़े गिरनत्रा
विभाग से श्री R.C. Manchanda S.O. बहमरा, श्री जगत राज
मण्डल Assisstant तथा लेख राज बेलदार (बीबी कार) मौका पर उपस्थित
थिए। तथा आलमान श्री बाबजूद इतलाह के छोड़ि श्री मौके पर
उपस्थित नहीं थिए। बाबत इन नं. 6 को Remodelling के लिये
मोडिफिकेशन चारा 4, 6, 17 L.A. Act के अन्तर्गत है। अतः समारंभ

$\frac{24}{2+21} = \frac{3}{21/1}$
 $0-10$

$\frac{6}{21, 3/1, 4/1/2, 4/1/2, 6/2, 7/2/2, 15/1}$
 $2-16 \quad 3-4 \quad 1-9 \quad 2-3 \quad 2-15 \quad 0-4 \quad 0-2$

$\frac{7}{10, 11/1, 19/1, 20/1, 22/1, 23/1, 24/2, 25/1, 26/2}$
 $1-0 \quad 2-5 \quad 0-15 \quad 0-1 \quad 1-15 \quad 3-16 \quad 0-1 \quad 5-16$

$\frac{15}{16/1, 25/2, 1/2, 7/2, 15/1}$
 $0-4 \quad 0-1 \quad 0-19 \quad 0-7 \quad 0-5$

रि. सा. ला. में जो रि.

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Marshall
30/1/75 WPA

2000

Q2d
30/11/15

30/7/11
229211
 LAC (M) may kindly see to
 above possession report.

31/01/75