AWARD No. 1936 /

me of the village: Gazipur.

ture of acquisition: Permanent.

urpose of acquisition: Planned Development of Delhi.

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NTRODUCTION:

The land situate in village Gazipur is needed by the Government at the public expense for a public purpose namely for the Planned Development of Delhi. The notification u/s 4 of the Land Acquisition Act 1894 was made vide the notification No.F.15(117)/60-LSG dated 3.3.1964. Due to the urgency of the acquisition the provisions of section 5A of the Land Acquisition Act were dispensed with and simultaneously the provisions of section 17 were added to the said notification. But the acquiring department did not demand possession of the land. Similarly a declaration under section 6 of the L.A.Act was made vide the same notification. Notice under section 9(1) of the Land Acquisition Act,1894 was given due publicity and notices under sections 9(3) and 10(1) of the L.A.Act were served upon the known interested persons who have responded to the notices.

'MEASUREMENT & OWNERSHIP'

According to the notification under section 6 of the Land Acquisition Act, 1894 the total area to be acquired was 247 bighas and 16 biswas, but from the further verification made at the site under section 8 of the Land Acquisition Act it was seen that the actual area under acquisition was 247 bighas and 15 biswas. One biswa is less due to the measurement at the site and due to 'tatimas' of the min numbers. Beside the khasra no.338 measuring 1 bighas 19 biswas is alt

Contd ...

Total 247

Rosli 12 - 10
1 - 08
46 - 18

covered der the said notification, yet at the site it was found th this khasra No. does not come in the alignment of the road. A such the khara No.338 has not been included in the award. n the said notification a mention has been made of the khasra No.5470/2, but actually, according to the record it should be 570/2. Similarly in the notification the khasra No.560/1 has been mentioned but actually according to the khasra No.754/560 is being acquired under the scheme. Besides, in the notification khasra No.~~560/1~~ [560/598/1] has been recorded, but actually on the site this khasra No. is out of the alignment of the road, and instead the khasra No.560/598/2 is within the alignment of the road. As such the latter has been included in the award. I, therefore, hold that the actual area to be acquired is 247 bighas and 15 biswas to be true as detailed below:-

| Khasra No. | Area Big. Bis. | Kind of land. |
|---|---|---|
| 334 | 1 - 01 | Bhood Awal. |
| 525/1 | 0 - 01 | Rosli. |
| 706/592/1. | 0 - 06 | " |
| 335/1. | 1 - 14 | Bhood Awal. |
| 336/1. | 0 - 03. | " |
| 539/1 | 2 - 19 | Matiar Rihala. |
| 337/2. | 4 - 10 | Bhood Awal. |
| 533. | 2 - 08 | Chahi. Nali. |
| 526/1. | 4 - 19 | Rosli. .m. |
| 591/1 | 0 - 18 | Rosli. im. |
| 820/663/295/1. | 0 - 17 | Bhood Awal. im. |
| 659-660/293/1. | 1 - 04 | Bhood Doaum. dim. |
| 331/1. | 3 - 18 | Bhood Awal. |
| 531/1. | 3 - 10 | Chahi. |
| 590. | 4 - 16 | Rosli. |
| 541/1. | 1 - 13 | Matiar |
| 530/1. | 3 - 16 | Rosli. |
| 630 to 632/227/2. | 6 - 11 | Dakar. |
| 596/2. | 7 - 04 | Banjer Rosli |

6
9
7 - 09
86 - 13
1 - 04
38 - 16
8 - 02 Total -
12 - 10 247
1 - 08
46 - 18

| | | |
|---|---|---|
| 529. | 3 - 15 | Rosli Rehara. |
| 296/1. | 7 - 09 | Bhood Awal. |
| 676/312/2/1. | 1 - 10 | -do- |
| 315/2/1. | 8 - 17 | -do- |
| 661-662/294/2. | 15 - 03 | -do- |
| 239/1. | 6 - 15 | -do- |
| 657/291/2. | ~~5 - 15~~ 6 - 7 | Chahi. |
| 358/1. | 2 - 13 | -do- |
| 569/1. | 0 - 08 | Rosli. |
| 357/1-2/1. | 0 - 06 | Chahi. |
| 223/1 | less than one biswa | Dakar. |
| 224/1 | 1 - 16 | Dakar. |
| 314/2/1 | 0 - 10 | Bhood Awal. |
| 359/1. | 2 - 10 | -do- |
| 718/232/1. | ~~4 - 02~~ 3 - 10 | Dakar. |
| 719/232/2 | 4 - 10 | Dakar. |
| 719/232/1/1. | 4 - 19 | Dakar. |
| 316/1 | 4 - 04 | Bhood Awal. |
| 664/to 666/295/1. | 0 - 05 | -do- |
| 821/663/295/1 | 1 - 19 | -do- |
| 317/1 | less than one biswa. | Bhood Awal. |
| [illegible]/1 | [illegible] | Dakar. |
| 228/1. | 2 - 02 | Dakar. |
| 707/592/1 | 1 - 02 | Rosli. ~~Matiar-Rehara.~~ |
| 540/1 | 2 - 02 | Matiar Rehara. |
| 528/1. | 1 - 06 | Rosli. |
| 332/1. | 5 - 02 | Bhood Awal. |
| 589/1 | 3 - [illegible] | Rosli Rehara. |
| 538. | 3 - [illegible] | [illegible]tiar Rehara. |
| 560/599/2. | 2 - 1[illegible] | |

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| | | |
|---|---|---|
| 333. | 1 - 01 | Bhood Awal. |
| 326/1. | 1 - 18 | -do- |
| 527/1. | 0 - 08 | Rosli. |
| 233/1. | 5 - 11 | Dakar. |
| 242/1. | 1 - 04 | Chahi. |
| 732/236/1. | 1 - 18 | Rosli. |
| 723/243/1. | 0 - 06 | Chahi. |
| 724/243/1. | 0 - 04 | Chahi. |
| 722/243/1. | 0 - 09 | Chahi. |
| 725/243/1. | 0- 05 | Chahi. |
| 733/236. | 1 - 12 | Bhood Awal. |
| 240/1. | 4 - 18 | Bhood Awal. |
| 237/1. | 2 - 19 | Bhood Awal. |
| 238/1. | 2 - 19 | Bhood Awal. |
| 720/232/1. | 0 - 13 | Dakar. |
| 667-668/297/1. | 4 - 19 | Bhood Awal. |
| 225/1. | 2 - 19 | Dakar. |
| 534/1. | 2 - 07 | Mariar Rehara. |
| 587/1. | 0 - 01 | Rosli. |
| 754/560/1. | 7 - 06 | Matiar. |
| 532/1. | 0 - 16 | Chahi. |
| 537/1. | 0 - 16 | Matiar. |
| 570/2. | 1 - 08 | Ghairmumkin Nali. |
| 560/600/2. | 2 - 10 | Banjer Qadim. |
| 755/560/2. | 23 - 04 | Banjer Qadim. |
| 757/560/2. | 15 - 00 | Banjer Qadim. |
| 560/598/2. | 2 - 07 | Banjer Qadim. |
| Total ...... | 247 - 15 | |

CLASSIFICATION OF AREA:

| | | |
|---|---|---|
| Chahi | = | 17 - 16 |
| Rosli | = | 26 - 19 |
| Rosli Rehara | = | 7 - 09 |
| Bhood Awal | = | 86 - 13 |
| Bhood daum | = | 1 - 04 |
| Dakar. | = | 38 - 16 |
| Matiar | = | 8 - 02 |
| Matiar Rehara | = | 12 - 10 |
| Gharimumkin | = | 1 - 08 |
| Banjer Qadim | = | 46 - 18 |

Total - 247

CLAIMS AND EVIDENCE :

The following persons have filed their claims for compensation:-

| Sl. No. | Name of the claimants. | Compensation demanded. |
| --- | --- | --- |
| 1. | Bhupat, Devi Shai ss/o Ghasita. | Rs.15/- per sq.yd. for the land and 15% solatium. |
| 2. | Pokar s/o Nain Singh. | Rs.15/- per sq.yd. for the land and 15% solatium. |
| 3. | Pahalad s/o Jamna. | Rs.15/- per sq.yd. for the land and 15% solatium. |
| 4. | Ram Phal, Ram Kishan ss/o Harkesh. | -do- |
| 5. | Tek Chand, Capt. Beika Ram, Chhotu, Mehru, Pitam Singh, Mwasi, Lakhpat, Jandoo, Hari Singh, Lalloo, Nanda, Gursi, Deep Chand, Chiranji Lal, Radhey Lal, Sant Singh, Laxmi, Jagram, Ramoo, Jai Ram, Hans Ram, Smt. Prabhati, Harsaroop, Sarupee wd/o Puran, Chokrat d/o Bhoi, Likhi Ram, s/o Tirkha. | Rs.10/- per sq.yd. for the land and 15% solatium. |
| 6. | Bharat Singh s/o Nihal. | Rs.15/- per sq.yd. for the land and 15% solatium. |
| 7. | Khem Chand s/o Birbal. | Rs.15/- per sq.yd. for the land and 15% solatium. |
| 8. | Kesri himself, Jit singh, brother and Shmt.Gallo, Jaipali....sister(Minors) through Kesri and Khem Chand. | Rs.15/- per sq.yd. for the land and 15% solatium. |
| 9. | Bina s/o Dalpat. | Rs.5000/- per bigha and 15% solatium. |
| 10. | Kale s/o Shiv Sahai. | As above in sl. No.9. |
| 11. | Dev Karan s/o Rattan Singh. | Rs.15/- per sq.yd. and 15% solatium. |
| 12. | Rakesh s/o Kallu. | As above. |

Contd .....6

| | |
|---|---|
| 13. Dhara Singh s/o Jinga. | Rs.15/- per sq.yd. for the land and 15% solatium. |
| 14. Chinga, s/o Rattan Singh. | As above. |
| 15. Sohan Lal, Rattan Lal, Mohan Lal. | As above. |
| 16. Shamsherea s/o Gauri. | As above. |
| 17. Budhu s/o Gopal. | As above. |
| 18. Chhotte s/o Chanda. | As above. |
| 19. Chajan, Budan, Dhani Lal ss/o Kishan Lal. | As above. |
| 20. Jhinga s/o Rattan S ingh. | As above. |
| 21. Shmt. Saropi, Shmt.Chokrat. | Rs.10/- per sq.yd. for the land and 15% solatium. |
| 22. Harkesh s/o Kalu. | Rs.15/- per sq.yd. for the land and 15% solatium. |
| 23. Tirkha s/o Harbhajan. | As above. |
| 24. Binarain s/o Harbhajan. | As above. |
| 25. Charan Singh s/o Harbhajan. Singh. | As above. |
| 26. Gian Chand, Magh Raj, Khushi Ram, Gain Devi. | As above. |
| 27. Rati Ram s/o Munshi, Kanti Devi, Shanti Devi, Gomati Devi dts/o Munshi. | As above. |
| 28. Bhagmal, Mahinder Singh ss/o Munshi Ram, Shmt. Maya Devi w/o Siri Prakash. | Rs.20/- per sq.yd. for the land and 15% solatium. |
| 29. Moti Ram s/o Shamshera. | --- |
| 30. Shiv Lal s/o Data Ram. | --- |

Contd .........7

| | | |
|---|---|---|
| 31. | Juthar, Kale ss/o Khana. | Rs.5/- per sq.yd. for the land. |
| 32. | Chander s/o Shame Singh. | As above. |
| 33. | Tegan s/o Karan Singh. | Rs.4000/- per bigha for the land, and 15% solatium. |
| 34. | Vidya Bhushan Mittal s/o H.R.Mittal. | Rs.10/- per sq.yd. for the ~~ald~~ land and 15% solatium. |
| 35. | Pradhan Gaon Sabha Shri Bhagat Singh. | As above. |

From the above claims it will be seen that the rates demanded by the claimants vary from Rs.4000/- per bigha to Rs.20/- per sq.yd. (i.e. Rs.20,000/- per bigha). The claimants, however, have not produced any evidence in support of their claims.

'MARKET VALUE'

The land under acquisition is situated towards the east of Patpar Ganj Road. It is entirely an agricultural land, and is undeveloped. There is no developed colony nearby and it has no potential value for building purposes. Hence rates of compensation demanded by the claimants on the basis of plotted values in terms of sq.yd. simply on the ground that the land is near the 'Abadi' have no justification. I have inspected the site. The land underacquisition is divided into two blocks namely 'A' and 'B' according to the situation and nature of soil. The land covered under block 'A' is cultivable and is situated at a high level, whereas the land covered under the block 'B' is uncultivable and is at a low level adjacent to the Nala. The value of the land under block 'A' will, therefore, be essentially higher than the value of the land covered under block 'B'. The details of the land are givenbelow:-

Block 'A':

| Khasra No. | Area Big. Bis. |
|---|---|
| 334 | 1 - 01 |
| 525/1 | 0 - 01 |
| 706/592/1. | 0 - 03 |

Contd ....8

| | |
|---|---|
| 335/1. | 1 - 14 |
| 336/1. | 0 - 03 |
| 539/1. | 2 - 19 |
| 337/2. | 4 - 10 |
| 533. | 2 - 08 |
| 526/1. | 4 - 19 |
| 591/1. | 0 - 18 |
| 820/663/295/1. | 0 - 17 |
| 659-660/293/1. | 1 - 04 |
| 331/1 ~~334/1.~~ | 3 - 18 |
| 531/1. | 3 - 10 |
| 590. | 4 - 16 |
| 541/1. | 1 - 13 |
| 530/1. | 3 - 16 |
| 630to 632/227/2. | 6 - 11 |
| 596/2. | 7 - 04 |
| 529. | 3 - 15 |
| 296/1. | 7 - 09 |
| 676/312/2/1. | 1 - 10 |
| 315/2/1. | 8 - 17 |
| 661-662/294/2. | 15 - 03 |
| 239/1. | 6 - 15 R |
| 657/291/2. | ~~5 - 15~~ 6 - 7 |
| 358/1. | 2 - 13 |
| 569/1. | 0 - 08 |
| 357/1-2/1. | 0 - 06 |
| 223/1. | - -- |
| 224/1. | 1 - 16 |
| 314/2/1. | 0 - 10 R |
| 359/1. | 2 - 10 |
| 718/232/1. | ~~4 - 02~~ 3 - 10 |
| 719/232/1. | 4 - 19 |
| 719/232/2. | 4 - 10 |
| 316/1. | 4 - 04 |
| 664-665-666/295/1. | 0 - 05 |
| 821/663/295/1. | 1 - 19 |
| 317/1. | - -- |
| 226/1. | 5 - 13 |
| 228/1. | 2 - 02 |
| 707/592/1. | 1 - 02 |
| 540/1. | 2 - 02 |
| 528/1. | 1 - 06 |
| 332/1. | 5 - 02 |
| 589/1. | 3 - 14 |
| 538. | 3 - 09 |
| 333. | 1 - 01 |
| 326/1. | 1 - 18 |
| 527/1. | 1 - 08 |
| 233/1. | 6 - 11 |
| 242/1. | 1 - 04 |
| 732/236/1. | 1 - 18 |
| 723/243/1. | 0 - 06 |
| 724/243/1. | 0 - 04 |
| 722/243/1. | 0 - 09 |
| 725/243/1. | 0 - 05 |
| 733/236. | 1- 12 |
| 240/1. | 4 - 18 |
| 237/1. | 2 - 19 |
| 238/1. | 2 - 19 |
| 720/232/1. | 0 - 13 |
| 667-668/297/1. | 4 - 19 |
| 225/1. | 2 - 19 |
| 534/1. | 2 - 07 |
| 587/1. | 0 - 01 |
| 754/560/1. | 7 - 06 |
| 532/1. | 0 - 16 |
| 537/1. | 0 - 16 |
| Total...... | 200 - 13 |

Block 'B' :

| | |
|---|---|
| 560/599/2. | 2 - 13 |
| 560/600/2. | 2 - 10 |
| 570/2. | 1 - 08 |
| 755/560/2. | 23 - 04 |
| 757/560/2. | 15 - 00 |
| 560/598/2. | 2 - 07 |
| Total ..... | 47 - 02 |

In order to assess the market value of the land under acquisition the averages of the sales transactions which had taken place in the vicinity of the land under acquisition during the last five years prior to the year in which the notification u/s 4 of the L. A. Act was issued was collected from the revenue record are as follows:-

| Sl.No. | Year. | Area | Consideration money. | Average. |
|---|---|---|---|---|
| 1. | 1959-60 | 19 - 02 | Rs.7903/- | Rs.413.77 |
| 2. | 1960-61 | 29 - 19 | Rs.8991.25 | Rs.300.21 |
| 3. | 1961-62 | -- | No sale took place during this year. | |
| 4. | 1962-63 | 19 - 07 | Rs. 6000/- | Rs.310.08 |
| 5. | 1963-64 | 10 - 05 | Rs.6875/- | Rs.670.73 |
| | | 78 - 13 | Rs.29,769.25 | Rs.378.50 |

From the above figures it will thus be seen that the value of the land has been steadily decreasing after the year 1959-60 to 1962-63. However, during the year 1963-64 the average had practically doubled which was worked out at Rs.670.73 per bigha. The land under acquisition is rather superior and on a higher level than the land involved in the above said sale transactions. Hence it will not be proper to apply the above averages for assessing the market value of the land under acquisition.

In order to arrive at a fair and reasonable market value of the land under acquisition as it existed on 3.3.1964 which is the crucial date of the notification under section

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14.12.

of the Land Acquisition Act, it seems proper to examine and consider the sales transactions which took place during the year 1963-64. Only two sales are reported to have been taken place during this year. The first transaction pertains to land measuring 6 bighas 15 biswas which was sold for Rs.3375/- on 23.5.1963 vide the mutation No.476, thus yielding an average of Rs.500/- per bigha. The second transaction pertains to land measuring 3 bighas and 10 biswas which was sold for Rs.3500/- on 27.12.1963 vide the mutation No.481, thus yeilding an average of Rs.1000/- per bigha. However, the land involved in the former transaction is rather inferior, and land involved latter transaction appears to be superior, and is larger in area as compared to the land under acquisition classified under the block 'A'. As such the market value of the land under acquisition should be fixed somewhere in between the above two rates.

Recently a piece of land measuring 7 bighas 14 biswas of village Gazipur was acquired vide the award No.1888, in which the rate of Rs.700/- per bigha was allowed. The said award was announced on 26.3.1966. Only one reference under section 18 of the L. A. Act was received but it was initially rejected being timebarred. Some land acquired under above referred award is included in the land under acquisition within the alignment of the construction of the road. The date of notification u/s4 of the Land Acquisition Act in the above referred award was 13.11.1959, whereas the date of notification under section 4 of the L. A. Act in the present award is 3.3.1964. During the site inspection it was found that the land under acquisition is similar to the land acquired under the above referred award. Looking to the fluctuation in the market value of the land in general, the price of the land under acquisition should be

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somewhat higher than that of the land involved in the award No.1888.

Thus taking into account the various factors as discussed above, I consider the rate of Rs.750/- per bigha for the land classified under block 'A' and Rs.550/- per bigha for the land under block 'B' to be fair and reasonable and I award accordingly.

'OTHER COMPENSATIONS'

There are trees in the land under acquisition, the detail of which is as given below:-

| Khasra No. | Kind of tree. | No. of trees. | Weight in Mnts. | Price assessed |
|---|---|---|---|---|
| 590 | Neem | 1 | 12 | Rs.60/- |
| 359 | Kikar | 3 | 3 | Rs.24/- |
| 297 | Kikar | 1 | 5½ | Rs.45/- |
| 657/291 | Kikar | 2 | 1½ | Rs.12/- |
| 238 | Kikar | 2 | 1½ | Rs.12/- |
| 243 | Amrood plants. | 25 | | Rs.25/- |
| 242 | Jaman | 9 | 4 | Rs.20/- |
| 242 | Siras | 1 | 1 | Rs. 4/- |
| | Amrood | 1 | - | Rs.10/- |
| | Amwala | 1 | - | Rs.10/- |
| | Amwala plants. | 4 | - | Rs. 4/- |
| | Khata " | 1 | - | Rs. 1/- |
| | Santra " | 4 | - | Rs. 4/- |
| | Amrood " | 10 | - | Rs.60/- |
| | Moswami. | 1 | - | Rs. 1/ |
| | | Total ......... | | Rs.292/- |

The Naib Tehsildar (LA) has assessed Rs.292/- for the above mentioned trees with which I agree and award accordingly.

INTEREST:

As stated above although section 17 was applicable to the land under acquisition, yet actually no possession has been disturbed. Hence the question of payment of interest does not arise.

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'APPORTIONMENT'

The compensation will be paid on the basis of the latest entries in the revenue record in presence of the parties. In case of dispute it will be sent to the Additional District Judge, Delhi for disbursement.

15% FOR COMPULSORY ACQUISITION :

15% shall be paid on account of compulsory acquisition as provided in section 23(2) of the Land Acquisition Act(I), 1894.

LAND REVENUE DEDUCTION:

There will be a deduction of Rs.39.01 from the khalsa Rent Roll of the village Ghazipur with effect from Kharif, 1967.

'SUMMARY OF THE AWARD '

| | |
|---|---|
| Compensation for 200 bighas and 13 biswas of land of block 'A' @ Rs.750/- per bigha. | Rs.1,50,487.50 |
| Compensation for 47 bighas and 2 biswas of land of block 'B' @ Rs.550/- per bigha. | Rs. 25,905.00 |
| | Rs.1,76,392.50 |
| 15% of the above as solatium for compulsory acquisition. | Rs. 26,458.87 |
| | Rs.2,02,851.37 |
| Compensation for trees. | Rs. 292.00 |
| G.Total ....... | Rs.2,03,143.37 |

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(Zal Nowsherwanji)
Land Acquisition Collector,
Delhi Shahdara Circle,
Delhi.
14.12.1966

Submitted to the Collector, Delhi for information and filing.

T.O

Seen. Filed

(Zal Nowsherwanji)
Land Acquisition Collector,
Delhi Shahdara Circle,
D E L H I.
14.12.

COLLECTOR. DELHI