

A W A R D No. 1941

Name of the village:

Oldenpur.

Nature of acquisition:

Permanent.

INTRODUCTION:

This case pertains to acquisition of the khasra No. 636/412/1 min. (Resli) measuring 1 bigha 2 biswas situated in the estate of village oldenpur required by the Government at the public expense for a public purpose, namely, for the Planned Development of Delhi. A notification under section 4 of the Land Acquisition Act was made vide notification F.15(III)/69-LSG dated 13.11.1959. The substance of the notification was duly published and the objections were invited from the interested persons. The objections were heard and a report was made to the Delhi Administration along with the objections in original. According to this notification, a big area of about 34,000 acres in several villages was notified. Pieces of land are being finally acquired as and when the necessity arises by publication of notifications under section 6 of the Land Acquisition Act. A declaration under section 6 of the Land Acquisition Act regarding the land under acquisition was made vide notification No. F.15(5)/65-LSG(1) dated 9.7.1965. Notice under section 9(1) was given due publicity and notices under section 9(3) and 10(1) of the Land Acquisition Act have been issued to the interested persons. Almost all the interested persons have responded to the notices issued to them.

'MEASUREMENT & OWNERSHIP'

According to the notification under section 6 of the Land Acquisition Act the total area to be acquired was 1 bigha 2 biswas. From further verification made on the spot under section 8 of the Land Acquisition Act, this area



was found to be correct. Hence I hold the area to be acquired to be true at 1 bigha and 2 biswas. This land is being actually required for the construction of pumping station for disposal of Sullage Water at Shahdara.

The ownership of the land under acquisition according to the revenue record is in the name of M/S Delhi Land & Finance Ltd., F Block, Connaught Place, New Delhi. Further, on this land there are non-occupancy tenants of more than 12 years standing, namely S/Shri Dharma and Sohan ss/o Nihala, and Shmt. Saran wd/o Ratta Ram.

'CLAIMS and EVIDENCE'

On behalf of M/S Delhi Land & Finance(P) Ltd., New Delhi, its general attorney Shri Krishan Gopal has filed a claim petition on 15.1.1966, stating that the land under acquisition formed a part of the residential colony known as Prem Nagar, Shahdara, and he demanded compensation @ Rs.40/- per sq.yd., besides the statutory solatium. However, in the written statement filed by the same party subsequently on 22.1.1966, it was stated that the land was surrounded from all sides by residential areas like Bhola Nath Nagar, Shahdara, Silampur, Azadnagar and Krishan Nagar, and the compensation was claimed @ Rs.20/- per sq.yd. A joint written statement was filed on behalf of S/Shri Dharma, Shmt. Saran, Shmt. Phoolbari wd/o Sohan, and S/Shri Ishwar and Chhotu Ram ss/o Sohan, stating that they were owners of the land under acquisition and they claimed compensation @ Rs.20/- per sq.yd., plus the usual solatium for compulsory acquisition.

In support of the claim for compensation two statements showing sale instances in villages Oldenpur and Silampur were filed on behalf of M/S Delhi Land & Finances Ltd., as follows:-



Statement of sale instances of village Oldenpur.				
Mutation No.	Date of decision of mutation.	Area.	Total amount of consideration	Average rate per bigha.
569.	24.10.1957.	0-03	Rs.762/-.	Rs.5080/-
570.	24.10.1957.	0-05	Rs.1485/-	Rs.5940/-
572.	24.20.1957.	0-06	Rs.1600/-	Rs.5333/-

Statement of sale instances of village Silampur.				
Registry No.	Date of Registry.	Area. sq.yds.	Amount of consideration	Rate per sq. yd.
Vol.348.	11.1.58.	100.	Rs.1500/-.	Rs.15/-
Vol.349.	10.1.58.	200.	Rs.3000/-.	Rs.15/-.
Vol.3002.	4.12.58.	120.	Rs.1920/-.	Rs.16/-
--	16.5.55.	716.	Rs.11,456/-.	Rs.16/-.
--	21.5.58.	101.	Rs.1919/-.	Rs.19/-.
Vol.531.	30.3.60.	200.	Rs.4800/-.	Rs.24/-.
Vol.548.	16.8.60.	201.	Rs.4000/-.	Rs.19.14

With regard to the claim of M/S Delhi Housing & Finance (P) Ltd., it will be seen that the rate indicated in the claim petition is Rs.40/- per sq.yd., whereas the rate indicated in the written statement is Rs.20/- per sq.yd. In the statements of sale instances of villages Oldenpur and Silampur as produced by the said claimant, the net average rates are worked out to be Rs.5/- per sq.yd. and Rs.17.45 per sq.yd. respectively. Thus these rates are not consistent with each other, due to which fact, the claim cannot be treated as genuine. The sale instances produced by the <sup>said</sup> claimant have been dealt with under the head 'market Value'.

#### 'MARKET VALUE'

The land under acquisition is situated on the southernside of the Railway line <sup>g</sup>owing to Shahdara. There is no road leading to this land. It is totally cut off from all roads, and one can reach this land simply by walkin



on the borders of the cultivated fields. It appears that M/S Delhi Land & Finances Department had purchased a part of this land for developing a colony. They ~~made~~ prepared the sketch on the paper for forming plots. There are no demarcations of plots or of roads, and the area is totally undeveloped.

With regard to the statement of sale instances of villages Oldenpur and Silampur produced in evidence on behalf of M/S Delhi Land & Finance(P) Ltd., it <sup>may</sup> ~~will~~ be pointed out that the same claimant had produced the same piece of evidence in another award bearing No.1648. In the said award the sale instances were discussed in detail. Accordingly, the sale transactions of village Silampur cannot be taken into consideration for arriving at the market value of the land under acquisition, for the obvious reason, that the plots involved in the said transactions are located in Gandhi Nagar which is a developed colony, and which is at a distance of about 1 mile away from the land under acquisition. Similarly, the sale transactions of village Oldenpur cannot be treated as relevant because, they relate only to the year 1955-56, when M/S Delhi Land & Finance (P) Ltd., had also sold some plots, but perhaps due to failure of the D.L.F. Colony, no sale of plots took place subsequently upto the date of notification under section 4 of the Land Acquisition Act viz. 13.11.1959. Besides, these plots are on situated on a higher level than the land under acquisition which is not fit <sup>for</sup> developing a colony. Moreover, it is cut off from both the Grand Trunk Road <sup>and</sup> the Krishna Nagar Road. Gandhi Nagar is situated at a distance of about one mile from these plots, and the colony of Bhola Nagar is at a distance of about two furlongs.



On this side, there is a very little development in Bhola - Nath Nagag. The land has got only agricultural value and not a potential value for building purposes.

I have inspected the site. The land under acquisition is situated towards east adjacent to the khasra No. 710/684/442 which was acquired under the award No. 1648. In the said award the rate of Rs. 800/- per bigha was allowed, for the land excepting the Nala for which the rate of Rs. 200/- per bigha was awarded. The khasra No. under acquisition is similar to the abovesaid khasra No. acquired under the award No. 1648. Also, the date of notification under section 4 of the Land Acquisition Act in both these awards, is one and the same, viz. 13.11.1959. I, therefore, consider the rate of Rs. 800/- per bigha to be a fair and reasonable market value of the land under acquisition. However, against the said award, five reference petitions under section 18 of the Land Acquisition Act are reported to have been filed, out of which three cases have been stayed by the Additional District Judge, Delhi and two cases are pending in his court. But from the statistics of sales as collected by the Field Staff, it is seen that the land bearing khasra No. 636/412 measuring 9 bighas and 3 biswas was previously purchased by M/S Delhi Land & Finance (P) along with some other lands total measuring 16 bighas 17 biswas during the year 1965 for a consideration of Rs. 7345/- ~~per bigha~~, the average of which comes to Rs. 449/- per bigha. The land under acquisition is a portion of the said khasra Nos. I am inclined to propose the higher rate of Rs. 800/- per bigha because the land was purchased for the purpose of forming a Housing Colony, and it was purchased about 4 years before crucial date under section 4 of the Land Acquisition Act. In view of these facts, I allow the compensation of the land under acquisition @ Rs. 800/- per bigha, and I award accordingly.



'OTHER COMPENSATION'

There is neither any structure nor any tree in the land under acquisition. Hence no compensation has been assessed.

INTEREST:

As the possession of the land under acquisition has not been taken, therefore, the question of payment of interest does not arise.

'APPORTIONMENT'

The compensation will be paid on the basis of the latest entries in the revenue record. As stated above, the compensation of the land has been simultaneously claimed by the land owner as well as the non-occupancy tenants. Hence the compensation will be paid in their presence. In case of dispute it will be sent to the Addl. Distt. Judge, for adjudication.

THE AWARD IS SUMMARISED AS BELOW:

Compensation for 1 bigha 2 biswas of land @ Rs.800/- per bigha.	Rs.880.00
15% of the above as solatium for compulsory acquisition charges.	Rs.132.00
G.Total.....	Rs.1012/-

The land is assessed to a land revenue of Rs.0.54 which will be deducted from the khalsa rent of 1967.

(Zal Nowsherwanji)  
Land Acquisition Collector (DS)  
Delhi/31.1.1967.

Submitted to the Collector, Delhi for information and filing.

(Zal Nowsherwanji)  
Land Acquisition Collector (DS)  
Delhi/31.1.1967.

Seen. Filed

N Sharma  
8.2.67

COLLECTOR, DELHI

*Re awarded  
as 14.2.67  
A. S. Sharma  
all concerned  
Z. S. Sharma*