

2015

AWARD NO. 30/78-79

NAME OF THE VILLAGE : ZIAUDDIN PUR
 NATURE OF ACQUISITION : PERMANENT
 PURPOSE OF ACQUISITION : STORM WATER DRAINAGE SCHEME SHAHDARA.

INTRODUCTION

Land measuring 26 bighas 8 biswas situated in the revenue estate of Ziauddin Pur Tehsil and District Delhi was notified under the provisions of sections 4 and 6 of the Land Acquisition Act, 1894 vide Delhi Administration's notification No.F.7(35)/74-L&B(1) and (2)/14788 dated the 22nd July, 1977 at the public expense, for a public purpose, namely, Storm Water Drainage scheme, Shahdara. Sub section(1) of Section 17 of the L.A. Act was made applicable to take possession of the land included in the said notifications as the same was required urgently to the Acquiring Deptt., Therefore no opportunity was given to the interested persons to file objections u/s 5A of the said Act. Notices u/s 9 & 10 of the L.A. Act were issued ~~in~~ ~~xxx~~ to the interested persons in the land and claims for compensations received from them ~~in~~ ⁱⁿ response to the notices are discussed under the heading 'CLAIMS FOR COMPENSATION'.

TRUE AND CORRECT AREA

The area of 26 bighas 8 biswas stands notified in the declaration u/s 6. But the correct area comes to 26 bighas 6 biswas according to measurement made at spot and the same is to be acquired in the present case. Details of khasra numbers, area and classification of lands on the date of notification u/s 4 are given below:-

S.No.	Khasra No.	Area Big.Bis.	Classification.
1.	1 etc/1/2	7-02	Banjar Jadid
2.	1 etc/2/2	5-18	Abpash.
3.	1 etc/3/2	2-13	-do-
4.	1 etc/161/1	5-17	-do-
5.	1 etc/162/2	4-16	-do-
	total	26-06	

Signature
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Abpash 19-04 Banjar Jadid - 7-02

POSSESSION

Possession of the area was taken over and handed over to the Acquiring Deptt. (Flood Control and Drainage Deptt. Delhi Admn) on 6.2.1978.

CLAIMS FOR COMPENSATION

Notices u/s 9 & 10 of the Land Acquisition Act, 1894 were issued to the interested persons in the land under acquisition and claims received in response to the said notices are discussed below.

<u>S.No.</u>	<u>Name of the Claimant</u>	<u>Particulars.</u>
1.	S/Sh.Jagmal, Gopi, Surji and Braham Singh Ss/o Man Singh.	Claimed compensation @Rs.20 per sq.yd.for the land measuring Kh.Nos.1etc/1/2 measuring 7 bighas 2 biswas No evidence produced.
2.	Ram Chand s/o Ghasi	Claimed the rate of Rs.30000/- per bigha for kh.Nos.161/1 and 162/2 No evidence produced.
3.	Kishan Lal s/o Ghasi	-do-
4.	Giani s/o Sultan Singh	Claimed the rate of Rs.120/- per sq.yd. for the land measuring kh.Nos.1etc/1 and 1etc/3/2. No evidence produced.
5.	Giani s/o Sultan Singh and Jai Pal s/o Chainsukh.	Claimed the rate of Rs.20/- per sq.yd. for the land measuring kh.No.1etc/3/2. No evidence produced.

MARKET VALUE

The market value of the land under acquisition is to be determined keeping in consideration its quality, situation and potentiality. It is value of the land for the owner in its actual condition at the time of notification u/s 4 of the L.A. Act. and with all its advantages. The best evidence to arrive at the market value of the land is the evidence of sale transactions effected to the date of notifications u/s 4 either in respect of land under acquisition or its portion or sale transactions of the land precisely parallel in all respect to the land under acquisition or awards made or adjudications of the court.

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Delhi Land Reforms Act, 1954 is applicable on the area of Ziauddin Pur and it cannot be used for the purpose other than agriculture except with prior permission of the government.

Several sales transactions have taken place in this village during the period of 1972 and 1973 and no sale transactions appear to have been executed in the years of 1975, 1976 and 1977. Only one sale transaction is recorded to be executed during the year of 1974 i.e. on 31.1.1974.

Most of the sales transactions executed during the years of 1972 and 1973 pertain to small pieces of land except three transactions which are for the area of 5 bighas each. Similarly the sale took place on 31.1.1974 also pertains to the area of five bighas. Details of the sales executed in the years of 1972 to 1974 which are for the areas of 5 bighas are given below :-

S.No.	No. & date of Registration.	Kh.No.	Area Big.Bis.	Consideration	Average per bigha.
1.	10622 - 26.7.72	letc/31/2	5-00	Rs.15500/-	Rs.3100/-
2.	651 - 4.1.73	letc/1/2	5-00	Rs.25000/-	Rs.5000/-
3.	650 - 4.1.73	letc/1/2	5.00	Rs.25000/-	Rs.5000/-
4.	263 - 31.1.74	letc/19/2	5.00	Rs.23000/-	Rs.4600/-

The details of the awards announced in village Ziauddinpur are given as under:-

S.No.	Award No.	Date of notification u/s 4	Purpose	Compensation awarded by IAC
1.	1166	16.3.1961	Construction of road.	Rs.370/- per bigha for Chahi land Rs.250/- p.b. for Rosli land. Rs.100/- per bigha for G.Mumkin la
2.	1954	24.10.1961	P.D.D.	Rs.700/- gr bigha for B I Rs.600/- do- II Rs.470/- do- III
3.	2/76-77	18.3.1974	Water Supply Scheme.	Flat rate of Rs.4600/- per bigha.

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The award No.2/76-77 having date of notification u/s 4 18.3.74 is based on the sales transactions serially placed at 4. The land acquired under this award is situated very close to the land ~~acquired~~ present acquisition and having same quality and utility of the land and also future potentialities. Considering appreciation in the market value during the period 1974 to 1977 I assessed Rs.5000/- per bigha being fair and reasonable market value and hence I award the same.

DAMAGE CHARGE

There are standing crops of wheat and Barseem on the land in time of taking possession i.e. 6.2.78 bearing kh.Nos.1etc/3 (2-13), 1etc/161/1(5-17) and 1etc/162/1(4-16) total measuring 13 bighas 6 biswas. Considering the investment of the farmers in the land average per bigha which is calculated as under:-

5 to 6 kilo wheat seeds	Price Rs.10/-
Fertilizers 10 kg.	Rs. 20/-
Ploughing by 8 times by tractor	Rs. 40/-
Watering average 3 times per bigha	Rs. 30/-
	<u>Rs.100/-</u>

So there is investment of Rs.100/- on an average per bigha. So I consider to give this value as compensation for all the standing crops and hence I award the same.

TREES WELLS AND STRUCTURES

There was no tree, well and structure in the land under acquisition at the time of taking over its possession.

SOLATUM

The persons interested in the land under acquisition are entitled to 15% solatium on the market value assessed for the land on account of compulsory nature of acquisition.

INTEREST

Possession of the area under acquisition was taken over and handed over to the Flood Control and Drainage Deptt., Delhi Admn. on 6.2.1978. Therefore, interested persons in the land are entitled to interest @ 6% per annum on the compensation w.e.f. 6.2.78 to the date of announcement of the award.

APPORTIONMENT

The compensation shall be paid according to latest entries in the revenue records of the village provided that

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there is no adverse claim in respect of title or interest in the land. In case of dispute, it will be paid if the contesting parties make amicable settlement other wise compensation will be remitted to the court of A.D.J. u/s 30-31 of the L.A. Act.

LAND REVENUE

Land under acquisition is assessed to Rs. 5.14 as land revenue. Some will be deducted from the Rent Roll of the village w.e.f. Kharif, 1978.

S U M M A R Y

The award is summarised as under:-

1. Compensation for the land measuring Rs. 1,31,500.00 26 bighas 6 biswas @ Rs. 5000/- per bigha.
2. 15% solatium
3. Interest @ 6% P.A. U/s 34 from taking over possession i.e. 6.2.73 to 6.4.73 (60 days).
4. Damages for crops in the area of 13 bighas 6 biswas @ Rs. 100/- per bigha.

G. Total: Rs. 1,54,046.53

(Rupees One lakh fifty four thousand forty six & Paise Fifty three only).

The interest U/s 34 has been awarded upto 6.4. in this award but the award is to be announced on 27-11-78. Therefore, the interest from 7-4-78 to 27-11-78 shall be paid through supplementary award after releasing the amount from the Flood Control & Drainage Department.

(HARISH SINGH)
LAND ACQUISITION COLLECTOR (D)
DELHI.

Announced as per award to day

27/11/78
L A C (S)