

Award No: - 50/83-84

Name of village: Tehkhand

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 for acquisition of the land situated in village Tehkhand. The land under acquisition was notified u/s 4 vide general notification No. F.15(iii)/59/LSG dated 13.11.59. After considering the objection u/s 5(A) of the L.A. Act a declaration u/s 6 was made vide notification No. F. 4(10)/62 L&H dated 29.7.1966 for an area measuring 638 bighas 13 biswas of village Tehkhand. In pursuance of the above said notifications notices u/s 9 & 10 were issued to all the interested persons. The land under acquisition vests in Gaon Sabha. Being an Urbanized village, all the land of gaon sabha as been transferred to the Central Govt. u/s 22(I), but according to the decision of the High Court, Delhi Civil Writ No. 1119/72 Nathi and others u/s U.O.I this land is being acquired. The petitioners have filed their claims in the High Court which are discussed hereafter under the heading "Claims and evidence".

TRUE & CORRECT AREA:

1. As per requirement of the section 8 of the L.A. Act the land under acquisition was measured by the revenue ^{field} staff at site and the same was found to be correctly as 638 bighas 10 biswas instead of 638.13 bighas as notified under section 6 of the L.A. Act under notification No. F.4(10)/62-L&H dated 29.7.1966.

2. The difference of 3 biswas was due to actual ^{measurement} paimalsh. The details together with khasra NOs and area are as under:-

<u>Kh.No.</u>	<u>Area</u>	<u>Kind of soil</u>
65/2	10-16	G.M. Pahar
73	7.15	Resli.
599/92/2	24.03	Resli.
600/92/2	16.03	G.M. (13.04), Resli (2-19)
93/3/3/1	216-18	G.M. Pahar
94/2/2	216-00	-do-
98/2	146-15	-do-
	638-10	

Classification of land: - G.M Pahar: -603.13
 Resli 34.17
 638.10

Accordingly the proceedings are confined to the acquisition of the total area measuring 638.10 bignas only.

Claims and Evidence:-

The following interested persons have filed their claims according to the orders in C.W. No.1119/72 decided on 10.2.1980 by the Hon'ble High Court, Delhi.

<u>S.No.</u>	<u>Name of the claimants</u>	<u>Kh.No.</u>	<u>Compensation claimed</u>
1.	Chhajua s/o Bhoja, Asa Ram, Harpal, Ram Pal ss/o Sunehri, Phool Chand s/o Hari Singh, Ram Chander s/o Mahal, Bholey s/o Dan Sahai, Munshi s/o Faturi Dharam Pal, Sham L.L., Ram Pershad ss/o Lal Chand, Trikha s/o Malok, Ram Chander, Ram Pershad ss/o Ram Sarup Kanshi Ram, Giasa, Rasi ss/o Bhagwan Sahai; all r/o village Madanpur Khadar, Delhi.	65/2, 599/92/2/2 680/92/2/2M 93/3/3/1, 44/2/2	Rs. 100/- Per sq. yd.
2.	Chiranjji s/o Ram Lal, Chandgi Ram Harbans s/o Hari Singh, Shyam Singh 198 -do- Karan Singh s/o Lakshmi Chand, Harpal s/o Lakshmi Chand Khazan wd/o Lakshmi Chand, Partap Singh, Balbir Singh, Chander Singh, Khazan s/o Mangal, Horam Mahdpal s/o Hazari, Chander Pal, Philli, Dharam Pal ss/o Hari Singh, Tek Ram, Simla, Rati Ram, Gien Chand, S mt. Rumalo, Ram Rikh, Suresh Rishi Ram Sat Ram, Faqir Chand, Jaswant all r/o village Khizrabad.	94/2/2	Rs. 100/- per sq. yd

4. Nathu Singh s/o Yad Ram, Het Ram s/o Trikha, As per Sl.No. Same Rs. 100/- per sq. yd
 Munshi s/o Trikha, Daroga, s/o Raghbir, Chander I
 s/o Lekha, Budhan, s/o Amira, Tek Ram s/o Harlal
 Nalin Singh s/o Heta, Om Parkash s/o Hazari,
 Rampal s/o Hazari, Shiv Raj s/o Hazari, Vijay Pal
 s/o Hazari, Ramesh alias Ramu, Syria s/o Madan
 Tende s/o Kale, Sumarta s/o Roshan Ram Kishan s/o Cheta
 Ram Phool s/o Neta, Ram Lal s/o Jamma Dass, Munshi
 Jamma Dass, Smt. Dhano wd/o Lekhi, Attar Singh
 s/o Rumal Mewasi s/o Jaipal, Bed Ram s/o Kale, Asad
 Singh s/o Het Ram Ajit Singh s/o Het Ram, Jagdish
 Singh s/o Het Ram, Jagan Singh s/o Het Ram, Jagan
 Singh s/o Het Ram, Ranbir s/o Shri Ram, Sukhbir s/o
 S h. Ram, Dharambir wd/o S hr. Ram and khem Chand s/o Het Ram,
 all r/o village Khizrabad, Delhi.

4. Mam Raj, Mawasi, Badlu ss/o Gudhari, Bholay s/o Dalal Same Rs. 100/-
 Nimral, Bahal s/o Dharam Singh, Rattan Singh, Jattan -do- per sq. yd.
 Singh ss/o Sumpat, Parshadi, Prem Singh ss/o Jewan, Mahender
 Singh s/o Sohan, Babu Ram s/o Sohan, Surjan, Sera,
 Anrit ss/ Charta, Bharta, Balbir Singh ss/o Moti,
 Jagbir Singh s/o Sunehri, Prem Chand s/o Sunehri, Nawal
 Singh Har S arup ss/o Budha, Liak Ram, Rumal, Jagan
 ss/o Risel, Maher Chand, Kharak Singh Hariya, Munshi
 ss/o Amar Singh, Surya s/o Prithi, Barkesh s/o Kekha, Ram
 Dhan, Lekha, Lekh Chand ss/o Kakhat, Rati Ram s/o Sri Ram
 s/o Budhu, S hhamal s/o Dhola, Mam Chand s/o Sri Ram,
 Anant Lal s/o Bhika, Rakesh s/o Newan, Suresh s/o Khulu
 Hem Chand, Rishi, Gian Chand ss/o Khillu, Attar Sain Singh
 ss/o Chander, all residents of village M danpur Khadar.

5. Bahu Ram, Narein Singh, Jagan S Singh ss/o Ramji Lal -do-
 S ahamal, Des Raj Dhalley ss/o Musa, Hukam Chand, Same Rs. 100/-
 Khan Chand, Harkesh s/o Phusan, Mansa Ram s/o Amin Chand per sq. yd.
 Jagan S Singh (Mst. Bina) Jas Ram, Mam Chand, Braham Par
 Kash ss/o Ramphal.

6. Achmal s/o Zaharia, Kishan Lal s/o -do- Same Rs. 100/- per sq. yd.
 Zaharia, Ramphal s/o Ram Karan, Ramji Lal
 Gian Chand s/o Ram Karan, Bhully s/o
 Dalal, Chander Pal, Rameshwar ss/o Amar Singh
 Lal Chand, Likhi Ram: Pal Babur ss/o Nathua.

The claimants have claimed the compensation @ Rs. 100/- per sq. yd
 but no documentary evidence has been submitted in support of their
 demand.

MARKET VALUE.

Market value is to be determined as on 13.11.59 the date of notification under section 4 of the Land Acquisition Act for this all relevant factors viz location size surface and potentiality etc. are to be considered for arriving reasonable market value.

Guidance for this purpose can be taken from the transactions took place in the village ^{on} and the date or nearer to the date which in this case is 13.11.1959 accordingly the revenue field staff ^{ca} searched for the ^{sale records} ~~rate~~ ^{regards} for file proceedings ^{years} with a view to work out the average cost of land year wise details ^{one} as under:-

S.No.	Year	Average	Consideration money	Average per bigha.
1.	1954-55	nil	nil	nil
2.	1955-56	nil	nil	nil
3.	1956-57	nil	nil	nil
4.	1957-58	nil	nil	1164-13
5.	1958-59	109-6	127240/-	

From the above table it is evident that there had been no sale transaction in the first four years, and there had been transaction only in the year 1958-59 the average price for the five years comes Rs. 1164.03 paise per bigha kham. Apart from the above ^{as and} ~~area~~ alternative the awards already announced in the area can also be made a base for fixing the cost of land under acquisition. Accordingly search was also made to find out the Awards and the following are ^{the} awards which had already been drawn in this village in the past.

No.	No of Award.	Date of notification	Kind of land	Rate awarded per bigha.
1.	701	30.4.54	Rosli Chai G.M	Rs. 500/- Rs. 700/- Rs. 250/-
2.	842	30.8.54	Nathi <i>Nathi</i> Rosli Banjar G.M.	Rs. 1000/- Rs. 350/- Rs. 100/- Rs. 50/-
3.	1002	25.4.60	Flat rate	Rs. 4680.45
4.	1284	10.11.60	- do -	Rs. 4000/-
5.	1322	13.11.59	Rosli Pahar G.M. Pahar	Rs. 1500/- Rs. 1000/- Rs. 600/-
6.	1343	13.11.59	B. Qyd G.M. Pahar	Rs. 2000/- Rs. 1500/- 800/- 600/-
7.	1323	10.11.60	Rosli G.M.	Rs. 1500/- Rs. 600/-
8.	1372	13.11.59	Rosli B. Q. G.M.	Rs. 1500/- Rs. 800/- Rs. 600/-
9	1609	13.11.59	Rosli B. Jadd G. Munkin Flat Rate	Rs. 1100/- Rs. 600/- Rs. 600/- Rs. 4000/-
10.	1284	10.11.60		
11.	13/73-74	23.1.65	Rosli G.M.	Rs. 2500/- Rs. 2000/-
12.	37/73=74	13.11.59	Rosli B. Q.	Rs. 2200/- Rs. 1700/-

Besides the above there have been court cases also which are considered to be of great help in this regard. As per the report of L/C the following cases of enhancement have been decided.

Award No.	L.A.C Awarded p. bigha	A.D.J Enhanced.	High Court.
1343	Nehri Rs. 2000/- Rosli Rs. 1500/- B. Q. Rs. 800/- G.M. Rs. 600/-	Rs. 2700/- Rs. 2000/- Rs. 1100/- Rs. 800/-	Rs. 3500/-

The High Court has further enhanced the compensation in R.F.A. 26/69 Ram Chander Vs. U.O.I. for all category of land to Rs. 3500/- per bigha as reported by L/C. As per the Judgement of the High Court in Civil Writ No 1119/1972 Nathi Vs. Julfi, possession of the whole land

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whole land which is now under acquisition already vests in D.D.A.. No further appeal has been made before the Supreme Court, keeping in view all relevant factors as discussed above and to fall in line with the order of the Hon'ble High Court I also feel that the market value of the land in present case @ Rs. 3500/- per bigha will be reasonable, I therefore taking judgment/decision of the Hon'ble High Court as a base keep the market value of the land under reference @ Rs. 3500/- per bigha

TREES: WELL AND OTHER STRUCTURES : There are no trees, wells and structures on the spot.

APPORTIONMENT: Compensation may be paid on the basis of the share holders in the last jamabandi of the village, ^{in subsequent changes in the ownership. &c.} In case when the compensation is disputed and which cannot be settled amicably, such cases are to be referred to the court of A. D. J. u/s 3-31 for adjudication.

INTEREST: There is a difference of more than three years between the notifications u/s 4 & 6 so an interest u/s 4(3) of the L.A. Act @ 6% per annum on the market value of the land is payable from 13.11.62 ~~xxx the date of commencement of the xxxxx~~ up to 31.3.1983.

SOLATIUM : 15% solatium over & above will be paid on the basis of the market value.

LAND REVENUE: The land under acquisition has been assessed to Rs. 1.25p as land revenue which would be deducted from the Khautani/Khalsa of the Village from the date of taking over possession. The land under acquisition will vest in the Govt. free from all encumbrances.

SUMMARY OF THE AWARD IS AS UNDER:

Compensation of land measuring 638 Bighas 10 Bighas @ Rs. 3500/- per bigha.	Rs. 22,34,750.00
15% Solatium	Rs. 3,35,212.50
Interest U/S. 4(3) from 13.11.62 to 31.3.1983 i.e. 20 years 200 days.	Rs. 27,55,171.23
TOTAL:	Rs. 53,25,133-73

(Fifty three lacs twenty five thousands one hundred thirty-three and seventy three paise only).

Shiv Raj Tiagi
(SHIV RAJ TIAGI)
LAND ACQUISITION COLLECTOR(ME)
DELHI.

Award announced in the open court in the presence of the following interested persons.

① Deochicki
Jalvi
Jalvi
19/9/83

② 27-11-80 3000/- - Nathan