

A W A R D No. 1982.

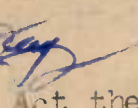
Name of the village: Chandrawali alias Shahdara.

Nature of acquisition: Permanent.

INTRODUCTION:-

The land situated in village Chandrawali alias Shahdara is 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 No.F.1(40)/65-L&H(i) dated 10.4.1967. The provisions of Section 5-A for hearing and inviting the objections from the interested persons were dispensed with and section 17 was applied for taking the possession of the land under acquisition, vide the notification No.F.1(4)/65-L&H (iii) dated 10.4. 1967. Simultaneously, a declaration under section 6 of the Land Acquisition Act was made vide the notification No.F.1(40)/65- L&H(ii) dated 10.4. 1967. A notice under Section 9(1) was given due publicity and notices under section 9(3) and 10 (1) of the L.A.Act were served upon the interested persons. Most of the interested persons have responded to the notices given to them.

'MEASUREMENT AND OWNERSHIP.'

 According to the notification under section 6 of the L.A. Act the total area to be acquired was 11 bighas and 1 biswas. From further verification made on the spot the area was found to be 10 bighas 1 biswa only. The difference of one bigha is due to the divisions of the Khasra Numbers and actual measurement at the site. I, therefore, hold the area under acquisition to be true at 10 bighas 1 biswa only, the detail of which according to the revenue record is as given below:-

<u>Khasra No.</u>	<u>Area.</u>		<u>Kind of land.</u>
	<u>Big.</u>	<u>Bis.</u>	
1956/952/364/1	8	17	Gm.Plot.
1957/952/364/1	1	04	Gm.Khera.
	10	01	

Contd....2....

' CLAIMS AND EVIDENCE '.

No claim petition or evidence, however, was received although the date 1.5.1967 was fixed for inviting the claim. On 1.5.1967 Shri V.P.Joshi Advocate on behalf of Shri Ved Prakash etc. came and demanded adjournment and the date was adjourned to 8.5. 1967. On 8.5.1967 again Shri V.P.Joshi Advocate on behalf of his clients demanded another adjournment. On this request too the date was adjourned to 22.5.1967. Against on 22.5.1967 Shri V.P.Joshi demanded further adjournment. This time no adjournment was given to him as he was already given two adjournments.

' MARKET VALUE '.

The land under acquisition is situated near the Railway siding of Shahdara Junction. On the north of the land under acquisition exists the unacquired portion of the land under acquisition. On the South of the land under acquisition runs the Delhi- Ghaziabad Railway line. On the East of the land under acquisition adjoins the land of village Jhilmilla Teherpur, and on the West situates the land belonging to, and in possession of the Northern Railway. The land under acquisition has got potential value for building purposes, and has very little agricultural value.

Various awards have been drawn in the village of Chandrawali alias Shahdara, but none is relevant to the present acquisition, because the lands in these awards are situated at the radius of not less than one and a half to two miles. Hence, the rates involved in these awards cannot be applied for arriving at the correct market value of the land under acquisition.

Various sales transactions have also taken place in the village Chandrawali alias Shahdara. Most of these sales transactions have taken place in the heart of Shahdara City, where the lands were sold in forms of plots. The land under acquisition is situated just on the border of Chandrawal -Shahdara village adjoining the lands of

village Jhilmilla Taherpur. The land under acquisition is though in the residential area, it is low lying, where the rain water stagnates to the depth of about 4 feet.

However, one sale transaction of village Chandrawali alias Shahdara which was recorded vide the Mutation No.5779 ~~and~~ ² ~~which~~ was duly sanctioned on 26.4. 1966, seems to be very relevant for calculating the market value of the land under acquisition. According to the said Mutation, the land bearing Khasra No.368²6/3147/2568/1034/704, measuring 4 biswas was sold for a consideration of Rs.800/-, thus yielding an average of Rs.4000/- per bigha. This land is very close and similar to the land under acquisition.

Another sale transaction recorded vide Mutation No.902 which relates to the land of village Jhilmilla Taherpur is also very relevant for assessing the true market value of the land under acquisition, because, as stated above, the land under acquisition is just situated on the border and adjoins the land covered by the Mutation No.902. According to the said Mutation the land bearing Khasra No. 20/2/1 measuring 6 Bighas 18 Biswas was sold for a consideration of Rs.28000/-, thus yielding an average of Rs.4657.97 P per bigha. The Mutation was sanctioned on 23.10.1959, whereas the date of the notification under Section 4 of the Land Acquisition Act, of the present acquisition is 10.4. 1967. But the land involved in the Mutation No.902 is situated on a higher level and is superior in location to the land under acquisition. In view of the above factors, I am of the opinion, that the rate of Rs.4000/- per bigha would be a fair and reasonable market value of the land under acquisition, 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 been handed over to the Housing Department on 3.5.1967, the owners are entitled to get interest at the rate of 6% P.A. with effect from 3.5.1967 upto the date of the announcement of the award viz. 2.8.1967.

'APPORTIONMENT'.

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

THE AWARD IS SUMMARISED AS BELOW :-

Compensation for 10 bighas 1 biswa of of land @ Rs.4000/- per bigha	Rs.40,200-00
15% of the above as solatium for compulsory acquisition charges.	6,030- 00
Simple interest @ 6% P.A. w.e.f. 3.5.1967 to 2.8.1967.	691-45
Total :-	Rs. 46,921-45

The land is assessed to a land revenue of Rs.1.95 P which will be deducted from the Khalsa rent roll of Rabi, 1967.

(Zal Nowsherwanji)
Land Acquisition Collector(DS) Delhi.
15.7.1967.

Submitted to the Collector, Delhi, for information and filing.

(Zal Nowsherwanji)
Land Acquisition Collector(DS) Delhi.
15.7.1967.

Seen. Filed
N. Swarn
31.7.67

COLLECTOR DELHI

The award will be announced on 4.8.67
Prepare 'A' Statement & copy the same
and in form all concerned 2/8/67
Reader/AC NT