

A W A R D N O. 45/79-80

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NAME OF THE VILLAGE : WAZIRABAD
 NATURE OF ACQUISITION : PERMANENT
 PURPOSE OF ACQUISITION : Construction of supplementary
 Drain from G.T. Road to Wazirabad.

These are 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 'Construction of Supplementary Drain from G.T. Road to Wazirabad.' The land measuring 319 Bighas 04 Biswas situated in Village Wazirabad was notified u/s 4 of the Land Acquisition Act vide Delhi Administration Notification No. F.7(80)/78-L&B(i) dated 15.2.1979 followed by a declaration u/s 6 of the Land Acquisition Act vide notification No. F.7(80)/78-L&B(ii) dated 15.2.1979. Since this land was urgently required for the construction of Supplementary Drain from G.T. Road to Wazirabad, as such provision of sub section (1) of section 17 of the Land Acquisition Act was also made applicable to this land vide notification No. F.7(80)/78-L&B(iii) dated 15.2.1979 and hence the interested persons were not given any opportunity to submit their objections u/s 5-A of the Land Acquisition Act.

In pursuance of above notifications issued under the Land Acquisition Act, 1894, notices under section 9 & 10 of the said Act were issued to all the interested persons. The claims filed by them have been discussed hereafter under the heading 'Claims.'.

MEASUREMENT

The area under acquisition as given in the declaration u/s 6 of the L.A. Act, 1894 was measured on the spot by the Field Staff of Land Acquisition and position found is as follows:-

X Total area notified is 319 Bighas and 04 Biswas

While on actual measurement it comes to 301 Bigha 01 Dhas. The discrepancy in the area occurred on account of the following reasons:-

1. Kh.No. 298/68 measuring 5 Bigha 15 Dhas has been notified but on actual measurement it was found beyond alignment. So, it requires deletion from the original notification. While Kh.No. 296/68 & 297/68 falls in the alignment of the Supplementary Drain but were omitted from notification s/s 4. So will be acquired under supplementary award after fresh notification. The draft notification has already been sent to Land & Building Department.

2. Kh.Nos. 16 min (2-09), 17 min (1-13), 18 min (2-15), 19 min (2-16), and 27 min (22-06) have been notified for the acquisition of supplementary Drain but Kh.Nos. 16/2/2 (1-7), 17/1 (1-06), 18/1 (1-10), 246/12/2 (2-10), 247/12/2 (2-05) and 29/2 (2-18) has already been acquired under Award No. 51/70-71 of Village Nazirabad. Kh.No. 324/87/1/1 (2-5), 335/87/2/1 (2-17) were acquired under Award No. 1019 are required to be deleted from the notification. Proceedings for the same are being taken separately.

Thus area measuring 301 Bigha 01 Dhas is being acquired under this award.

CLASSIFICATION OF LAND

The details of the Kh.No. in Form 7-A have been prepared which are as under:-

Kh.No	Area Bigha-Dhas
14 min	0-01
15 min	0-18
16/2/1	7-2
17/2/1	0-7
18/2/1	2-5
246/12/1	0-8
247/12/1	4-15
20/1	0-03
60/1	0-18
61/1	8-00
62	5-14
63	8-17
64/1	9-00
65	10-02
66	11-17

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294-35/67/1	7-10
69/3/3/1	0-7 9-10
71/1	0-7
72/1	5-14
73	2-05
340/74	15-14
342/74	9-17
343/74	2-6
341/74	6-10
75/1	16-3
76/1	11-7
77/1	15-15
78/1	2-13
79/1	6-3
80/1	5-19
81/ 1	2-17
332-333/83/2/1	5-13
84/2	9-12
85	8-16
$\frac{86/2/2 + 86/3}{2}$	14-3
234/87/1/2/1	8-12
234/87/1/3	
235/87/2/3	9-19
235/87/2/2	
88/1	1-5
174/1	15-02
275/175/1	38-01
277/176/1	2-03
	<u>301-01</u>

Total:- _____

CLAIMS

The following persons have filed their claims in pursuance of notices issued to them under section 9 & 10 of the

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Land Acquisition Act, 1894:-

Sr.No.	Name of the claimant	Kh.Nos.	Amount Claimed	Remarks
1.	Pardeban G. Sabha Wazirabad	64/1, 65, 66, 76, 295-294 67/1	Claimed compensation @ Rs. 20/- per sq. yd	Has not produced any evidence
2.	S/Sh. Shyama s/o Shital, Smt. Santosh wd/o Ram Niwas on behalf of Subodh & Surita	20/1, 69/3/3/ 1, 174/1	-do-	-do-
3.	S/Sh. Rajeshwar, Siri Ram ss/o Har Saran	341/74, 277/176/1	Claimed compensation for land @ Rs. 20/- per sq. yd. 15% Solatium and 12% interest thereon Rs. 500/- per bigha for damages.	-do-
4.	S/Sh. Ram Phal Jai Raj Singh, Mahu Raj Singh ss/o Jugli	332-333 83/2/1	-do-	-do-
5.	S/Sh. Basant Lal, Daya Narain, Koop Narain ss/o Jhendu	332-333 , 340/74, 83/2/1 76/1/1, 174/1, 277/176/1	-do-	-do-
6.	Ravi Dutt s/o Pateal Lal	14/1, 15/1, 16/1, 75/1/1, 78/1/1, 62, 69/1/1, 275/175/1, 69/3/3/1, 174/1	-do-	-do-
7.	Sh. Shiv Nath s/o Tara Chand	14/1, 15/1, 16/2/1, 75/1/1, 79/1/1, 63, 275/175/1, 69/3/3/1, 174/1	-do-	-do-
8.	S/Sh. Harkosh, Kishan Lal, Roopal, Risal ss/o Mohar	294-295/67/1	-do-	-do-
9.	Om Parkash s/o Attar Singh, Brham Dutt s/o Ram Chander	275/175/1 78/1/1, 174/1	-do-	-do-
10.	Sh. Chander Bhan s/o Bhagwat Sehri	80/1/1, 85 min, 86/3, 86/2/2 2	-do-	-do-
11.	S/Sh. Om Dutt, Marak ss/o Fatch Lal, Mahinder s/o Tej Ram	14/1, 15/1, 16/1/2, 75/1/1, 78/1/1, 62, 63, 275/175/1, 69/3/3/1, 174/1	-do-	-do-
12.	Sh. Kabul Singh s/o Man Singh	72/1/1, 174/1	-do-	-do-

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13. S/Ch. Anoop Singh,
Balwant Singh ss/o
Jhanda 60/1, 61/1,
69/3/3/1,
85 min, 26/3,
86/2/2/2 Claimed compensation Has not
for land @ Rs. 20/- p. sq. yd filed
15 % solatium and 12 %
interest thereon. Rs. 500/- any
per bigha for damage evidence
14. Smt. Ram Pyari, Shagwati, 69/3/3/1,
Jagwati, Daya Wati d/o 86/1, 60/1, -do- -do-
Mand Ram, Sh. Mand Ram 61/1, 85 min,
s/o Nihal. 86/3, 86/2/2/2,
77/1/1, 85/1/1,
18/2/1
15. S/Sh. Chuni, Ram Dass, 842/74/1, 384/87/1 Claimed compen-
ss/o Chinta Ram, 2/2/2, 174/1, 277/176/1 sation for -do-
Smt. Ram Bai d/o Chaita 1 min, 69/3/3/1 land @ Rs. 20/-
Ram, Tek Chand, Jaibel, per sq. yd. 15 %
Jivir, ss/o Bal Ram, solatium. 12 %
Kasturi, Anguri, Umesh interest thereon
Kumari s/o Bal Ram,
Smt. Jaywanti wd/o Bal Ram,
Bansal, Sukbir, Mahabir ss/o
Lotus, Rattan Singh s/o
Mand Ram; Daya Kaur d/o Mand
Ram.
16. Sh. Kiran s/o Tara 14/1, 15/1, 16/2/1, Claimed compen-
75/1/1, 79/1/1, 82/1, sation @ Rs. 20/- -do-
275/175/1, 69/3/3/1, per sq. yd. 15 %
174/1 15 % solatium and
12 % interest thereon
Rs. 500/- per bigha
for damages etc.
17. Smt. Khazari wd/o 243/74, 247/19/1, Claimed compensation -do-
Hukam Singh, Smt. 84/2, 275/175/1, for land @ Rs. 20/-
Attar Kali wd/o Ram 277/176/1, 69/3/3/1, p. sq. yd. 15 % solatium
Dass 174/1, 247/19/1, 12 % interest thereon
385/87/2/2 and Rs. 500/- per bigha
for damages Rs. 6000/-
for pucca well.
18. Sh. Sharda Mand 76/1 Claimed compensation -do-
for land @ Rs. 20/-
p. sq. yd. 15 % solatium
and 12 % interest.
19. Sh. Mansa Ram s/o 72/1/1, 174/1, As above as well. -do-
Lakhpat 275/175/1 Rs. 500/- per bigha
for damage
20. S/Sh. Partap Singh, 18/2/1 Claimed compensation Has not
Ishwar Singh, Kesar Singh, for land @ Rs. 20/- filed
Ranjit Singh, Pushkar, per sq. yd. 15 % any
Vikram Singh all ss/o solatium and 12 % evidence.
Kishan Bahai interest thereon. Rs. 500/-
per bigha for damage.
Rs. 15,000/- for the cost
of tubewell.
21. S/Sh. Manget Ram, Banwari 64, 65, 66, 295/67,
Lal, Mohan Lal, Lekh Ram, 296/68, 297/68

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Nonan Lal, Nanwa, Smt. Sukh Devi, Claimed Rs.14,400/-
 each of the claimant
 Tej Bal Singh, Chander Lutt, Dile Ram, Has not filed
 Suraj Mal, Budh Ram, Begh Raj, Brahm Singh, any evidence
 Hirku, Parkash, Ganga Dass, Tara, Ram Phal,
 Dargam Pal, Kishan, Kalu Ram, Harbans, Sahai Ram,
 Mukhtiare, Ramji Lal, Hari Ram, Sukh Bir, Ragobir,
 Lekh Raj, Ram Pat, Nathu, Zhumal, Kalu, Jug Lal,
 Datta Ram, Harnam, Man Singh, Jai Singh, Lal Singh,
 Budh Ram, Mool Chand, Om Parkash, Kalu, Basanti,
 Bhagwan, Ganga Parsad, Mahinder, Thakaria, Ramji Lal,
 Bhana, Phool Singh, Kishan Lal, Besi Ram, Raj Pal,
 Ramji Lal, Kalu Ram, Hari Singh, Pem Raj, Pehled, Durga,
 Bisamberi Dayal, Ram Chandan, Kasturi, Khacheru, Mangal,
 Kanhya, Smt. Chotto, Sham Lal, Maha Singh, Mahesh Pal,
 Smt. Ram Kali, Smt. Phooli, Risalo, Sher Singh, Lal Chand,
 Ram Suran, Bucho, Parmeshwari, Jawala, Kartaro, Suraj,
 Tara Chand, Mangal, Jai Singh, Rattan, Khushi Ram, Munshi,
 Shiv Charan, Manphool, Ram Seroop, Phool Singh, Harbans,
 Om Parkash, Bhoti Ram, Har Swaroop, Mani Ram, Hari Singh,
 Kalu Ram, Dharan Pal, Shamo, Sharif, Madho, Ghisa Ram,
 Manphool, Shanti, Rattan Devi, Inder Partap, Harbans Lal,
 Sita Ram, Kalu Ram., Om Parkash, Mahinder Singh.

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MARKET VALUE

The market value of the land under acquisition is to be determined with reference to the price prevailing on the date of notification u/s 4 of the L. A. Act and for fixing the price, land use has to play an important role. Provisions of section 22 & 23 of Delhi Land Reforms Act are applicable to the land under acquisition and thus the land can only be used for the purpose of agriculture, horticulture or animal husbandry etc. To have an idea of the price prevailing rates on the date of notification, the sale deeds executed on or around the date of notification and the rates of compensation allowed in the awards announced in respect of the ~~same~~ land in the same village could be the best guide. The details of the mutations, available on record in respect of the sales transactions conducted during the past five years are as follows :-

S.No.	Mutation No.	Date of Regn.	* Land	Amount considered
1.	37	8.5.74	1-0	Rs. 5000/-
2.	38	8.3.74	0-4	Rs. 2000/-
3.	40	8.3.74	0-4	Rs. 2000/-
4.	42	8.3.74	0-4	Rs. 3000/-
5.	63	20.9.74	0-14	Rs. 5000/-
6.	69	16.4.75	0-10	Rs. 5000/-
7.	77	16.9.74	0-6	Rs. 3000/-

Land has already been acquired in this village during the past through following awards :-

S.No.	Award No.	Date of notification u/s 4	Market value awarded by L. A. Act per bigha	Market value awarded by the A. L. T. per bigha
1.	1571	17.2.62	Rs. 300/-	Rs. 2000/-
2.	1425	17.2.62	Rs. 1000/-	
3.	1798	21.1.65	Rs. 650/-	(Rs. 2500/-)
4.	1807	21.1.65	Rs. 1200/-	
5.	1819	22.4.65	Rs. 650/-	Rs. 2500/-
6.	51/70-71	10.5.70	Rs. 500/-	Rs. 2200/-

It is apparent from the table given at prepage that the sale transactions are the transactions of the smaller pieces of land and for residential purposes and the value paid in these transactions of such small pieces is on the higher side than the general rates prevailing for bigger chunks of land, as the small pieces of land fetch more value than the larger area. So, it will be not safe to depend on the said transactions in determining the fair and reasonable market value of the land under acquisition. Besides it, the land in this village has already been acquired through certain awards as detailed on prepage. Although, there is a considerable time gap between the material date of notification u/a 4 of these awards and the notification u/a 4 in the present case, but we cannot discard all the awards in assessing the market value of the land under acquisition. As part of Awards Nos. 86/1, 33/87/1/1, 335/87/2/1 have already been acquired vide award No. 1219, also form the part of land under acquisition in the present scheme. In this award the compensation was assessed by the Land Acquisition Collector @ Rs. 650/- per bigha for the similar kind of land. Being dissatisfied with the compensation awarded by the Land Acquisition Collector, the claimants preferred appeal u/s 18 of the L. A. Act. In L. A. Case No. 273/87, Mand Ram etc. Vs. UOI, the Bd. A.D.J., Delhi vide his judgement dated 5.6.80 enhanced the market value of the land to Rs. 2500/- per bigha. Working on the principle of increase of 6 % per annum, the approximate rate in February, 1979 i.e. the material date of notification u/a 4 comes to Rs. 4600/- per bigha.

In order to ascertain the genuineness of the rates prevailing at the time of notification, the rates applicable to the adjoining land with similar potentialities can also be a guide and helpful in determining the correct position. The land for the construction of Road No. 50 falling in the vicinity of the land under acquisition of the adjoining Village Sharoda Majra Buzari was acquired through award No. 3/79-80 where the compensation was assessed @ Rs. 7000/- per bigha but the quality, future prospects and land use of the land under said award differ and has no similarity with the land under acquisition. The land under present scheme is revine and within the embankment of the River Yamuna

TREES, WELLS & STRUCTURES

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

INTEREST

The possession of the land under acquisition has been taken over on 23.3.79. Hence the interested persons will be entitled to the interest @ 6 % per annum from the date of taking over of the possession till the date of announcement of the award.

SOLATIUM

15 % Solatium under section 23(2) of the Land Acquisition Act will be paid to the interested persons on the market value of the land for the compulsory nature of acquisition.

APPORTIONMENT

Payment will be made to the interested persons according to the latest entries in the revenue record and in case of dispute arising in the apportionment of the 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

Land revenue for the land under acquisition is assessed at Rs. _____ which will be deducted from the Khatauni w.s.f. the date of taking over possession.

SUMMARY OF THE AWARD

- 1. Compensation for the land measuring 301 bighas 1 biswa @ Rs. 4500/- per bigha Rs. 13,84,830-00
- 2. 15 % Solatium Rs. 2,07,724-50
- 3. Interest u/s 34 @ 6 % p.a. from 23.3.79 to 27.3.80 (1 year 5 days) Rs. 96,862-22

GRAND TOTAL:-

Rs. 16,89,416-72 P

(Rupees Sixteen Lacs Eighty Nine Thousand Four Hundred Sixteen and Paise Seventy Two only)

[Signature]

(V. K. JHA)
LAND ACQUISITION COLLECTOR(S)
DEPT

Announced today on 31/3/80 in the open Court.

[Signature]
JHA
Collector (a)