

Supplementary award No. 52/7374

Name of the village: OKHLA

Nature of acquisition: Permanent.

Purpose of acquisition: Planned Development of Delhi.

A W A R D

This supplementary award is being drawn in respect of an area measuring 3 bighas 6 biswas bearing khasra No.407/354/97 (2 - 5) & Kh.No.441/403/97 (1 - 1) total 3 bighas 6 biswas village Okhla. It is covered under sections 4 & 6 of the L.A.Act bearing No.F.4(9)/64-L&H dated 4.4.64 & 7.12.66 respectively. This area was left out from award No.12/1971-72 village Okhla as it was not then required by the department for their scheme. The Land & Building Deptt. of the Delhi Admn., has now desired for the acquisition of this land on priority basis vide their demi-official letter No.F.9(6)/72-L&H dated December 13, 1972. This supplementary award is therefore, being drawn for the acquisition of the said land under acquisition U/s 11 of the L.A.Act. Notices as embodied U/s 9 & 10 of the L.A.Act were issued to all the persons interested in the land.

TRUE AND CORRECT AREA:

The area as measured by the Land Acquisition Field Staff at the spot is as under:-

<u>Field No.</u>	<u>Area Big.Bis.</u>	<u>Kind of soil</u>
407/354/97	2 - 5	Banjar Qadim.
441/403/97	$\frac{1}{3} - \frac{1}{6}$	-do-

COMPENSATION CLAIMS:

Shri Om Parkash Gupta s/o Sh.Dawarka Dass: Has claimed compensation of land @ Rs.60/-per sq.yd. He has also claimed damages at Rs.250/- per month for occupation of his land alongwith 15% solatium and interest.

contd....2/-

DOCUMENTARY EVIDENCE:

No documentary evidence has been furnished by the claimants in support of his claim.

MARKET VALUE:

The market value of the land under acquisition has to be determined with reference to bonafide sale transactions as at the material date possessing similar advantages and potentialities. The claimant has not adduced any evidence which should have been helpful in evaluating the market value of the land under acquisition. Earlier some land bearing the same notification in village Okhla was acquired through award No.12/1971-72. of which the present award is a supplementary one. No judicial adjudication is available against award No.12/1971-72. There is therefore, no other alternative except to place reliance on this award in which the market value of the land was based on mutation No.621. Placing reliance on this mutation coupled with the factum of rise in prices during the intervening period, the Land Acquisition Collector assessed the value of the land in that award at a rate of Rs.4200/-per bigha. Keeping in view, the value assessed in award No.12/1971-72, I assess the market value of the land @ Rs.4200/-per bigha.

15% SOLATIUM:

15% solatium is payable over and above the market value so assessed.

INTEREST:

The claimant Shri Om Parkash Gupta has claimed damages @ Rs.250/-per month from 2.5.69 as his land was occupied by the Govt. for the construction of a monument on the death of the late Dr.Zakir Hussain. From the epitaph at the tomb of the late Dr.Zakir Hussain it is evident that the Govt. entered into possession of the land from 3.5.69. contd....

In this context it would be relevant to refer to A.I.R. 1970 Andhra Pradesh in which it was held by the High Court that interest is payable from the date of taking possession whether possession is taken under the Act or by private negotiation or otherwise in ~~xxxx~~ anticipation of valid proceedings under the Act. It was observed by the High Court that on equitable principle also interest would be payable from the date of deprivation of possession. In view of the observations of the High Court the claimant is entitled to get interest from the date he was deprived of possession of his land at the rate of 6% per annum.

APPORTIONMENT: Payment of compensation will be made on the basis of the latest entries in the revenue records.

LAND REVENUE DEDUCTION: The land under acquisition is assessed at Rs.0.92P as land revenue which will be deducted from the Khalsa Rent Roll of the village from the date of taking over possession of the land.

The aforesaid land will vest absolutely in the Govt. free from all encumbrances.

SUMMARY OF THE AWARD: The award is summarised as under:-

S.N.	Area Big.Bis.	Rate per bigha.	Amount of compensation.
1.	3 - 6	Rs.4200/-	Rs.13,860.00
2.	15% solatium.		2,079.00
		Total	Rs.15,939.00
3.	Interest @ 6% w.e.f. 4.5.69 to 20.3.73 (3 yrs.320 days)		3,707.45
		G.Total	Rs.19,646.45P

[Signature] 7.1.74

(G. BAHADUR)

LAND ACQUISITION COLLECTOR (ME) : DELHI

Annexure to the award

[Signature]
7/1/74

1/1/74 3/1/74 865/1/74