

Award No. 22/81-82.

NAME OF THE VILLAGE
NATURE OF ACQUISITION
PURPOSE OF ACQUISITION

ZI AUDDINPUR

PERMANENT.

WATER TREATMENT PLANT SHAHDRA

These are proceedings u/s 11 of the Land Acquisition Act, 1894 for determination of compensation in respect of land measuring 149 bighas 17 biswas in village Ziauddinpur. The land is required for Water Treatment Plant Shahdra. It is notified u/s 4 of the Land Acquisition Act vide notification No.F.7(9)/77-L & B (1) 4 dated 14.2.78 and u/s 6 vide No.F.7(9)/77-L&B (2) dated 14.2.78.

Since it was a case of emergency therefore section 17 of the Act was also made applicable through notification No.F. 7(9)/77-L&B (1) 4 dated 14.2.1978 and possession of the land was taken on 22.11.78.

Notice u/s 9 and 10 of the Act were issued to the persons interested. Claims filed in the case will be discussed later under the heading 'Claims & Evidence'.

Correct Area & Measurement.

The land acquisition field staff carried out necessary measurement on the spot alongwith the field staff of the acquiring department. As per the demarcation given and measurement carried out the area required for the scheme was found to be 149 bighas 17 biswas notified originally. The details of the land are given as below:-

<u>Khasra No.</u>	<u>Area</u>	<u>Kind of soil.</u>
1 etc/73/2min	36-09	Abpash.
1 etc/74/2	4-02	-do-
1 etc/75min	1-17	-do-
1 etc 76/2	3-11	-do-
1 etc 77/2 min	9-09	-do-
1 etc/78	3-02	-do-

1 etc/82	6-04	Abpash.
1 etc/83	6-04	-do-
1 etc/84	3-16	-do-
1 etc/85	11-10	-do-
1 etc/86	7-10	-do-
1 etc/87 min	11-01	-do-
1 etc/89 min	11-11	-do-
1 etc/115min	19-05	-do-
1 etc/116 min	7-08	-do-

OWNERSHIP & OCCUPANCY.

S. No.	Name of the owner	Name of the occupant.	Kh. No.	Area	Kind of soil.
1.	Kishnu s/o Gisa r/o vill. Majpur	Self	1etc/115min	19-05	Abpash
2.	Cheat Ram s/o Chajjan r/o Majpur.	-do-	1etc/77/2min	19-09	-do-
3.	Harkishan s/o Champa 1/2 share, Kundan s/o Ram Partap 1/2 sh. r/o Ghonda.	-do-	1etc/76/2	3-11	-do-
			Note: Kh. No. 1 etc/76/2 has been byfactere against Rs.1000/- Compensation will be paid cunning clearance certificate.		
4.	Chittar, Ram Chander s/o Badam in equal share 1/3 share, Chajjan Singh sun Champa wd/o Roopwati, Mangh d/os Rumal in equal share 1/3 share. Harkesh s/o Mangoo 1/3 sh. r/o Ghonda.	-do-	1etc/84	3-16	-do-
5.	Jagmal, Gopi, Surjee, Bhiram ss/o Man Singh r/o Ghonda in equal share.	-do-	1etc/116/min	3-14	-do-
6.	Tej Ram s/o Ritu r/o Ghonda.	-do-	1etc/89min	11-11	-do-
7.	Bhulle s/o Ganga Shai r/o Ghonda.	-do-	1etc/83	6-4	-do-

8. Lattan Singh, Sohan Singh, Meer Singh, Rohtas Singh, Mella Ram, Raja Ram ss/o Smt. Khillo, Kasture d/o Jhumman equal share 1/3 Self 1etc/87min 11-01 Abpash.
Dhan Singh, Kallan Singh s/o Hapin 2/3 share r/o Ghonda.
9. Sampat Ram s/o Chattan Singh r/o Ghonda. -do- 1etc/74/2 4-02 -do-
10. Smt. Murtee Devi, Dhanwati d/os Murthree wd/o -do- 1etc/116min 3-14 -do-
Sultan equal share r/o Ghonda.
11. Saroop Chand, Changa ss/o Nathwa equal share 1/2 Bagirth, Babu Ram, Hardatt, Gurdatt ss/o Mangli equal share 1/2. -do- 1etc/73/2min 36-09 -do-
1etc/86 7-10- -do-
12. Harikishan s/o Champa 1/2 sh, Kundan s/o -do- 1etc/75min 1-17 -do-
Ram Partap alias Ransurap 1etc/85 11-10 -do-
1/2 share r/o Ghonda.
13. Daulat Ram, Budhan s/o Chandra d/o Ashrafi wd/o Ram Chander equal sh r/o Gopal Pur. -do- 1etc/82 6-04 -do-

CLAIMS & EVIDENCE

S. No.	Name of the claimant	Kh. No.	Area	Rate Claimed	Evidence
1.	Chittar s/o Badam 1/6 share.	1/84	3-16	Rs. 25/- per sq. yd.	Nil.
2.	Ram Chander s/o Badam 1/6 share.	1/84	3-16	-do-	Nil.
3.	Chajju Singh s/o Rimal 1/2 share.	1/84	3-16	-do-	Nil.
4.	Harkesh s/o Harnarayan 1/6 share.	1/84	3-16	-do-	Nil.
5.	S/Sh. Chatter, Ram Chander s/o Badam, Chajju s/o Rimal Smt. Roopwati, Mangee, d/o Champee wd/o Rimal, Harkesh s/o Harnarayan 1/6 share c/o Chajju	-do-	-do-	-do-	-do-

: 4 :

6.	Champee wd/o Rumal 1/2 sh. c/o Chajju.	1/84	3-16	Rs.25/-per sq.yd	Nil.
7.	Roopwati d/o Rumal 1/12 share.	-do-	-do-	-do-	-do-
8.	Manghee d/o Rumal 1/12 share.	-do-	-do-	-do-	-do-
9.	Bagirth, Babu Ram, Hardett, Gurdatt s/o I. Manglee.	xxxx/115/1x 12=5x 100/-xxxxxx	12=5x 100/-xxxxxx	xxxxxx	xxxxxx
				Photostat copy 2000/-xxxxxx	xxxxxx
				of sale deeds. charge xxxxxxxxx	xxxxxx
				Copy Award 1/76-77	xxxxxx
				Gopalpur Not produced	xxxxxx
10.	Kishu s/o Ghisa	1etc/115/1	19-05	100/-per sq.yd.	2000/- severance charge
11.	Jagmal s/o Man Singh r/o Ghonda 1/4 sh.	116/2	6-3	25/-persq.yd.	Photo stat copy of sale deed.
12.	Bhule s/o Ganga Sahai r/o Ghonda.	1 etc/83	not given	20/-per sq.yd.	-do-
13.	Cheat Ram s/o Chhajan r/o Maujpur.	1etc/77	38-16	Rs.100/-per sq.yds. Rs.20000/- Tubewell Not given. Rs.20000/-severance charges.	
14.	Smt.Muthree w/o Sultan Singh r/o Ghonda.	1etc/116/1	not given	Rs.40/- per sq.yds.	Not given.
15.	Murtee d/o Sultan Singh r/o Ghonda.	-do-	-do-	-do-	-do-
16.	Kundan s/o Ram Saroop alias Ram Partap.	76min 75min 85min	2-11 1-17 11-10	Rs.25/-per sq.yd.	-do-
17.	Harkishna s/o Champa r/o Ghonda.	75min 76min 85min	1-17 2-11 11-15	Rs.25/- per sq.yd.	-do-
18.	Gopi s/o Mam Chand r/o Ghonda 1/4 sh.	116/2	6-13	Rs.25/- per.sqyds.	-do-
19.	Surjee s/o Mam Chand 1/4 share r/o Ghonda.	-do-	-do-	-do-	-do-
20.	Prem Singh s/o Man Singh r/o Ghonda 1/4sh.	-do-	-do-	-do-	-do-

21.	Cheth Lal s/o Rishal 115/2 Singh r/o Ghonda.	2-11	25/-per sq.yd. Not given
22.	Beg Ram, Lakhi Ram s/o letc/82 Harbans, Hans Ram mina s/o Gopi Ram th.Beg Ram real uncle r/o Ghonda.	6-04	Rs.10,000/-per bigha. & 15% interest. -do-
23.	Bhudhan,Daulat Ram alias Anant Ram sons of Sh.Ram Chander,Smt Asharfi w/o 82 Ram Chander,Smt, Chandroo d/o Ram Chander r/o Gokalpur.	6-04	50/- persq.yd. -do- 15% solatium 6% interest.
24.	S/Sh.Bhoop Singh alias letc/88 Bhala Ram, Babu Ram, Man letc/87 Singh,Shyam Singh, Sumey Singh, Bir Singh.all sons late sn.Kallan s/o Hakim r/o vill. Ghondax Chauhan Khadar, Shahdara.	0-04 11-01	80/- per sq.yd. Rs.500/- damages susta- ined. Rs.5000/-change of residence. Rs.2000/- construction. Rs.6000/-for Tube well Rs.5000/- puccka well.
25.	S/Sh.Latan Singh, Mohar letc/87 Singh, Meela Ram, Rohtas, letc/88 Raja Ram sons of Sh. Ishuman and Mst. Kashmiri and Mst. Khilllo d/o Jhuman r/o Ghonda.	11-01 0-04	Rs.100/- persq.yd. -do- Rs.1600/- severence charges.
26.	Dhan Singh s/o Hakim 1 etc/88 r/o Ghonda. 1 etc/87	0-04 11-01	Rs.80/- per sq.yds. Rs.5000/- Damages sustained. Rs.5000/- change of residence. -do- Rs.3000/- construction Rs.6000/- Tubewell. Rs.5000/- Pucca well.
27.	Tej Ram s/o Ritu 1 etc/89min r/o Ghonda Chauhan 1 etc/88 Khadar.	7-18 0-04	Rs.80/- per sq.yds. Rs.5000/- damages sustained. Rs.6000/- Tubewell. Rs.5000/- puccka well. Rs.5000/-change of residence. Rs.2000/- construction.

MARKET VALUE.

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The market value of the land is to be determined with reference to the date of notification u/s 4. In the present case the date of preliminary notification u/s 4 is 14.2.78. While determining the market value various factors like size, shape, situation and kind of land are taken into consideration. Various sale deeds entered into on or near about the preliminary date of notification give best guidance in determining the market value of the land under acquisition. Besides that various judicial adjudications and awards announced by the L.A.C.'s pertaining to the same date of preliminary notification or any other date prior to the date of preliminary notification ~~and any other date prior to the date of preliminary notification under acquisition~~ also offer guidance in determining the market value of the land under acquisition.

In this village no sale transaction on or near about the preliminary notification took place. However one sale transaction took place on 29.7.77. The details of which are as given below:-

Mutation No. with date.	Sale Registration No & date.	Khasra No.	Area	Amount	Average P.B.
5-29.77	4203/29.7.77	1 etc/60 1 etc/61	3-08	Rs.3000/-	882.35

For this sale transaction an area of 3 bighas 8 biswas was sold for Rs.3000/-, thus fetching Rs. 882.35 per bigha. I don't think this sale transaction to be genuine because firstly a small piece of land was sold in this sale transaction and secondly in award No. 30/78-79 of the same village, the L.A.C. awarded Rs.5000/- per bigha. The date of preliminary notification of this award was 22.7.77. In my opinion the land involved in the said sale transaction might not be of good quality. It may be because of this reasons that this land fetched considerably lower price. Therefore I will not be justified in placing reliance on this sale transaction while determining the market value of the land under acquisition. It is however added that others sale transactions also

took place in the village but the date of their registration is much prior to the date of preliminary notification of the land under acquisition. As reported by revenue field staff no sale excepting one referred to above entered into after 27.10.75. Therefore, I don't take into consideration the other sale transactions as reported by revenue field staff in the records.

The following awards have been announced in the village.

S. No.	Award No.	Date of notification u/s 4	Rate awarded
1	1166	16.3.61	Rs.370/- p.b. for Chahi land Rs.250/-p.b.for Rosli land. Rs.100/-p.b.for G.M. land.
2.	1		
2.	1954	24.10.61	Rs.700/-p.b.for land in Block I Rs.600/-p.b.for land in block II Rs.470/-p.b.for land in block III
3.	2/76-77	18.3.74	Rs.4600/- p.b.
4.	5/77-78	18.3.74	Rs.4600/-p.b.
5.	30/78-79	22.7.77	Rs.5000/-p.b.

Award No.1 to 4 are of no importance in determining the market value of the land under acquisition because the preliminary notification in all these awards is much anterior to the date of preliminary notification of land under acquisition. However award mentioned at Sr. No.5 on the above table can be of much help in determining the market value of the land under acquisition. In this award the date of preliminary notification is 22.7.77 and the compensation was assessed at the rate of Rs.5000/- P.B. The date of preliminary notification for the land under acquisition is 14.2.78. As such there is a difference of only about 6 months in the date of preliminary notification of award No.30/78-79 and date of preliminary notification of land under acquisition. In my opinion this award can be made the basis for determining the market value of land under acquisition. However appreciation @ 6% p.a. can be

allowed keeping in view the increasing trend in the market value of the land for the intervening period of 6 months. As such keeping basis Rs. 5000/- per bigha for the entire land under acquisition I allow appreciation at the above said rate for a period of 6 months over and ~~and~~ above Rs. 5000/- per bigha. Appreciation for 6 months works out to be Rs. 150/- per bigha. After adding Rs. 150/- in Rs. 5000/- it will work out to be Rs. 5150/-. Accordingly I award Rs. 5200/- per bigha for the entire land under acquisition.

OTHER COMPENSATION

There was no structure, wall, or tree on the land under acquisition at the time of taking over the possession.

SOLATUM.

15% solatium over and above the market value of the land will be paid towards compulsory nature of acquisition.

POSSESSION:-

Possession over 149 bighas 17 biswas of land was taken over on 22.11.78 u/s 17 of the Land Acquisition Act. The persons interested are entitled to interest at the rate of 6% p.a. from the date of possession till the date of tender of payment.

APPORTIONMENT.

Payment will be made according to the latest entries in the revenue record. In case of dispute which is not settled within a reasonable time between the parties the amount of compensation will be remitted to the court u/s 30, 31 L.A. Act for adjudication of title.

LAND REVENUE:

The land under acquisition is assessed to Rs. 13.89 as land revenue which will be deducted from the Khalsa rent roll.

~~XXXXXXXXXX~~SUMMARY

Compensation for the land measuring
149 bighas 17 bis. @ Rs.5200/- per bigha

Rs.7,79,220.00

15% solatium

Rs.1,16,883.00

Interest u/s 28 from 22.11.78 to
29.4.80 @ 6% P.A.

Rs. 77,270.52

Rs.9,73,973.52

(Rs.Nine lacs seventy three thousand three hundred seventy
three & paise fifty two only)

(A. B. SHUKLA)

LAND ACQUISITION COLLECTOR(MSW): DELHI

Announced & filed today
ie on 28-9-81

LAC(MSW)
28/9/81