

A W A R D NO. 23/85-86

NAME OF THE VILLAGE : TIKRI KALAN
NATURE OF ACQUISITION : PERMANENT
PURPOSE OF ACQUISITION : CONSTRUCTION OF L.P.G.
BOTTLING PLANT.

INTRODUCTION

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act, 1984 in respect of land measuring 5 bighas 15 biswas situated in village Tikri Kalan notified under section 4 of the Land Acquisition Act vide notification No.F.7(21)/83-L&B(2) dated 18.3.1985 for a public purpose namely 'Construction of L.P.G. Bottling Plant'. In view of the urgency of the scheme, the provisions of section 17 of the Act were made applicable to this land. The Delhi Admn., issued a declaration u/s 6 of the Land Acquisition Act vide notification No.F.7(21)/83-L&B(2) dated 18.3.1985.

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

MEASUREMENT

The area to be acquired in the declaration u/s 6 is 5 bighas 15 biswas but at site the area to be acquired comes to 5 bighas 07 biswas. The difference of 8 biswas is due to the fact that out of Killa No.41/15 measuring 1-bighas 16 biswas, 4 biswas has already been acquired vide award No.51/83-84 as such 1 bighas 12 biswas instead of 1 bigha 16 biswas is being acquired in this award. The area of Killa No.42/11 is 1 bigha in the revenue record whereas it has been notified as 1 bigha 4 biswas, thus difference of 4 biswas. Thus total difference of 8 biswas. The details of the land is as under:-

Rect.No.	Khasra No.	Area
41	6	2-15
	15	1-12
42	11	1-00

Moreover the claimants have not raised objections regarding the measurement and classification of the land based on the latest entries in the revenue record.

CLAIMS

The following persons have filed their claims in pursuance of the notices u/s 8 & 10 issued to them:-

S.No.	Name of the claimant	Kh.No.	Claim	Remarks
1.	Sh.Kavi Bhagat Ram s/o Gohan Lal r/o Punjabi Bagh, West Delhi.	41/6 41/15 42/11	Rs.150/- per sq. yd. for land.	Copy of Khatauni.
2.	Smt.Kaushalya Devi w/o Kavi Bhagat Ram r/o as above.	-do-	-do-	-do-
3.	Shri Vijay	-do-	-do-	-do-

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 u/s 4 of the Land Acquisition Act. The land use 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 u/s 22 and 23 of Delhi Land Reforms Act are applicable and the land can only be used for agricultural, horticulture or animal husbandry etc.

The interested persons have claimed compensation @ Rs.150/- per sq.yd. of the land under acquisition. In support of their contention they have filed copies of regn.sale deed No.7070,7071, 7072 dated 22.11.83 which will be discussed below in the body of the award. The field staff was directed to consult the

revenue records and intimate the list of sale deeds which have been executed in this village. A perusal of the sale deeds for the year 1984 and 1985 shows that the rates of the land in this village were prevailing in the range of Rs.610.69 to Rs.27058.82 per bigha depending upon the situation and the area of the land. A further perusal of the regn. deeds shows that the smaller plots

have fetched more value than that of bigger ones. According to regn. deed No. 6667 dt. 2.8.84, 17 biswas of land was sold for Rs. 23000/- whereas vide regn. deed No. 7307 dt. 14.8.84 land measuring 7 bighas 13 biswas was sold for Rs. 42000/- i.e. @ Rs. 5490.20 per bigha. Similarly, vide regn. deed No. ~~6667~~ 6665 dt. 2.8.84, land measuring 1 bigha 03 biswas was sold for Rs. 24000/- i.e. Rs. 20869.56 per bigha. Land measuring 4 bighas 09 biswas was sold for Rs. 12000/- vide regn. deed No. 7481 dt. 17.8.84 i.e. @ Rs. 2696.63 per bigha. Another area of 6 bighas 4 biswas was sold for Rs. 4000/- vide regn. deed No. 7480 dt. 17.8.84 i.e. @ Rs. 645.16 per bigha. A perusal of the regn. deed No. 12742 dt. 27.12.84 shows that land measuring 8 bighas 08 biswas was sold for Rs. 14000/- i.e. @ Rs. 1428.57 per bigha. Vide regn. deed No. 1065 dt. 26.10.85 land measuring 1 bigha was sold for Rs. 15000/-. It would thus appear from the above that land was sold on the same date on 17.8.84 @ Rs. 642.16 and 2696.63 per bigha vide regn. deed No. 7480 and 7481 respectively. On the other hand land on 2.8.84 was sold @ Rs. 20869.56. Since there is a great difference in the rates of regn. sale deed as compared to the time factor, no reliance can be placed on these sale deeds as they do not show true picture of the prices prevailing in the village.

The following two awards are reported to have been announced in this village:-

S.No.	No. of award	Date of notification u/s 4	Awarded compensation per bigha
1.	45/82-83	26.11.81	Rs. 3500/-
2.	91/83-84	10.1.80	Rs. 14500/- Rs. 3200/-

These awards relate to the material date of 10.1.80 and 26.11.81. A perusal of the award No. 91/83-84 shows that a sum of Rs. 14500/- per bigha was awarded for the land falling

in the 'Phirni' of village Tikri Kalan which naturally fetches much higher price than that of the agricultural land and as such it would not be made applicable in the present case. The compensation of the agricultural land was assessed @ Rs. 3200/- and Rs. 3300/- per bigha in the above awards. Since the above awards were drawn in the year 1980 and 1981 i.e. 4/5 years ago, from the date of notification u/s 4 in the present case, there cannot be relied upon as the prices of the agricultural land have increased since then.

The three regn. deeds filed by the claimants in support of their claim relate to the land under acquisition and these will help us in assessing the market value in the present case. According to regn. deed No. 7070 dt. 22.11.83, 1/3 share of Kh. No. 41/4/2, 6, 7, 14, 15 and 42/11 measuring 12 bighas 17 biswas was sold for Rs. 48000/-. Similar is the case in other two regn. deeds Nos. 7071 and 7072 dated 22.11.83. In other words, 4 bighas 06 biswas of land was sold for Rs. 48000/- in each regn. deed i.e. Rs. 11536.27 per bigha on 22.11.83. In case we add interest for the period from the date of regn. deed till the date of notification u/s 4 @ 9%, the amount so calculated comes to Rs. 13000/- (approx). However, it would not be out of place to mention that the land of this village alongwith land of village Gheora was notified for construction of L.P.G. Bottling Plant. The date of notification u/s 4 is the same i.e. 18.3.85 in both the villages of Tikri Kalan and Gheora. A sum of Rs. 14000/- per bigha was assessed in Award No. 12/85-86 of village Gheora. The land of village Gheora adjoins the land of this village in the present case. It would be justified if the same rate of compensation, which was assessed for the land of village Gheora, is also determined in the present case. I, therefore, assess the market value of the land @ Rs. 14000/- per bigha and determine the same.

SOLATIUM

As provided under sub section 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 provision of the Land Acquisition (Amendment) Act, 1984.

POSSESSION

Possession of the land has been taken over and handed over on 15.6.85.

ADDITIONAL AMOUNT

The interested persons are entitled to additional amount of 12% on the market value of the land w.e.f. notification u/s 4, 6 and 17 till the date of possession or date of announcement of award whichever is earlier as per provisions of the Land Acquisition (Amendment) Act, 1984.

INTEREST

Since the possession of the land measuring 5 bighas 15 biswa has been taken over on 15.6.85, they will be given interest @ 9% from 15.6.85 till the announcement of the award.

SUPERSTRUCTURES, WELL AND TREES

There are no superstructures, trees or well and tubewells in the land.

APPORTIONMENT

The payment of compensation will be made to the interested persons according to the latest entries in the revenue record. In case of any dispute arising in the apportionment of compensation, the matter will be referred to the court of A.D.J. for adjudication u/s 30-31 of the Land Acquisition Act.

LAND REVENUE

The land revenue for the land under acquisition is assessed Rs. 1.44 which will be deducted from the Khatauni of the village from the date of taking possession of the land.

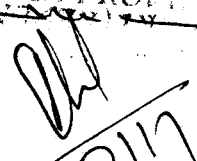
SUMMARY OF THE AWARD

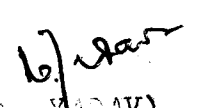
The award is summarised as under:-

Compensation for the land measuring 5 bighas 07 biswas @ Rs.14000/-, per bigha.	Rs. 74,900.00
30% solatium	Rs. 22,470.00
	Rs. 97,370.00
12% additional amount from 18.3.85 to 14.6.85(89 days)	Rs. 2,191.59
Interest u/s 34 @ 9% from 15.6.85 to 12.11.85	Rs. 3,601.36
GRAND TOTAL	Rs.1,08,162.95

(Rupees One lac Three Thousand One Hundred Sixty Two and
paise Ninety Five only)

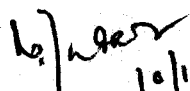
Section 11 of the Principal Land Acquisition Act has been
amended by section 8 of the Land Acquisition(Amendment) Act, 1984.
According to this section, no award shall be made by the
Collector without the prior approval of the appropriate Govt. or
of such officer as the Govt. may authorise in that behalf.
Deputy Commissioner, Delhi in his capacity as Secretary(Revenue)
Delhi Administration, Delhi has been authorised to approve the
awards made by the Collector. In case, Secretary(Revenue) agrees
with the above market value, he may kindly approve the award.

~~APPROVED~~

Secretary(Revenue)


(R.S. YADAV)
LAND ACQUISITION COLLECTOR(M)
DELHI.


6.11

Announced today in open Court.
None is present. Notice u/s 12 (2)
may be issued.


10/11/86

(TO BE PUBLISHED IN PART IV OF DELHI EXTRA ORDINARY GAZETTE)

DELHI ADMINISTRATION : DELHI

* NOTIFICATION *

Dated the 13th March, 1985.

No. F.7(21)/83-L&B (2) :- Whereas the Lt. Governor, Delhi is satisfied that the land is required to be taken by the Government at the public expense for a public purpose, namely, for Construction of L.P.G. Bottling Plant", it is hereby declared that the land described in the specification below is required 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		Rct No.	Khasra No.	Area	
		Big.-	Bis.			Big.-	Bis.
1.	Madanpur Khadar	361	16		266	20	02
					267	2	10
					268	1	03
					269 min	0	02
					298 min	0	14
					299	0	17
					300	0	14
					301	1	06
					302 min	0	14
					303 min	0	11
					312 min.	0	04

Contd.....p.2/-

1983

1. Madanpur
Khadar (Contd.)

1.	2.	3.	4.	5.	6.
				313 min	0-07
				314	1-14
				315	3-02
				316	3-02
				317	0-10
				318	0-11
				319	1-01
				320	0-10
				321	0-12
				322	2-14
				323	2-02
				324	2-05
				325	3-12
				326 min	1-10
				327 min	0-07
				328 min	0-09
				343 min	0-02
				344 min	6-15
				345	0- - -
				346	1-07
				347	2-03
				348	2-13
				349	1-09
				350	0-19
				351	2-05
				352	2-01
				353	5-06
				354	4-00
				355	3-17
				356 min	1-16
				359 min	1-02
				360 min	0-11
				385 min	0-01
				388 min	5-13
				389	1-06
				391	6-19
				390	2-18
				392	6-12
				393	2-16
				394	1-05
				395	1-18
				396	1-00
				397	1-01
				621 min	0-14
				622 min	1-09
				623	1-03
				624	4-00
				625 min	0-01
				626 min	12-01

(0-08)

Contd...

193

1.	2.	3.	4.	5.	6.
1. Madanpur Khadar (Contd.)					
				627	7-13
				628	4-11
				629	2-19
				630	2-01
				631 min	0-18
				633 min	0-17
				634	2-08
				635	3-01
				636	2-05
				637 min	0-08
				638 min	0-01
				644 min	5-03
				645	5-15
				646 min	(10-05)
				647	4-10
				648	4-10
				649 min	1-12
				650	0-19
				651 min	0-14
				660 min	3-05
				661	2-03
				662	3-08
				663	1-14
				664	1-14
				665	1-09
				666	(2-08)
				667	3-07
				668	2-05
				669 min	2-19
				670 min	3-05
				671	5-19
				672	4-01
				673 min	2-03
				674 min	2-10
				675	4-15
				676	4-01
				677	4-15
				678 min	4-06
				679 min	2-03
				680	3-09
				681	8-12
				682	1-12
				683	2-15
				684	2-00
				685	1-09
				686	1-10
				687	4-04
				688	1-12
				689	(1-02)
				690	1-06

Contd....4/.

1.	2.	3.	4.	5.	6.
1. Madanpur Khadar (Contd.)				691 min	2-11
				692 min	1-18
				693	2-00
				694 min	5-05
				695	3-06
				696	3-16
				697	3-16
				698	1-05
				699	9-14
				700	0-02
				701	0-04
				702	0-04
				703	0-13
				704 min	2-09
				707 min	0-02
				708	0-16
				709	0-09
				710 min	1-12
				711 min	1-17
				717 min	0-10
				718 min	0-02
				750 min	7-11
				753	3-12
				754 min	4-01
				756 min	0-12
				757	10-02
				6	2-15
				15	1-16
				11	1-04
2. Tikri Kalan				41	
				5-15	
				42	

Contd.....5

1973

1.....2.....3.....4.....5.....6.....

Ghewra

466 - 10

62

- ✓ 11
- ✓ 12
- ✓ 18
- ✓ 19
- ✓ 20/1
- ✓ 20/2
- ✓ 21
- ✓ 22
- ✓ 23/1
- ✓ 23/2

- 4 - 16
- 1 - 18
- 2 - 11
- 4 - 04
- 3 - 04

- 1 - 12
- 4 - 12
- 4 - 12
- 1 - 11
- 2 - 06

63

- ✓ 7
- ✓ 8
- ✓ 9
- ✓ 10
- ✓ 11
- ✓ 12
- ✓ 13
- ✓ 14
- ✓ 15
- ✓ 16
- ✓ 17
- ✓ 18
- ✓ 19
- ✓ 20
- ✓ 21
- ✓ 22
- ✓ 23/1
- ✓ 23/2
- ✓ 24
- ✓ 25

- 1 - 00
- 1 - 06
- 1 - 18
- 2 - 08
- 4 - 16
- 4 - 16
- 4 - 09
- 4 - 16
- 5 - 08
- 4 - 16
- 4 - 16
- 4 - 12
- 4 - 16
- 4 - 16
- 4 - 13
- 2 - 02
- 2 - 06
- 4 - 12
- 4 - 12

h 1573

contd..... 6

1.....2.....3.....4.....5.....6.....
Ghewra(contd.)

64

- ✓ 6
- ✓ 15
- ✓ 16/1
- ✓ 16/2
- ✓ 25/1
- ✓ 25/2

- 2 - 10
- 4 - 09
- 2 - 04
- 2 - 04
- 2 - 08
- 2 - 01

68

- ✓ 5/1
- ✓ 5/2
- ✓ 6
- ✓ 15
- ✓ 16
- ✓ 25

- 1 - 02
- 3 - 07
- 4 - 05
- 4 - 09
- 4 - 09
- 4 - 09

69

- ✓ 1
- ✓ 2
- ✓ 3
- ✓ 4
- ✓ 5
- ✓ 6

- 4 - 16
- 4 - 16
- 4 - 12
- 4 - 16
- 4 - 16
- 4 - 16

- ✓ 7

4 - 16

- ✓ 8

4 - 12

- ✓ 9

4 - 16

- ✓ 10

4 - 16

- ✓ 11

4 - 12

- ✓ 12

4 - 12

- ✓ 13

4 - 12

- ✓ 14

4 - 12

- ✓ 15

4 - 12

- ✓ 16

4 - 09

h 1513

contd....

contd... 8

✓ 20	4 - 12
✓ 19	4 - 12
✓ 18/2	4 - 11
✓ 18/1	1 - 04
✓ 13	5 - 09
✓ 12	4 - 16
✓ 11	4 - 16
✓ 10/2	2 - 00
✓ 10/1	2 - 16
✓ 9/2	2 - 08
✓ 9/1	2 - 08
✓ 8	4 - 16
✓ 3/2	0 - 08
✓ 3/1	4 - 00
✓ 2	4 - 14
✓ 1	4 - 15
✓ 25	4 - 12
✓ 24/2	1 - 04
✓ 24/1	3 - 11
✓ 23	4 - 16
✓ 22/2	2 - 08
✓ 22/1	2 - 08
✓ 21	4 - 16
✓ 20	4 - 16
✓ 19	4 - 16
✓ 18	4 - 09
✓ 17	4 - 12

70

69

Chewra (contd.)

1.....2.....3.....4.....5.....6.....

-7-

1.....	2.....	3.....	4.....	5.....	6.....
Ghewra (contd.)				✓ 21	4 - 12
			70	✓ 22	4 - 09
				✓ 23	4 - 12
				✓ 24	1 - 13
			80	✓ 1	4 - 16
				✓ 2/1	2 - 03
				✓ 2/2	2 - 09
				✓ 3	4 - 16
				✓ 4	2 - 07
				✓ 7	2 - 18
				✓ 8/1	0 - 11
				✓ 8/2	2 - 03
				✓ 8/3	2 - 02
				✓ 9/1	0 - 08
				✓ 9/2	4 - 07
				✓ 10	4 - 16
				✓ 11	4 - 02
				✓ 12	4 - 12
				✓ 13/1	2 - 15
				✓ 13/2	0 - 12
				✓ 13/3	1 - 18
				✓ 14	3 - 19
			81	✓ 1	4 - 16
				✓ 2/1	3 - 0
				✓ 2/2	1 - 1
				✓ 3	4 - 1
				✓ 4/1	3 - 1
				✓ 4/2	1 - 0
				✓ 5/1	2 - 0
				✓ 5/2	2 -
				✓ 6	4 -

h. 93

contd.....

1	2	3	4	5	6
2	Ghewra (contd.)	81	✓ 7/1	2 - 16	
9			✓ 7/2	2 - 00	
2			✓ 8/1	2 - 12	
3			✓ 8/2	2 - 04	
6			✓ 9	4 - 16	
3			✓ 10	4 - 14	
9			✓ 11	1 - 05	
6			✓ 12	2 - 10	
7			✓ 13	2 - 16	
8			✓ 14	3 - 04	
11			✓ 15	3 - 09	
03		82	✓ 5	6 - 05	
02		✓ 63	✓ 26	0 - 02	
08		✓ 70	✓ 27	0 - 03	
07			✓ 26	0 - 01	
16			✓ 27	0 - 02	
02			✓ 28	0 - 02	
12		✓ 30	✓ 26	0 - 01	
15		Rectt. NIL	✓ 99	1 - 19	
12			✓ 100	3 - 14	
18			✓ 800	0 - 08	
19			✓ 801	0 - 18	
16			✓ 802	0 - 06	
00			✓ 803	0 - 09	
16			✓ 804	0 - 08	
16			✓ 805	0 - 18	
			✓ 806	0 - 05	

By Orders,

(S.C. VAJPEYI)
 SECRETARY (LAND & BUILDING)
 DELHI ADMINISTRATION : DELHI.

197/35