

A W A R D No.

1780

Name of the Village: Chandrawal alias Shahadra.

Nature of acquisition: Permanent.

239
1046
822

This is a case for the acquisition of land in the Estate of Shahadra 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 from the interested persons. The objections were heard by L.A.C.III. A report was made to the Delhi Administration. Objections so far as this area is concerned were rejected. By means of this notification a big area of 34,000 acres was sought to be acquired in many villages. Pieces of land out of this area are being finally acquired as and when the necessity arises, by making declaration under section 6 of the Land Acquisition Act. A declaration under section 6 of the Land Acquisition Act regarding the area under acquisition was made vide Notification No.F.1(54)/62-L&H dated 30.3.1963. Notice under section 9 (1) was given due publicity and notices under section 9 (3) and 10 (1) had been issued to the known interested persons. Almost all the interested persons have responded to the notices.

MEASUREMENT AND OWNERSHIP

According to the notification under section 6 of the Land Acquisition Act the total area to be acquired was 40

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Bighas and 6 Biswas. This area is being acquired for the construction of a road and whole of the notification was made on parts of Khasra Numbers. From further verification made on the spot under section 8 of the Land Acquisition Act the total area to be acquired comes to 39 Bighas and 7 Biswas. The difference of 19 Biswas is ignored.

There is a mistake in the Revenue Record regarding Khasra Number 822. At the time of Settlement^d 1915, Khasra Number 822 had been divided in the three parts 1044, 1045 and 1046. The whole area was divided into plots on mutation number 1020 dated 30.9.37. In those 'titamas' the patwari ignored totally the boundaries of these Khasra Numbers. According to his own imagination he divided each of these Khasra Numbers individually into several parts. As a matter of fact the three Khasra Numbers 1044, 1045 and 1046 should have been ^{grouped in} generally together and 'Titamas' should have been numbered as 2168/1044-1045-1046 in stead of 2168/1044/822/1 etc. These Khasra Numbers were divided into parts beginning from 2168 to 2239 that is 72. Sales have been made on the basis of these wrong 'Titamas' in 26 mutations. These wrong 'Titamas' have been incorporated in the Jamabandi and have thus become authentic. I am, therefore, making this award on the basis of these according to the latest revenue record which can be verified on the spot. It is the business of the Mohal side to make the necessary correction in the previous record. The 26 mutations do not affect the area under acquisition. It is also found that there is a difference of areas in the previous 'Titamas' and the new 'Titamas'.

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the number due to any defect in the title after

This award is being made only with regard to the area calculated by our personal measurement.

The ownership of the land under acquisition has been given below:-

S.No.	Names of the owners.	Kh. Numbers.	Area.		Kind of land.	Claim made.
			Big.	Bis.		
1.	Sh. Jai Narain s/o Jagat Narain 1/4, Shiv Narain, Inder Narain and Jagdish Narain ss/o Jai Narain in equal shares 1/4, Shanti Narain and Parkash Narain ss/o Ram Narain in equal shares 1/2.	1048/824/1	13	15	Banjar Qadim 3 - 00 Ghair Mumkin Johar. 10-15	Rs.35/- per sq.yds.
		823/1	0	4	Aabi	

Note.i-The whole of this land is under the possession of Shri Om parkash s/o Devi Singh for more than 18 years. He is thus a sort of occupancy tenant according to the Agra Tenancy Act. He has demanded a reasonable compensation.

ii-The entry of Ghair Mumkin pond in the Khasra Girdawari has been made by the Patwari without inspection of the site. There is no pond in Khasra Number 1048/824/1. As a matter of fact the pond is situated at some distance from this land. whole of this land is cultivated. Even in the present Girdawari Ghair Mumkin pond of 10 Bighas and 15 Biswas still exists. I am afraid that this girdawari is being made by the patwari without inspecting the site. The present position of this Khasra Number is as given below:-

Aabi	10	4
Banjar	3	0
Qadim.		
Ghairmumkin	0	11
Nullah		
	44	15
	13	

This Ghairmumkin Nullah is under the possession of the Municipal Corporation. No owner is available. As a matter of fact this land does not appear to have been acquired at all. Compensation regarding this land will be paid after giving a notice to the Municipal Corporation.

2.	Jai Narain s/o Jagat Narain 1/3, Shiv Narain, Inder Narain and Jagdish Narain ss/o Jai Narain in equal shares 1/6, Shanti Narain and Parkash Narain ss/o Ram Narain in equal shares 1/2.	2239/1046/822/1	19	7	Banjar Qadim.	do
		827/1	1	13	do	
		5035/829/1	2	7	do	
		5033/828	1	12	do	
			24	19	do	

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due to any defect in the title

Note:i- These entries of kinds of land are again wrong. In 14 Biswas of the first Khasra Number there is a pacca road from Krishna Nagar to Shahdra belonging to the Municipal Corporation. In Khasra Number 5033/828 there is a Ghairmumkin Mullah in 3 Biswas which is in possession of Municipal Corporation.

ii- Om Parkash s/o Devi Singh is a tenant as in Serial number 1.

iii- The owners state that the shares of the owners are as in Khasra Number ~~14~~ at Serial number 1, and this entry is wrong.

3.	M/S Shri Ram Sarvarya & Sons through Pran Nath Sarvarya Managing Director.	5032/828/1	0	7 Banjar .	No claim Qadim.
		5034/829/1	0	2 do	
			<u>0</u>	<u>9</u>	

Note: - Om Parkash s/o Devi Singh is again entered old tenant in these Khasra Numbers.

Total 39 7

CLAIMS AND EVIDENCE.

The claims made by various interested persons have already been discussed under the head ownership. In evidence they have produced a copy of a registered saledeed, According to this a plot in Krishna Nagar was sold at the rate of Rs.22 per sq.yd. Krishna Nagar is a developed and approved colony while the land under acquisition is totally cultivated or Banjar. Although there are colonies round about but the land under acquisition has no colony. This evidence is, therefore, ^{irrelevant} ~~wrong~~ and is not ^{helpful} ~~a way~~ for arriving at the market value of the land under acquisition. The land under acquisition is situated near the towns of Krishna Nagar and Radhe Puri on one side and Shahadra on the ^h ~~other~~ side. It has got potential value for building purposes. The area, however, is very low lying and unless a filling of about 3 feet is done it cannot be used for starting a colony.

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The Award number 1013 has been made by my predecessor in which a small piece of land measuring 5 Biswas has been acquired. The rate given in that award is Rs.4/per sq.yd. The date of notification is 23.5.50. While, in this case it is 13.11.59. The area acquired by means of that award is at a higher ^{level} land of about 7 feet from the land under acquisition. This rate of Rs.4/per sq.yd. is, therefore, not ^p applicable to the land under acquisition.

Khasra number 631 and 637 adjacent to the land under acquisition have been divided into plots and have been sold in the form of plots. During the year 1959 mutations number 3689, 3690, 3746, 3759, 3760, 3762, 3769, 3770, 3772, 3817, 3837, 3856, 3878, 3883, 3884, 3885, 3888, 3889, 3890, 3893, 3894, 3899, 3955, 3956, 3957 and 3959 have taken place in the adjacent Khasra number 631 and 637 in the form of plots. The total area sold vide these transactions comes to 15 Bighas and 14 Biswas and the total sale price comes to 44,099 rupees. The average of all these transactions works out to Rs.2,809/- per Bigha. It will be remembered here that 5 Bighas and 1 Biswa of land consisting of ^{road} ~~rates~~ has also been sold out by means of these mutations. It means that about 1/3rd area is the roads and 2/3rd is plotted area. This is generally the division between the plotted and unplotted land in a developed colony. I, therefore, consider that the average of ^{Rs.2800/-} ~~Rs.287/-~~ per Bigha for Khasra number 631 and 637 is a reasonable market value of the land in the year 1959. The land of Khasra number 631 and 637, however, is situated on a much higher level than that of the land under acquisition.

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The average level of this land is about 3 feet lower than the land of Khasra number 631 and 637. The cost of this land ^{per Bigha} should be about 1,500/- rupees per Bigha. ~~From this matter~~ ^{the} price of the land under acquisition should ^{be} be about Rs.1,500/- per Bigha. Sale transactions have taken place in the land under acquisition in the last 5 years. The details of these transactions are given below:-

Mutation No.	Date of registration.	Khasra No.	Area Big.	Total Sale Price.	Average
3665	26.5.55	1046/822 min.	0 8	Rs.600/-	Rs.1500/-
3666	27.12.57	1046/822 min.	0 8	" 600/-	" 1500/-
3682	5.12.57	1046/822 min.	0 2	" 665/-	" 6650/-
3816	19.12.57	1045-1046/822 min.	3 3	"5000/-	" 1600/-
3701	3.3.58	1046/822 min.	0 8	" 600/-	" 1500/-

From the above transactions except 3682, it will be seen that the price of the land under acquisition from 1955 to 1958 was about Rs.1,500/- per Bigha. Mutation number 3682 is for a very small area of 2 Biswas and is not reliable. I, therefore, consider a rate of Rs.1,500/- per Bigha to be very reasonable and award accordingly.

OTHER COMPENSATIONS.

There is neither a tree nor any structure on the land under acquisition. No other compensation is, therefore, allowed.

APPORTIONMENT.

Compensation for Ghairmunkin road and Ghairmunkin Mollah will be paid only after taking the statement from the Municipal Corporation, as to how ~~she~~ ^{it} came into possession of this land.

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due to any defect in title

From Compensation between the owners and tenants will be paid if they come to compromise. If no compromise is reached the compensation will be sent to the Additional District Judge for apportionment and disbursement.

THE AWARD IS SUMMARISED AS BELOW.

Compensation for 39 Bighas and 7 Biswas at the rate of Rs.1,500/- per Bigha. Rs.59,025.00

15% of the above as solatium for compulsory nature of acquisition. Rs. 8,853.75

Total Rs.67,878.75

The land is assessed to a Land Revenue of Rs.5.94 Np. which will be deducted from the Revenue Roll from Kharif 1964.

(Nand Kishore)
Land Acquisition Collector-1,
DELHI.
31.3.64.

Submitted to the Collector of District for information and filing.

(Nand Kishore)
Land Acquisition Collector-1,
DELHI.

Seen

H. P. M. M. M. M. M.

ADMLA Delhi

with Powers of Collector

23/4/64

COLLECTOR, DELHI.

checked
Take 1/2
31/3
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