

Award No : 135/80-81

NAME OF THE VILLAGE : WAZIRABAD 311
NATURE OF ACQUISITION : PERMANENT
PURPOSE OF ACQUISITION : PLANNED DEVELOPMENT OF DELHI.

These are the proceedings for determination of compensation u/s 11 of the Land Acquisition Act, 1894 regarding the acquisition of land in village Wazirabad for a public purpose namely for the Planned Development of Delhi. The land measuring 164 bighas 8 biswas situated in village Wazirabad was notified u/s 4 of the L.A. Act vide Delhi Administration notification No.F.11(70)/78-L&B/LA(P) dated 1.11.78 followed by a declaration u/s 6 of the L.A. Act vide notification No.F.11(70)/78-L&B/LA(P) dated 1.11.78. As this land was urgently required for the Planned Development of Delhi, provisions of sub-section (1) of section 17 of the Land Acquisition Act were also made applicable to this land vide notification No.F.11(70)/78-L&B/LA(P)(iii) dt.1.11.78 and hence the interested persons were not given any opportunity to submit their objections u/s 5-A of the said Act.

In pursuance of the above notifications issued under the L.A. Act, 1894, notices u/s 9 & 10 of the said Act were issued to all the interested persons. In response to these notices, the claims of the persons interested/claimants were received which are discussed hereafter under the heading 'Claims'.

MEASUREMENT

The land under acquisition was measured on the spot by the land acquisition staff. The area was found to tally with the area as given in notification u/s 6. Moreover, no objection has been raised by the claimants regarding the area. So total area of 164 bighas 8 biswas

28.86

28.86

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is being acquired through these proceedings. 31)

CLASSIFICATION OF THE LAND

The detail of the khasra number in Form 7-a have been prepared under para 55 of the Financial Commissioner order No.28 which are as under:-

<u>Khasra No.</u>	<u>Area</u>	<u>Kind of land</u>
17/2/2	0-16 ✓	Abpash
18/2/2	9-13 ✓	"
20/3 ✓	1-05 ✓	"
21	0-7	"
22/1	1-05	G.Abpash
23/1	0-09	"
69/1-3 1	8-04	Parti Jadid
53/2/1 2	0-08	"
54/2/1 2	0-07	"
55/2 /1 2	0-11	"
56/2 2/1	2-00	"
292/57/2/2/1	15-01	"
293/57/2 /1 2	3-14	"
58/2	12-12	"
59/1	8-12	"
60/1	2-09	"
341/74/1	0-18	"
75/2	14-17 ✓	"

r(N)

Prithvi Raj

Sunil Gupta

Sunder Gupta

28.86

28.86

76/2 ✓	7-18 ✓	Parti Jadid
77/2 ✓	10-16 ✓	Johar
78/2 ✓	7-02 ✓	G.Abpash 3/9
79/2 ✓	6-10 ✓	"
80/2 ✓	7-03 ✓	"
81/2 ✓	7-12 ✓	"
82/1 ✓	9-06 ✓	"
332-338/83/1	9-06 7-16 ✓	"
84/1 ✓	0-05 ✓	"
86/3-2 2 1	16-02	G.Abpash Johar 14-02 2-00
334/87/1 ✓	0-10 ✓	"

Total	<u>164-08</u>
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Abpash	G.Abpash	Parti Jadid	Johar
12-01	62-00	77-11	12-16

The area which is being acquired has been found correct even at the time of measurement made by the field staff. At present there is no other alternative left with me except to agree with the classification and measurement as proposed 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 of the L.A. Act which is as under:-

<u>Kind of land</u>	<u>Area</u>
Johar	12-16
Abpsh	12-01
G.Abpash	62-00
Parti Jadid	77-11
	<u>164-08</u>

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in pursuance of notices issued to them under section 9 & 10 of the L.A. ACT.

S.No.	Name of the claimant	Kh.No.	Claim	Remarks
1.	Smt. Padmawati Wahi 79 w/o Param Nath Wahi r/o Kucha Laharan, Chowk Phoolwala, Amritsar Punjab, Present Address 51E Kamla Nagar, Delhi.		Claimed compensation No evidence @Rs.17/- per sq.yd. in support 15% solatium & of her claim. interest @ 12% P.A.	r(N)
2.	Sh. Rattan s/o Nanda, Tek 334/ Chand s/o Balram, Mahabir, 87/ Luttas, Ram Pal, Sukhbir 1 s/o Luttas, Jaipal s/o Ballu Balram, Jaiveer s/o Balram Chuni, Ramdass s/o Chinta Ram all r/o Pagatpur, Delhi.		Claimed for land @Rs.17/- do- per sq.yd. + 15% solatium 12% interest p.a.	
3.	Smt. Jagwati Bhagwati 186/2-3/1 Smt. Jaiwati, Ram Pyari 69/1 D/o Nand Ram Sh. Nand Ram 82/1 s/o Nihal Singh for self 69/3/1, & attorney of applicant 69/1/2 No. 1 to 4 all r/o 77/2 Wazirabad. 81/2 18/1		Claimed for the land -do- @ Rs.17/- per sq.yd. & 15% solatium & 12% interest.	
4.	Sh. Barahm Dutt s/o Ram 55/2/1 Chander Om Parkash 69/1/2 s/o Attar Singh 69/3/1		As above	-do-
5.	Sh. Shyama s/o Chhittar 20/3, alias Chhittar Singh 69/3/1 69/1/2		Claimed @ Rs.17/- per sq. -do- yd. 15% solatium & 12% interest Rs.8000/- for crops.	
6.	Sh. Chetan s/o Kure, 29/3/57/ Dhawal s/o Chetan 2/1 Surjan s/o Kure.		Claim for the land @ Rs.17/- do- per sq.yd. and 15% solatium + 12% interest.	Ln
7.	Sh. Partap Singh, Ishwar Singh Kesar Singh, Ranjit 18/2/2 Singh, Pushkar, Vikram 17/2/2 Singh, s/o Kishan Sahai 21. r/o Dhaka		Claim for the land @Rs.17/- do- per sq.yd. Rs.17000/- for wheat crops 15% solatium + 12% int.	Ln
8.	Sh. Om Dutt, Manak Ram 1 69/3 Dutt s/o Fateh Lal 69/1/2 Mahinder s/o Tej Ram. 58/2 59/1 78/2 75/2		Claim for the land @ -do- Rs.17/- per sq.yd. Rs.6000/- for till 15% solatium + 12% interest.	a

9. Sh. Qabal s/o Man Singh 69/3/1 Claim for the land @ No
Sh. Manse Ram s/o 69/1/2 Rs.17/- per sq.yd. evic
Lakhpur r/o Jagatpur 56/2-2/ 15% solatium &
Delhi. 3/1 60 interest.
10. Sh. Rupa s/o Santa @ 69/3/1 As above.
Ramsaran Sh. Kartar 69/1/2
Singh s/o Girohi
Sh. Chander Pal s/o Faqira
Sh. Juglee s/o Ramsaran @
Santa Sh. Shiv Charan s/o
Girohi.
11. Sh. Basant Lal s/o 53/2/2, 2/3/1 Claim for the la
Jhandu 69/3/1, 69/1/2 Rs.17/- per sq.yd.
332-333/83/1 solatium & 12% in
54/2/2-2/3/1
12. Sh. Basant Singh, Roop 69/3/1, 69/1/2 As above.
Narain, Daya Narain 332/333/83/1
Ss/o Jhandu 76/2
13. Sh. Chunna s/o Nanwa 23/1, 22/1 As above and Rs. 60
Sh. Manan s/o Niader for well.
14. Sh. Rajeshwar, Siri Ram 293/57/2/1 Claim for the land
ss/o Harsaran. 69/3/1, @ Rs.17% per sq.yd.
69/2/1, 53/2/2- solatium and 12%
2/3/1, 341/74/1
15. Sh. Balwant Singh @ 69/3/1, 69/1/2 As above.
Ballu 86/2-3/1, 60/1, 82/1
16. Sh. Chander Bhan s/o 80/2, 86/2-3/1 As above.
Bhagwan Singh
17. Smt. Atter Kali Sd/o 293/57/2/1 Claim for the land @ -d
Ramdass smt. Khazani 69/3/1. Rs.17/- per sq.yd. 15%
Sd/o Hukem Singh 69/1/2 solatium & 12% interest
84/1 Rs.6000/- for well.
18. Sh. Anoop Singh s/o 69/3/1, 69/1/2 Claim for the land
Jhandu 86/2-3/1, 60/1 @ Rs.17/- per sq.yd.
82/1 15% solatium &
12% interest.
19. Mandir Shivaji 76/2 As above. -do
Wazirabad through
Swami Nardanand Mehand
20. Sh. Shiv Nath s/o Tara 69/3/1, 69/1/2 As above. -do
Chand Sh. Kiran s/o Chuni 292/2/2/2, 2/3, 2/1/2,
2/1/1, 79/2, 75/2
21. Sh. Ram Pal Singh 333/83, 293/9 As above and
Sh. Maharaj Singh, Rs.6000/- for well -do
Sh. Jeeraj Singh Ss/o
Juglee

MARKET VALUE

The market value of the land under acquisition is to be assessed with reference to the price prevailing at the time of notification u/s 4 of the L.A. Act. The land use also plays an important role in deciding the market value of the land. The provisions of Delhi Land Reforms Act are applicable to the land under acquisition and thus the land can only be put to use for purposes of agriculture, horticulture or animal husbandry etc.

The persons interested have not produced any evidence in support of their claims. They have demanded exorbitant rates which cannot be relied upon in the absence of any documentary proof. Efforts were made by the revenue staff to ascertain awards drawn in this village. The details of awards are given below:-

S.No.	Award No.	Date of notification u/s 4	Price awarded per bigha.	in
1.	1371	17.2.62	Rs. 600/-	
2.	1381	17.2.62	Rs. 1000/-	
3.	1793	21.1.65	Rs. 650/-	
4.	1807	-do-	Rs. 1200/-	
5.	1819	22.4.65	Rs. 1150/- & Rs. 650/-	
6.	45/79-20	15.2.79	Rs. 4600/-	

or (N)

Prithvi Raj
Sunil Gupta
Sunder Gupta

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The awards mentioned at S.No.1 to 5 have got the material date from 1957 to 1965 and as such, these would not be much helpful in assessing the market value of the land in the present case. The last award No.45/79-80 shown at S.No.6 was announced on 31.3.80 and its material date is 15.2.79. In the present case, the date of notification u/s 4 is 1.11.78 i.e. about 3½ months prior to material date of notification u/s 4 of award No.45. Thus, this award will help in assessing the market value in the present case. I have perused the contents of award No.45/79-80. The L.A.C. while drawing the above award, had discussed the sale transactions and various awards which had taken place in this village. Accordingly, he determined the market value of the land at a flat rate of Rs.4600/- per bigha of all kind of land after considering all the aspects of the matter. Parts of some Kh. Nos. which are the subject matter of the land under acquisition were also acquired in the above award. Moreover, the land acquired in the above award adjoins the land under acquisition. I, therefore, make the basis of the above award to assess the market value of the land in the present case. As stated above, there is a difference of about 3½ months between the date of notification u/s 4 of the above award and that of the land under acquisition. In my opinion, there has not been any rising in the prices of the land during this short period. There is reported to be 'Johar' in Kh.No.77/2 and 86/3-2/1 as per the point of the NT. The notification u/s 4 was issued on 1.11.78. As such, a copy of the Khasra Girdawari for the year 78-79 has been obtained and placed on the record. 7 bighas 8 biswas has been shown as 'Ch' (Parti) (uncultivated).

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in Kharif 1978 and uncultivated in Rabi 1979 against Kh.No.7. The land of Kh.No.86 was not cultivated in Kharif 78 whereas 'Jai Chara' and 'Barley' has been shown in Rabi 79. There is no mention of 'Jabar' against either of the Kh.Nos. in the said Khasra Girdawari. The possession of land has since been taken over on 20.12.78. Moreover, the L.A.C. while announcing the award No.45/79=80 has given a flat rate of Rs.4600/- and award accordingly. Keeping in view all the facts into consideration, it would be fair and reasonable if the market value of the land under acquisition is assessed at a flat rate of Rs.4600/- and award accordingly.

INTEREST

In all, 164 bighas 8 biswas has been acquired in this award. Physical possession was given on 20.12.78 in respect of land measuring 115 bighas 11 biswas comprising of Kh.nos. as given below:-

<u>Kh.No.</u>	<u>Area</u>
17/2/2	0-16
18/2/2	9-13
20/3	1-02
21	0-07
22/1	1-05
23/1	0-09
69/3/1)	4-02
69/1/2) 69/1-3	4-02
341/74/1	0-13
77/2	10-16
76/2	7-18
75/2	14-17
73/2	7-02
79/2	6-10
80/2	7-02

82/1 ✓

-9-

9-06

332-333 ✓

83/1

7-16

33)

84/1 ✓

0-65

86/3-2

2

13-02

1

334/87/1 ✓

Total

0-10

115-11

Thus the owners will be entitled to interest from 20.12.78 till the date of announcement of the award on the compensation of the above land.

It is understood that the possession of the remaining land measuring 48 bighas 17 biswas has also been taken over from the land owners but the acquiring Deptt. has not confirmed the date of possession of the remaining land. A supplementary award will be drawn regarding payment of interest in respect of the r land as and when reply is received from the Deptt.

TREE WELLS OR OTHER STRUCTURES

There is no tree, well and or on the land under acquisition.

SOLATUM

15% solatium is payable assessed.

APPORTIONMENT

Payment will be made on in the record of rights. In case t and the parties do not reach to any the matter will be referred to the u/s 30-31 of the

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shall be deducted from the Khatauni w.e.f. taking
ever possession.

SUMMARY OF THE AWARD

1. Compensation for land measuring Rs. 7,56,240.00
164 bighas 8 biswas @ Rs. 4600/-
per bigha.

2. 15% solatium

Rs. 1,13,436.00

Total

Rs. 8,69,676.00

3. Interest u/s 34 @ 6% per annum
on market value of ~~164 bighas~~
~~8 biswas~~ 115 bighas
11 biswas i.e. Rs. 6,11,259.50
w.e.f. 20.12.78 to 24.11.80
(1 year 340 days)

Rs. 70,745.77

GRAND TOTAL

Rs. 9,40,421.77

(Rupees Nine lac Forty Thousand Four Hundred
Twenty One and paise Seventy Seven only)

(D.B. KUBBA)
LAND ACQUISITION COLLECTOR (NARELA)
DELHI.

*present in
the court / 2 fees
only*

25/3/81

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*notis u/s 122) 2/16
L.A. for the court & the court
was not held*

2/16