

Award No 11/88-89

Name of village	Tikri Kalan
Nature of acquisition	Permanant
Purpose of acquisition	Construction of Check Barrier at Tikri Border NH-10.

INTRODUCTION

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act, 1894 in respect of the land measuring 1 bigha 15 biswas situated at village Tikri Kala notified u/s 4 of the Land Acquisition Act vide notification F.7(44)/81-L&B/(I) dated 12-2-87 for a public purpose, namely for construction "Check Barrier at Tikri Border NH 10." In view of the urgency of the scheme the provisions of Section 17(1) of the Act were also made applicable to this land. The Delhi Administration issued a declaration u/s 6 of the L.A. Act vide notification No.F.7(44)/81-L&B (2) dated 26-2-87.

In pursuance of the above ~~notification~~ notification u/s 6, notices u/s 9 & 10 of L.A. Act were issued to all the interested persons to file their claims and the claims filed by the claimants are discussed here-in after under the heading "Claims".

MEASUREMENT

The area to be acquired as given in the declaration u/s 6 is 1 bigha 15 biswas, which is found correct at the time of measurement by the field staff. The details of the land under acquisition are as under:

<u>Rect. No.</u>	<u>Kh.No.</u>	<u>Area</u>
31	33	1-00
	1377/2 min	0-04
	1384 min	0-11
	Total	1-15

Moreover, the claimants have not raised any objection regarding the measurement and classification of the land based on the latest entries in the revenue records.

CLAIMS

The following persons have filed their claims in pursuance of notices u/s 9 & 10 issued to them:

<u>S.No.</u>	<u>Name of the claimants</u>	<u>Kh.No.</u>	<u>m</u>	<u>Claim</u>	<u>Remarks</u>
1.	Pardhan Gaon Sabha Sh.Partap Singh	1377/2 min 1384 min			Not claimed any compensation for passages as the acquiring Dept. has given passage through the land.
2.	Sh.Daya Kishan G.P.A. on behalf of (1)Sh.Shy Kumar 2. Pitamber Lal 3) Jainti				

Parshad (4) Harnandi (5)  
Vimla Devi

31/33

He raised objection regarding the acquisition and stated that in case No.1784/87 and 2498/87 there is a stay of High Court.

# MARKET VALUE

The market value of the land is to be determined after keeping in view the situation, advantages and potentialities attached to the land on the date of notification under section 4 of L.A.Act. The land used is also to play an important role in deciding the market value of the land. It has been seen that the provisions of Delhi Land Reforms Act are applicable and thus restrictions contemplated under sec. 22 & 23 of the Delhi Land Reforms Act are also applicable and the land can only be used for agricultural, horticulture or animal husbandary.

None of the interested persons have claimed any compensation under the provisions of Sec. 9 & 10 of the Land Acquisition Act and as such I proceed to assess the market value of the land in question on best of judgement. The field staff was directed to consult the revenue records and also to intimate the list of sale deeds which have been executed in this village just before the period of notification u/s 4 of the L.A.Act issued on 12-2-87. The details of the sale deeds are as under:

Sl.No.	Regd.No. & date	Area	Total Amount	Rate P.B.
1.	9706 dt. 9-12-86	12-10	45,000	3600
2.	9708 dt. 9-12-86	7-2	49,000	6901-40
3.	10331 dt.23-12-86	16-15	15,000	895-52
4.	10235 dt. 22-12-86	22/47 share of 2-7 = 1-2	42200	38363-63
5.	5442 dt. 22-7-86	1/2 of 2-10 = 1-5	48,000	38400-00
6.	5443 dt. 22-7-86	1/2 of 2-10 = 1-5	48,000	38400-00

Perusal of the sale deeds reveals that there is wide difference in the rate of land between the short period of 6 months. The lowest rate is only Rs.895.52 per bigha whereas maximum rate comes to Rs.38,400 P.B. The transactions involved in the said sale deeds donot reflect true picture of the market value of the agricultural land.

The following 3 awards have been announced in this village which are also discussed to <sup>arrive</sup> revivie at the market value of the land in question:

Sl.No.	No. of award	Date of notification u/s 4	Awarded compensation P.B. (LAC)	Enhanced by A.D.J. P.B.
1.	45/82-83	26-11-81	Rs.3500/- (Agri)	Rs.16000
2.	91/83-84	10-1-80	Rs.14500/- (plots)	---
3.	23/85-86	18-3-85	Rs.3200/- (agri.)	---
			Rs.14000/- (Agri)	---

These awards relate to the material dates 10-1-80, 26-11-1981 and 18-3-85. Perusal of award No. 45/82-83 shows that the L.A.C. have awarded the rate of compensation at Rs.3500/- per bigha and it was enhanced by the A.D.J. in LAC case No. 240/83 Nawal Singh vs. U.O.I. <sup>Civil</sup> Rs.16,000/- per bigha. However, in this case appeal has been filed in the High Court of Delhi over and above the amount of Rs.8,750/-. The main reason for not accepting the enhancement made by the A.D.J. as per opinion of the Deputy Legal Advisor was that there were wide variations in the rates of the land in the sale deeds which were made on the basis of enhancement by the A.D.J. In Award No.23/85-86 of this village, L.A.C. has determined the market value @Rs.14,000/- per bigha and the date of notification u/s 4, in this case was issued on 18-3-85.

Further scrutiny and updating the market value of the land as per appeal referred in case No. LAC 240/83 Nawal Singh v/s U.O.I. against award No. 45/82-83 and updating of the market value of the land as determined by the L.A.C. in award No. 23/85-86, the market value calculates to Rs.12,858/- and Rs.16,440-60 respectively. <sup>Rs.12,858/-</sup> Since there is no decision on the appeal case No. LAC 240/83 of Nawal Singh vs. U.O.I. as yet, it would not be proper to assess the market value based on award No. 45/82-83 because the updated market value in award No. 23/85-86 works out to Rs.16,440.60 per bigha. This piece of land is otherwise also inclose proximity to the land as per award No. 23/85-86 announced on 18-3-85. I, therefore, assess the market value of the land @Rs.16,440/- per bigha for agricultural land bearing kh.No. 31/33 (1 bigha). The land measuring 4 biswas and 0-11 biswas in Kh.No. 1377/2 min and 1384 min. are gair mumkin rasta and belonging to Gaon Sabha, no compensation is allowed. The Pradhan, Gaon Sabha has given in writing against the claims filed under sec. 9 & 10 of the L.A.Act. The market value is thus determined accordingly.

#### SOLATIUUM:

As provided under sub-sec. 2 of section 23 of L.A. Act, the interested persons will be paid 30% solatium on the market value of the land due to compulsory nature of acquisition as per provisions of the Land Acquisition (amendment) Act, 1984.

## POSSESSION

Possession  
dispossession  
C.M.2498/87 B1

## ADDITIONAL AMOUNT

The interest  
amount of 12% on  
notification u/s  
as per provisions

## SUPER STRUCTURE, ETC.

There are no  
in the land.

## APPORTIONMENT

The payment of  
interested persons made to the  
the revenue records. In case of any dispute arising in  
the apportionment of compensation, the matter will be  
referred to the court of ADJ for adjudication u/s 30, 31  
of Land Acquisition Act.

## LAND REVENUE

The land revenue for the land under acquisition is  
assessed as Rs.0.38 which will be deducted from the khatoni  
of the village from the date of taking over possession of  
the land.

## SUMMARY

The award is summarised as under:-

- |                                                                                       |               |
|---------------------------------------------------------------------------------------|---------------|
| 1. Market value of the land measuring<br>1 bigha (1-0) @Rs.16440/-P.B.                | Rs. 16,440-00 |
| 2. 0-15 Gair mumkin rasta                                                             | nil           |
| 3. 30% solatium                                                                       | Rs. 4,932-00  |
| 4. Additional interest @12% for<br>the period 12-2-87 to 24-1-89<br>(1 year 348 days) | Rs. 3,848-58  |

Grand total Rs. 25,220-58

N.K. Sharma  
24/1/89  
(N.K. SHARMA)  
Land Acquisition Collector  
(PN)

A.D.M. (LA)  
Secretary (Rev.)

APPROVED  
[Signature]  
SECRETARY (REVENUE)

None present.

Announced in the open court. Notices u/s 12(1) of the  
Acquisition Act, be issued to the interested  
persons.

N.K. Sharma  
10/2/89

( TO BE PUBLISHED IN PART IV OF DELHI EXTRA-ORDINARY GAZETTE )  
LAND & BUILDING DEPARTMENT : DELHI ADMINISTRATION : DELHI

Dated: 12.2.87

NOTIFICATION

No. F.7(44)/81-L&B/:- (1) Whereas it appears to the Lt. Governor, Delhi that the land is likely to be acquired to be taken by the Government at the public expense for a public purpose, namely for "Check Barrier at Tikri Border-NH-10". It is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 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 the 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.

SPECIFICATION

Name of village	Total Area Bigha-Bis.	Rectt. No.	Khasra No.	Area Bigha-Biswas.
Tikri Kalan	1 - 15	31	33 1377/2 min. 1384 min.	1 - 00 0 - 04 0 - 11

By Order,

*(Signature)*  
( MRS. NEERU SINGH )  
JOINT SECRETARY (L&B)  
DELHI ADMINISTRATION: DELHI.

No.-F.7(44)/81-L&B (1)/ 5404-18 Dated: 12.2.87

Copy forwarded to the :-

1. The Addl. District Magistrate(LA), Tis Hazari Courts, Delhi with two copies of each of the notification both in English and that of Hindi version are enclosed with the request that the notification be given wide publicity in accordance with the statutory requirement of the Land Acquisition (Amendment), Act, 1984 in two leading Local daily Newspapers of which at least one should be in Hindi.
2. The Officer-in-Charge(LA), Tis Hazari Courts, Delhi.
3. The Land Acquisition Collector (N), Tis Hazari Courts, Delhi.
4. The Executive Engineer, P.W.D., Div.-VI, Delhi Administration Delhi-6.
5. The Dy. Director (MP), DDA, Vikas Minar, New Delhi.
6. Tehsildar (L&B) (In duplicate), Vikas Bhavan, New Delhi.
7. Tehsildar (Notification), Tis Hazari Courts, Delhi.
8. The Sub-Registrar, Shahdara, Delhi.
9. The Sub- Registrar, I/II, Kashmere Gate, Delhi.
10. The Commissioner, Municipal Corporation of Delhi, Town Hall, Delhi.

( MRS. NEERU SINGH )  
JOINT SECRETARY (L&B)  
DELHI ADMINISTRATION : DELHI.

2092/43  
13/7/87

( TO BE PUBLISHED IN PART IV OF DELHI EXTRA ORDINARY GAZETTE )  
LAND & BUILDING DEPARTMENT : DELHI ADMINISTRATION : DELHI

NOTIFICATION

Dated: 26.2.87

No. F.7(44)/81-L&B:-(2) Whereas the Lt. Governor, Delhi is satisfied that the land is required to be taken by Government at the public expense for a public purpose, namely for "Check Barrier at Tikri Border NH-10". It is hereby declared that the land described in the specification of below is required for the above purpose.

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

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

SPECIFICATION

Name of village	Total Area Big.-Biswas	Rectt. No.	Khasra No.	Area Bigha- Biswas
Tikri Kalan	1 - 15	31	33	1 - 00
			1377/2 min.	0 - 04
			1384 min.	0 - 11

By Order,

( MRS. NEERU SINGH )  
JOINT SECRETARY (L&B)  
DELHI ADMINISTRATION : DELHI

( TO BE PUBLISHED IN PART IV OF DELHI EXTRA ORDINARY GAZETTE )  
LAND & BUILDING DEPARTMENT : DELHI ADMINISTRATION : DELHI

Notification

Dated : 26.2.87.

No. P. 7(44)/81-L&B:-(3) In exercise of the powers conferred by sub section (1) of section 17 of the Land Acquisition Act, the Lt. Governor of Delhi is pleased to direct the Land Acquisition Collector, Delhi to take possession of land, the specification of which is given in his notification No. F.7(44)/81-L&B(1) and (2) dated 12.2.87 & 26.2.87 on the expiration of 15 days from the publication of the notification under sub-section (1) of section 9 of the said Act.

By Order,

( MRS. NEERU SINGH )  
JOINT SECRETARY (L&B)  
DELHI ADMINISTRATION : DELHI.