

A W A R D No. 1542

Name of the Estate: Shahdra alias Chandrawli.

Nature of Acquisition: Permanent.      7)

This is a case for the acquisition of land in the Shahdra Estate of ~~Sahdra~~ required by the Government at the public expense for a public purpose, namely, for the Planned Development of Delhi. A declaration under section 4 of the Land Acquisition Act was made vide Notification No. F.15(111)/59-LSG dated 13.11.59. The substance of the notification was given due publicity and objections were invited against this acquisition. Objections were heard by Land Acquisition Collector III and were sent along with the report to the Delhi Administration. In this notification an area of about 34 thousand acres in various estates was notified for acquisition. Area from this notification is being acquired from time to time by publication of notifications under section 6 of the Land Acquisition Act as and when the necessity arises. Notification under section 6 of the Land Acquisition for the area under acquisition was issued vide Notification No. F.15(211)/61-LSG dated 3.12.62. Notices under section 9 and 10 of the Land Acquisition Act were issued and the interested parties have responded to the notices.

MEASUREMENT & OWNERSHIP.

According to the notification under section 6 of the Land Acquisition Act, the total area to be acquired was 166 Bighas 16 Biswas. From further measurement made on the spot, the total area works out to 166 Bighas 19 Biswas. There is a minor difference of 3 Biswas. The land owners have raised no objection against this measurement. In the Notification Khasra No. 917/233/1 has been wrongly shown as 924/233/1. The correction has been made in this award. The ownership of the land under acquisition is given below:-

Contd...2

Name of the owner.	Khasra No.	Area Bigha-Biswa	Kind of land.
Shibu Ram s/o Ram Chander Dass 1/2, Sukhbir Saran ado- pted son of Har Saran Dass 1/2.	146	12 - 0	Bhood.
	148	5 - 5	-do-
	149	4 - 13	-do-
	150	4 - 0	-do-
	151	10 - 1	-do-
	152	4 - 19	-do-
	153	4 - 3	-do-
	154	6 - 6	G.M. Chah, Bhood.
	155	0 - 6	Bhood.
	156	1 - 10	-do-
	157	3 - 5	-do-
		56 - 8	
Lal Chand s/o Shibu Ram 1/2, Sukhbir Saran adopted son of Har Saran Dass 1/2.	1080/925/257	2 - 12	Bhood.
	1081/925/257	2 - 14	-do-
	258	1 - 16	-do-
	926/259	3 - 0	-do-
	929/262	2 - 5	-do-
	1082/263	2 - 3	-do-
	1083/263	1 - 6	-do-
	1084/263	1 - 7	-do-
	932/265	0 - 9	-do-
	266	3 - 0	-do-
	1085/267	1 - 6	-do-
	1086/267	1 - 6	-do-
	1087/267	1 - 2	-do-
	934/268	0 - 12	-do-
	937/269	1 - 16	-do-
	272	8 - 5	-do-
		33 - 13	

W/S Shibu Gen. Finance	158	3 - 6	Bhood.
Private Ltd; 1/2, Sukh-		2 - 6	-do-
bir Saran adopted son	159	<hr/>	
of Har Saran Dass.		5 - 12	
Devi Saran Dass s/o	270	4 - 1	Bhood.
Ram Saran Dass 1/2,		0 - 12	-do-
Sukhbir Saran Dass	271		
adopted son of Har		4 - 16	Chahi.
Saran Dass 1/2 owners	273	<hr/>	
Sondu s/o Sheo Ram		9 - 9	
occupancy tenants.			

Note:- The owners have claimed compensation between Rs.15/- to Rs.30/- per sq.yd. Shri Devi Saran Dass has stated that he is the non-occupancy tenant in the land of Shri Sukhbir Saran Dass and he should get compensation of -/13/- out of the rupee from the compensation of Shri Sukhbir Saran Dass. Devi Saran Dass & Sukhbir Saran Dass are cousins and previously their Khewat was joint. Devi Saran Dass transferred his land in favour of his sons who in term sold the land to Shibu and Co. Devi Saran Dass was ~~not~~ in possession as co-sharer and simply by selling his land to other persons, he cannot be said to be the non-occupancy tenant in the land of his previous co-sharers. His claim is, therefore, unjustified. The compensation of the share of Shri Sukhbir Saran Dass will, therefore, be sent to the Addl. District Judge for disbursement. The following tenants have also claimed compensation.

1. Kishan Lal s/o Gangavli has claimed compensation for Khasra No.146, 148 & 149 total measuring 2<sup>1</sup>/<sub>2</sub> Bighas 17 Biswas stating that he is occupancy tenant and he should get -/14/- out of the rupee.

2. Shri Ram Kala s/o Kishan Sahai has claimed compensation for Khasra No.150, 151, 152 and 153 total measuring 23 Bighas 3 Biswas on the same ground as Kishan Lal.

3. Niadre s/o Jhandu has claimed compensation for Khasra No.158 and 159 on the same ground as at Sl.No.2.

4. Shri Ram Singh s/o Ropp Singh has also claimed compensation for Khasra No.154 as in the case of Sl.No.2.

From the perusal of the record, it is found that they are not entered as non-occupancy tenants in the Revenue Record although they are in possession on the spot. Shri Devi Saran Dass has tried to explain that they are his servants. The compensation for these khasra numbers will also be sent to the Additional District Judge for apportionment. Sondu recorded occupancy tenant has claimed compensation @ Rs.20/- per sq.yd. and Rs.2000/- for trees and wells. Devi Saran Dass has also claimed compensation for this well. From the Revenue Record, it is found that the well was sunk by the occupancy tenants, and not by the owner. The compensation for the well and trees will be paid to Shri Sondu.

Jai Narain s/o Jagat	886/136	3	-	19	G.M.Plot.	
Narain 1/4, Shiv Narain,						
Inder Narain & Jagdish	887/136	13	-	11	G.M.Plot	11-11
Narain sons of Jai					Khadan.	2- 0
Narain 1/4, Shanti Narain	139	5	-	5	G.M.Plot.	
& Parkash Narain sons						
of Ram Narain 1/2.	142	4	-	1	-do-	
	143	4	-	2	-do-	
	144	5	-	5	-do-	
	145	11	-	5	-do-	
	140	6	-	0	Bhood.	
	141	4	-	7	-do-	

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Bhood	10	-	7
Khadan	2	-	0
G.M.Plot.	45	-	8

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57 - 15

Contd....5

Note:- In Khasra Nos.140 and 141 Shri Nanuva has been shown as illegal non-occupancy tenant. He has claimed compensation @ Rs.20/- per sq.yd. The owners have claimed compensation @ Rs.24/- per sq.yd. Nanua filed a suit in the Court of the Land Reforms Officer for being declared as non-occupancy tenant, but it was dismissed. No appeal has been filed against the judgement of the Land Reforms Officer. Nanua is, therefore, not entitled to any compensation. ~~The~~

Devi Saran Dass 897 shares, Sukhbir Saran 2555 shares & Nav Bharat Nirman Ltd; Shahdra 1658 shares, Jai Narain etc. at Sl.No.5 1600 shares.	3510/1178/ 353/1	0 - 19	G.M.Rasta.
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Jai Narain 1/3, Shiv Narain, Inder Narain & Jagdish Narain in equal shares 1/6, Shahti Narain & Parkash Narain in equal shares 1/2.	917/233/1	3 - 3	G.M.Path.
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166 - 19

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G.M.Plots.	45 - 8
G.M.Khadan & Path.	6 - 2
Bhood & others.	115 - 9
	<hr/> 166 - 19 <hr/>

CLAIMS & EVIDENCE.

The claims of various persons have already been discussed under the head 'Measurement & Ownership'. In evidence they have referred to Mutations Nos.3579, 3677, 3681, 3695 and 3706. In all these transactions small plots of land have been sold at very high rates at places far removed from the land under acquisition.

These are, not, therefore, relevant for arriving at the market value of the land under acquisition. Sarvashri Jai Narain & others have also <sup>produced</sup> ~~presented~~ copies of three registered sale-deeds for plots of 185, 50 and 50 sq.yds. respectively. The sale-deed of 185 sq.yds. is of 9.6.47 in Kabul Nagar colony which is far away from the land under acquisition. The other two transactions relate to plots in their own land registered on 18.8.62. The average of these plots comes to Rs.9/- per sq.yd.

MARKET VALUE.

The Bhood kind of land is similar in situation and kind as the land involved in Award No. 1544. It belongs to the same parties as the land in that award. A rate of Rs.1250/- per bigha has been given for that land. The date of notification under section 4 of the Land Acquisition Act is the same in the two cases. I, therefore, award Rs.1250/- per bigha for Bhood and other kinds of land in this acquisition. The Gairmumkin Khadan is a huge pit about six feet deep and it will take a lot of money to fill it up. The Gairmumkin paths are also being used for common purposes. I, therefore, award Rs.500/- per bigha for G.M.Paths and Khadans. Gairmumkin Plots are situated on the Pucca road leading from Shahdra to Mandauli. Although in the revenue records, the area has been shown as Gairmumkin plot, but on the spot it is totally a Banjar area. The land has not been levelled and no paths or plots have been marked on the spot. There is absolutely no development. They have stated that they have sold a few plots. In evidence they have produced copies of saledeeds of plots of 50 sq.yds. for a sum of Rs.450/- per sq. yd. The average of these transactions works out to Rs.9/- per sq.yd. This is the price for plotted area. Even in levelling and making of the roads, the land owners will have to spend at least Rs.3/- per sq.yd. The average price of the plotted

area comes to Rs.6/- per sq.yd. Half the area will have to be left for common purposes and ~~1~~, therefore, the price of the gross land, according to their own evidence, will not be more than Rs.3/- per sq.yd. This price can be obtained by selling land to different persons for a considerable period of time, after a lot of investment. The purchaser will not be ready to purchase this land for more than Rs.2000/- per bigha. Gross land has been sold recently in the Rhood kind of land @ Rs.1425/- per bigha. It means that even now the rate of land is not more than Rs.2000/- per bigha. I, therefore, award this rate for the area shown as Gairmumkin plots.

OTHER COMPENSATION.

Sondu occupancy tenant has claimed compensation of Rs.2,000/- for his well and the trees. I think his claim is justified and I award Rs.2000/- on these grounds. There are other wells in Khasra No.154 and 258. The Naib Tehsildar, Land Acquisition has assessed their price at Rs.2500/- and Rs.800/- respectively. I have inspected the site and I find that the prices assessed by him are correct. I, therefore, award Rs.3300/- as the cost of the other two wells.

APPORTIONMENT.

The apportionment has already been discussed under the head 'Measurement and Ownership'. The compensation to Shri Sondu, occupancy tenant will be paid ~~to~~ at the rate of -/14/- out of a rupee. The compensation for wells and trees will be paid in full to him.

THE AWARD IS SUMMARISED AS BELOW.

Compensation for 45 Bighas  
8 Biswas of Gairmumkin plot  
kind of land @ Rs.2000/-per bigha. Rs. 90,800.00

Compensation for 115 Bighas 9  
biswas of Bhood & other kinds of  
land @ Rs.1250/- per bigha. Rs.1,44,312.50

Compensation for 6 Bighas 2 Biswas  
of Gairmumkin path & pond @ Rs.500/-  
per bigha. Rs. 3,050.00

Rs.2,38,162.50

Compensation for wells & trees. Rs. 5,300.00

Rs.2,43,462.50

15% on the above as solatium. Rs. 36,519.37

Grand Total..... Rs.2,79,981.87

The land is assessed to a land revenue of Rs. 262192.87  
which will be deducted from the Revenue Roll from Kharif  
1963.

( Nand Kishore )  
Land Acquisition Collector I,  
DELHI.  
21.3.1963.

Submitted to the Collector of District for information  
and filing.

( Nand Kishore )  
Land Acquisition Collector I,  
DELHI.  
21.3.1963.

Seen  
H. P. M. M. G.  
ADM L A. Delhi  
with process of Collector  
574  
COLLECTOR DELHI.