

Name of the Estate:

Shahdra alias Chandrawli.

Nature of Acquisition:

Permanent.

This is a case for the acquisition of land in the Estate of Shahdra 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-ESG 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 Act for the area under acquisition was issued vide Notification No. F.10(4)/61-L&H dated 17.10.62. Notices under section 9 and 10 were issued and the interested parties have responded to the notices.

MEASUREMENT & OWNERSHIP.

According to the notification, the total area to be acquired was 60 Bighas 17 Biswas. From further verifications it is found that in Khasra No.921/251, 922/252 and 941/280 total measuring 6 Bighas 12 Biswas is not immediately required. The award regarding these khasra numbers will be made afterwards. These khasra numbers are not, however, denotified from acquisition. Khasra No.931/264 measuring 6 Biswas was not notified but falls within the scheme. The land owner has no objection to its acquisition although it was ~~not notified~~ ^{not notified} under section 6 of the Land Acquisition Act.

This khasra number is, therefore, included in the acquisition. There is a mistake in the typing of the notification. Instead of 938/278 it should be Khasra No.939/278. The land owner~~s~~ has no objection ^{to} the acquisition of Khasra No.939/278. With these changes the total area to be acquired comes to 54 Bighas 18 Biswas. The land owner has raised no objection against this measurement. The ownership of the land under acquisition is given below:-

Sl.No.	Name of the owner.	Khasra Nos.	Area Bigha-Biswa	Kind of land.
1.	Lal Chand s/o Shibu Ram 1/2, Sukhbir Saran adopted son of Har Saran Dass 1/2.	920/251	1 - 16	Bhood.
		1087/930/264	2 - 10 ✓	-do-
		1088/930/264	1 - 6	-do+
		938/278	0 - 12 ✓	-do-
			6 - 4	
2.	Shmt. Kala Vati w/o Shibu Ram 1/2, Sukhbir Saran adopted son of Harsaran Dass 1/2.	240/1	1 - 4	Bhood.
		245/1	2 - 17	-do-
		246	4 - 7	-do-
		918/247	2 - 11	-do-
		919/248	1 - 19	-do-
		249	2 - 2	-do-
		923/252	0 - 6	-do-
		250	4 - 13	-do-
		253	5 - 2	-do-
		254	2 - 14	-do-
		255	2 - 14	-do-
		924/256	3 - 16	-do-
		927/260	4 - 1	-do-
		928/261	2 - 11	-do-
		931/264	0 - 6	-do-
		933/265	3 - 5	-do-
		935/268	2 - 13	-do-
		936/269	1 - 13	-do-
			48 - 14	

CLAIMS & EVIDENCE.

Shri Lal Chand and Shmt. Kala vati who appear¹ to be his mother have claimed compensation ~~for~~ @ Rs.10/- & Rs.12/- per sq.yd. Shri Devi Saran Dass was the owner of the land which now belongs to Shmt. Kala Vati and Lal Chand. Devi Saran Dass transferred this land in the name of his sons and they sold this land in the name of the present owners. Devi Saran Dass was the Cousin of Sukhbir Saran. Devi Saran Dass now claims compensation @ Rs.30/- per sq.yd. alleging that he is non-occupancy tenant on behalf of Sukhbir Saran. He appears to have adopted this procedure in order to get himself entered as non-occupancy tenant so that he may get the compensation of the land of Shri Sukhbir Saran as well. He could not be a ~~non-occupancy~~ tenant when the Khewat was joint with Sukhbir Saran. His claim is absurd and is, therefore, rejected. The compensation, however, may be sent to the Additional District Judge for apportionment. Shri Sukhbir Saran has also claimed compensation @ Rs.30/- per sq.yd. He has, however, stated that Shri Devi Saran Dass was a joint owner with him and he could not be a non-occupancy tenant simply by selling his share of land to other persons. In support of their high claims, the land owners have referred to mutations No.2579, 3677, 3681, 3695 and 3706. In all these mutation small areas in the forms of plots were sold at a place far distant from the land under acquisition. These transactions are, therefore, not relevant for arriving at the Market Value of land on the relevant date.

MARKET VALUE.

The land under acquisition is situated on the Eastern side of the Railway line and it is far removed from any other colony. It has, therefore, got simply an agricultural status.

In Award No.1396 of Village Mandauli a rate of Rs.2000/- per bigha was given by me. The date of notifications is the same. The land of village Mandauli is, however, situated near the Dilshad Gardens while the land under acquisition is far away from Dilshad Gardens. The Western boundary of the land acquired in Award No.1396 is adjacent to the boundary of the land under acquisition. But a huge area intervenes in between the Dilshad gardens and the land under acquisition. A boundary has got to be fixed somewhere where the land of higher value ends and lower value begins. There is no better boundary for this purpose than the boundary of the village. The land involved in Award No. 1396 is situated in the estate of Mandauli while the land under acquisition is situated in Shahdra. The situation of the land under acquisition is not the same in the 2 cases, Because the land under acquisition ~~gets~~ is very far from any other colony. Moreover the land acquired vide Award No.1396 is mainly of Chahi kind while the land under acquisition is of Bhood kind. The rate of Rs.2000/- per bigha cannot, therefore, be given in the case of the land under acquisition.

No sale-transaction for the land within the area to be acquired or area of similar kind and situation is available before the date of notification under section 4.

Thousands of sale-transactions have taken place in the Estate of Shahdra but these are for small plots near and inside the Abadi of Shahdra. These transactions are, therefore, not relevant for arriving at the Market Value of the land under acquisition. Sale-transactions, however, took place in the year 1962 in the area which is being acquired. The details of the sales are given below:-

Contd....5

Mutation Number,	Date of registration.	Khasra Number.	Area Bigha-Biswa	Sale-value.
5179	19.10.62	189	27 - 18	40,000/-
5181	31.12.62	239 etc.	30 - 3	40,000/-
5182	22.10.62	146 etc.	28 - 4	40,000/-
5183	19.10.62	158 etc.	22 - 7	35,000/-
			108 - 12	1,55,000/-

These transactions took place at the end of 1962 in the very land which is under acquisition. From the perusal of the above transactions it is seen that these transactions took place approximately at the same rate of Rs.1425/- per bigha. It is, therefore, clear that the market value of the land in the end of 1962 was not more than Rs.1425/- per bigha. Prices of land were higher in 1962 than those at the end of 1959. I am, therefore, convinced that the market value of the land on the relevant date i.e. 13.11.59 was ~~not more~~ ^{less} than Rs.1425/- per bigha. Considering that the prices are exaggerated in the registered deeds and that the prices were higher in 1962 than the prices in 1959, I consider a rate of Rs.1250/- per bigha to be reasonable. I, therefore, award Rs.1250/- per bigha for the land under acquisition.

OTHER COMPENSATION.

The Naib Tehsildar, Land Acquisition has assessed the following prices for a few trees and structure in the land under acquisition:-

Khasra No.	Compensation for trees.	Compensation for structure	Total
1087/930/264	26/-	Nil	26/-
1088/930/264	150/-	225/-	375/-
927/260	50/-	Nil	50/-
	226/-	225/-	451/-

Contd....6

Although Khasra No.1088/930/264 is shown in the possession of Shri Devi Saran Dass, but actually on the spot it is in the possession of Shri Sondu s/o Shiv Ram an occupancy tenant of the adjacent land. The compensation for the structure and the trees should be paid to Shri Sondu while the compensation for the land should be sent to the Addl.District Judge for apportionment.

A P P O R T I O N M E N T.

As already stated the compensation of the share of Shri Sukhbir Saran will be sent to the District Judge for apportionment. The compensation for Khasra No.1088/930/264 will also be sent to the District Judge for apportionment between the owner and Shri Sondu.

THE AWARD IS SUMMARISED AS BELOW.

Compensation for 54 Bighas 18 Biswas of land @ 1250/- per bigha.	Rs.68,625.00
Compensation for structure.	Rs. 225.00
	<hr/> Rs.68,850.00
15% on the above as solatium for compulsory acquisition.	Rs.10,327.50
	<hr/> Rs.79,177.50
Compensation for trees.	Rs. 226.00
	<hr/> Rs.79,403.50
Grand Total....	<hr/>

The land is assessed to a land revenue of Rs.8.50 nP.
which will be deducted from the Revenue Roll from Kharif 1963.

(Nand Kishore)
Land Acquisition Collector I,
DELHI.
20.3.1963.

Submitted to the Collector of the District for information
and filing.

(Nand Kishore)
Land Acquisition Collector I,
DELHI.
20.3.1963.

Seen *Hemant*
COLLECTOR, DELHI.