

AWARD NO. 06/LAC/CL/2000

1. Name of Revenue Estate : Wazirabad
2. Nature of Acquisition : Permanent
3. Purpose of Acquisition : Setting up of Dairy Colony Yojna

These are the proceedings for acquisition of land U/s 11 of Land Acquisition Act, 1894 for the purpose of setting up of Dairy Colony Yojna in an area of 77 bigha and 16 biswa in the revenue estate of Wazirabad. The Notification U/s 4, L.A. Act, 1894 for land measuring 77 bigha 16 biswa was issued by the Land & Building Department of Govt. of N.C.T. of Delhi on 24.7.98 vide No.F.11(23)/98/L&B/LA/6085. Subsequently, the declaration U/s 6, Land Acquisition Act, 1894 was issued vide Notification No.F.11(23)/98/L&B/LA/6749 dated 4.8.98. The Govt. of N.C.T. of Delhi has also issued Notification U/s 17, Sub Section 1 of the Land Acquisition Act, 1894 vide No.F.11(23)/98/L&B/LA/6752 dated 4.8.98 invoking the urgency clause. Since the land was notified U/s 17(1) of the L.A. Act, 1894, which is an urgency clause, the provisions of Section 5(A) Land Acquisition Act, 1894 was dispensed with. The aforesaid notifications have been published in the official gazette. Notices U/s 9 & 10 of the L.A. Act, 1894 were issued to the recorded owners inviting claims from the interested persons of the land under acquisition. In response to the notices, 8 claims have been filed by the interested persons which will be discussed in detail under the heading Claims and Evidences.

MEASUREMENT AND TRUE AREA

The land under acquisition as per the notification and declaration U/s 6 of the Act were got physically measured through the staff of land acquisition branch and revenue officials and it was found that the area as notified vide respective Khasra Numbers are available on site and the true area of it comes to 77 bigha and 16 biswa. The area available for acquisition in respective Khasra Nos. are mentioned in Table - 1.

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TABLE - 1

S.No.	Khasra No.	Area	
		Bigha	Biswa
1.	11	18	13
2.	12	59	03
Total Area =		77	16

CLAIMS AND EVIDENCES

In pursuance of the Notices U/s 9 and 10 of the L.A. Act, 1894, 8 claims have been received within the time mentioned in the notices by the interested persons either in individual or in joint ownership capacity. The details of claims and evidences are discussed below :-

S.No.	Name	Khasra No.	Claim
1.	1. Ravinder Kumar Gupta 2. Pradeep Kumar Gupta Ss/o Sh. Bal Kishan	11	1. For land @ Rs.1,00,000/- per Sq.Yard 2. As Rehabilitation Charges Rs.20,00,000/- 3. Other Benefits as per L.A. Act
2.	1. Ram Pal Singh 2. Jee Raj Singh 3. Maharaj Singh Ss/o Late Sh. Jugli 4. Raj Singh S/o Sh. Rupa 5. Chander Pal S/o Sh. Faquira	327/12/1, 12/2, 12/3, 328/12/1, 12/2	1. For land @ Ra.10,000/- per Sq. Yard 2. Other benefits as Solatium, interest as per L.A. Act
3.	Shahjahan Begum W/o Mohmad Askeen	327/12/3	1. For land @ Rs.15,00,000/- per bigha 2. One alternative plot 3. Service for a family member
4.	Mohmad Askeen S/o Sh. Abdul Rasid	327/12/3	1. For land @ Rs.15,00,000/- per bigha 2. One alternative plot Service for a family member
5.	Jagdish Parsad Gupta S/o Sh. Tansukh Ram Gupta	327/12/3	1. For land @ Rs.15,00,000/- per bigha 2. One alternative plot 3. Service for a family member
6.	Sushila Gupta W/o Sh. Shankar Lal Gupta	327/12/3	1. For land @ Rs.15,00,000/- per bigha 2. One alternative plot Service for a family member
7.	Murari Lal Gupta S/o Sh. Jagdish Parshad Gupta	327/12/3	1. For land @ Rs.15,00,000/- per bigha 2. One alternative plot 3. Service for a family member

8.	Shahina Parveen W/o Sh. Navil Javed	327/12/3	Compensation as per rules
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The perusal of the claims reveals that none of the claimants have filed their evidences in support of their claims, which were exorbitantly high. These claims were considered on merits and rejected, since these are not supported by any supporting documentary evidence and do not represent the market value of the land.

MARKET VALUE

The market value of the land under acquisition is to be determined with reference to the date of Notification U/s 4 of the L.A. Act, 1894, which is 24.7.98 in this case. For determination of the market value of the land under acquisition; its potentiality and fertility vis-a-vis quality of the land, the proximity of the land to the nearby habitation have been taken into consideration while fixing the market value as required under the Land Acquisition Act.

The total land of 77 bigha – 16 biswa under acquisition is plain agricultural land of standard quality and fertility. Further the said land is in close proximity to Village Wazirabad, which has been declared urbanized.

Two methods of valuation of land were followed. In one method, the recorded transaction of sales of similar lands in the nearby vicinity were taken into consideration. The average sales consideration was determined as a basis for arriving at market value of the land under acquisition. The details of four sale deeds registered for different period is given below :-

<u>S.No.</u>	<u>Registry No. & Date</u>	<u>Area</u>	<u>Total Sale consideration</u>	<u>Name of Village</u>
1.	4375 dated 7.8.97	500 Sq. Yards	Rs.50,000/-	Jharoda
2.	4386 dated 7.8.97	500 Sq. Yards	Rs.50,000/-	Jharoda
3.	478 dated 27.1.98	1028 Sq. Yards	Rs.1,00,000/-	Wazirabad
4.	3011 dated 26.5.97	1600 Sq. Yards	Rs.3,00,000/-	Wazirabad
	Total =	3600 Sq. Yards	Rs.5,00,000/-	

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The indicative sales price as per this method come to Rs.139/- per Sq. Yards or Rs.6.67 Lacs per acre approximately.

In the other method; the indicative price fixed by the Govt. of N.C.T. of Delhi for agricultural land in Delhi as Rs.11.20 lacs per acre, conveyed by letter No.9(20)/80/L&B/LA/9229-38 dated 24.9.98 was taken into consideration.

By analyzing the indicative prices arrived by the above two methods, it is noted that the value arrived at by following the similar land sales method is very low. More over, the unit of measurement of these land sales is in Sq. Yards, which cannot be taken as comparable to the large chunk of land covered in this acquisition. Hence it does not truly represents the true market value of the land; so rejected. On the contrary; the indicative price of agricultural land fixed by the Government after considering the matters in detail, is being taken to be the basis for arriving at the Market Values for the land under acquisition. Based on this; the indicative price of agricultural land fixed by the Govt. of N.C.T. of Delhi as Rs.11.20 lacs per acre has been taken as the market value of land for the entire chunk of land of 77 bigha – 16 biswa.

OTHER BENEFITS

- (A) **Additional Benefits :-** Besides the market value was fixed, interested persons are also entitled to have additional benefits @ 12% per annum on the market value Under Section 23(1)(A) of the Land Acquisition Act, 1894 from the date of Notification Under Section 4 of the Act i.e. 24.7.1998 till the date of announcement of Award i.e. 3.8.2000 (for a period of 2 years and 10 days).
- (B) **Solatium :-** Besides the market value fixed as above, the interested persons are also entitled to 30% Solatium over and above the compensation on the basis of market value Under Section 23(2) of the Land Acquisition Act, 1894.
- (C) **Interest :-** Although there is provision of interest Under Section 34 of the Land Acquisition Act 1894; but in this case possession has not been taken over as yet. So interest is not allowed.

APPORTIONMENT

The compensation as assessed is allowed to the recorded owners of the land as per the share of each recorded owner mentioned in the Khatauni. If there is any dispute regarding apportionment; the same will be referred to the Court for adjudication.

SUMMARY OF THE AWARD

<u>ITEM</u>	<u>IN RUPEES</u>
1. Compensation towards market value for the land measuring 77 bigha and 16 biswa :- @ 11.20 lac per acre	1,81,53,333=00
2. Additional Benefits @ 12% per annum on the market value U/s 23 (1(A)) of the Act for 2 years and 10 days	44,16,482=00
3. Solatium @ 30% U/s 23 (2) on the market value	54,46,000=00
Grand Total (1+2+3) = (Rupees Two crore eighty lakh fifteen thousand eight hundred and fifteen only)	<u>2,80,15,815=00</u>

3/8/2000 - Award has been approved
by the Government on
3/8/2000.

Arun Mishra
03/08/2000
(ARUN MISHRA)
LAND ACQUISITION COLLECTOR
CIVIL LINES, DELHI

3/8/2000 - Award announced in the open court
on 3/8/2000 at 4 P.M.

Arun Mishra
03/08/2000