

A W A R D NO. 20/1975-76

Name of the village: Chandrawali alias Shahdara
Nature of Acquisition : Permanent
Purpose of Acquisition: Planned Development of Delhi.

INTRODUCTION

The land situate in the estate of village Chandrawali (Shahdara) is needed by the Government at the public expense for a public purpose namely for the Planned Development of Delhi and was notified under section 4 of the Land Acquisition Act (1), 1894 vide notification No. F.15(III)/59-LSG dated 13.11.1959. In this notification a big area of 34070 acres situated in various villages of the Union Territory of Delhi was involved. The substance of the notification was given due publicity and objections were invited from the interested persons. The objections were heard and a report alongwith the objections in original was sent to the Delhi Administration. Land out of the area notified under section 4 is being acquired from time to time as and when the necessity arises by making a declaration under section 6 of the Land Acquisition Act. A declaration under section 6 regarding 970 bighas was made vide notification No. F.4(19)/65-L&H dated 3.12.1968. Out of the area notified u/s 6, Land measuring 3 bighas 18 biswas is being acquired for the present under instructions from Delhi Administration. The remaining area will be acquired through supplementary award on receipt of instruction from the Administration. Notice under section 9(1) of the Land Acquisition Act was given due publicity and notices u/s 9(3) and 10(1) of the Land Acquisition Act issued to the interested persons. Almost all the interested persons have responded to the notices.

MEASUREMENT & OWNERSHIP

Out of the area notified u/s 6 of the Land

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Acquisition Act the area under present acquisition is 3 bighas 18 biswas. This area was found to be correct from further verification on the spot under section 8 of the Land Acquisition Act. I, therefore, hold the area under acquisition to be true at 3 bighas and 18 biswas as detailed below:-

<u>Khasra No.</u>	<u>Area Big-Bis</u>	<u>Kind of land</u>
3980/3170/2590/839/741	0-2	G.M. Plot
3981/3170/2590/839/741	0-3	-do-
3982/3170/2590/839/741	0-3	-do-
3983/3170/2590/839/741	0-3	-do-
3984/3170/2590/839/741	0-3	-do-
3985/3170/2590/837/741	0-3	-do-
3986/3172/2590/837/741	less than biswa	-do-
3987/3172/2590/837/741	0-1	-do-
3988/3172/2590/837/741	0-1	-do-
3989/3172/2590/837/741	less than biswa	-do-
3990/3172/2590/837/741	0-1	G.M. Sarak
3991/2664/751	0-1	G.M. Plot
3992/2664/751	less than biswa	-do-
3993/2664/751	0-2	G.M. Sarak
3994/2664/751	0-2	G.M. Plot
3995/2664/751	0-4	-do-
3996/2664/751	0-4	-do-
3997/2664/751	0-6	-do-
3998/2664/751	0-2	G.M. Sarak
3999/2664/751	less than biswa	G.M. Plot
4000/2664/751	0-2	-do-
4001/2664/751	0-6	-do-
4004/3209/750	0-1	-do-
4005/3209/750	0-1	-do-
4006/3209/750	0-1	G.M. Sarak

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4008/3209/750	0-4	G.M. Plot
4009/3209/750	0-1	G.M. Sarak
4010/3209/750	0-2	G.M. Plot
4011/3209/750	0-2	G.M. Plot
4012/3209/750	0-4	-do-
4013/3209/750	0-4	-do-
2665/751/1	0-9	Bangar Qadim
Total:	<u>3-18</u>	

OWNERSHIP & OCCUPANCY

The details of ownership and occupancy of the land under acquisition as per entries in the revenue record are as under:-

S.No.	Name of the owner	Name of the occupant	Kh.No.	Area
1.	Delhi Land & Building Corporation through Sh. Sat Parkash alias Sumat Parshad, Asa Ram, share holders of the Company malik kabza and Sh. Devi Saran Dass etc. Khewat No. 6 Haqdar Shamlat.	Self	3980/3170/ 839/741	0-2
			3981/3170/ 839/741	0-3
			3982/3170/ 839/741	0-3
			3983/3170/ 839/741	0-3
			3984/3170/ 839/741	0-3
			3985/3170/ 839/741	0-3
				<u>0-17</u>
2.	Abdul Rehman s/o Mohd. Sadiq	Devi Saran Dass , Sukhbir Saran Dass in equal shares, share holders, Tabadla Dehindgan, Ram Gopal adopted son, Mahesh Dass, Radhey Sham s/o Ram Nath, Caste Khatre r/o Katra Neel, kucha Ghasi Ram in equal shares Tabadla Garindgan	3990/3172/ 837/741	0-1

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Total shares 12828

Mst. Aisha Khatoon
wd/ 30/255 sharex,
Abdul Qadeer, Abdul
Qayum, Abdul Qadas,
Abdul Qavi, Abdul Mabood,
Abdul Qayat, Abdul Hakeem
sons in equal shares.
196/255 share

Mst. Kaniz Aisha daughter
14/255 share ,
Mohd. Ahsan son-in-law
15/255 share ,
Abdul Qadar Dar
12075 share ,
Mustaq Ahmed, Mohd. Hasan
sons , Mst. Habib Aisha,
wife in equal shares 392
shares ,
Noor Jahan w/o Abdul Qayum , 22
99 shares.

Mohd. Hasan son of Garibullah
262 shares

3. Har Parshad, Ram Nath ss/o
Radhey Mohan 1/4 share,
Mst. Ram Piare Devi wd/o
Ram Partap, 1/4 share,
Mohd. Maqsood s/o Mohd.
Ayub 1/4 share,
Devi Saran Dass s/o
Ram Saran Dass,
1/2 share,
Sukhbir Saran, adopted
son Harsaran Dass,
1/2 share

* out of 1/4 share

Devi Saran Dass, 3987/3172/
Sukhbir Saran in 837/741
equal shares, (0-1)
share holders , 3988/3172/
Tabadla Dehindgan, 837/741
Delhi Land & Building, (0-1)
Delhi Shahdara through 3989/3172/
Sh. Sumat Parsad alias 837/741
Sat Parsad, Asa Ram in (less than
equal shares, share biswa)
holders Company Mazkoor 3986/
Tabadla Garindgan 3172/
837/741
(less than
biswa)

Total : 0-2

4. Bed Ram, Lakhi Ram ss/o
Radhey Ram , 1/4 share

Self

2665/751/1
(0-9)

Tek alias Teka Ram s/o
Nanak Chand , 1/4 share

Smt. Mohan Devi w/o Roop Chand
3/16 share

Smt. Vidya Wati w/o Pehlad Ram,
1/16 share (daughter of Banwari
Lal)

Smt. Kamla Devi Sharma w/o
Sat Narain Sharma , 3/16 share

Smt. Ram Kali w/o Joti Parshad
1/16 share.

5. Raj Nath, Dearka Nath ss/o
Ram Gopal in equal shares
1/2 shares

Self

4006/3209/750 0-1

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Radhey Sham s/o Ram Nath, 1/2 share

4009/3209/750 0-1
3993/2664/751 0-2
3998/2664/751 0-2

Total 0-6

6. The Land & Building Corporation Delhi-Shahdara through Sat Parkash alias Sumat Parsad, Asa Ram, share-holders .

4004/3209/750 0-1
4005/3209/750 0-1
4008/3209/750 0-4
4010/3209/750 0-2
4011/3209/750 0-2
4012/3209/750 0-4
4013/3209/750 0-4
3991/2664/751 0-1
3992/2664/751 less than biswa
3994/2664/751 0-2
3995/2664/751 0-4
3996/2664/751 0-4
3997/2664/751 0-6
3999/2664/751 less than biswa
4000/2664/751 0-2
4001/2664/751 0-6

Total 2-3

Gair Mumkin Plot	=	Big-Bis
G.M. Sarak	=	3-02
Banjar Qadim	=	0-07
		0-09
Total	=	3-18

CLAIMS & EVIDENCE

Notices u/s 9 & 10 of the L.A. Act were issued to all the interested persons. The following persons filed the claims in response to the same :-

S.No.	Name of the claimant	Rate claimed	Evidence
1.	M/s Land & Building Corporation through its partners L. Asa Ram Gupta adopted son of L. Musaddi Lal & Sumat Parkash Jain s/o L. Lala Shiv Singh Rai Jain .	Rs. 100 p.sq.yd for land , 15 % solatium & interest as permissible under the L.A. Act	Certified copy of Mutation No. 6441 dt. 27.3.68 pertained to sale of Kh. No: 3317/1680/780/3, 3317/1680/780/4, 3317/1680/780/5 Total area 0-3 sold on 16.5.1961 for a sum of Rs. 2400/-

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unattested copy of order dated
29.4.1970 of the Civil Court
case No.88/69 M/s Land &
Building Corporation Vs.
Municipal Corporation of Delhi

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| 2. Ram Narain s/o Ram
Partap | Rs. 200/- per sq. yd for
land, Cost of the super-
structure standing thereon,
15 % statutory allowance on
the above amount, 6 % interest
on the total assessment &
alternative accommodation | Nil |
| 3. Bed Ram & Lakhi Ram
ss/o Sh. Udey Ram | Rs. 65000/- as the value of the
property, @ Rs. 100/- per sq. yd,
50 % solatium, 6 % interest
on the total assessment and
other remedy as deemed fit. &
alternative accommodation. | Nil |
| 4. Ganga Saran & Jai
Parkash ss/o Khacheru | Rs. 23500/- as the value of the
property @ Rs. 100/- p. sq. yd,
50 % solatium, 6 % interest on
the total assessment & other
remedies as deemed fit & alter-
native accommodation. | Nil |
| 5. Smt. Mohan Devi w/o
Roop Chand Singh | Rs. 42500/- as value of the pro-
perty @ Rs. 100 p. sq. yd, 50 %
solatium, 6 % interest on the
total assessment and other
remedy as deemed fit. | Nil |
| 6. Jagdish Parsad Sharma
s/o Sh. Jamuna Parsad
Sharma | Rs. 28500/- as value of the
property @ Rs. 100 p. sq. yd,
50 % solatium, 6 % interest
on the total assessment &
other remedies as deemed fit
& alternative accommodation. | Nil |
| 7. Ram Kali w/o Late
Sh. Jyoti Parsad | Rs. 45000/- as value of the
property @ Rs. 100/- p. sq. yd
for land, 50 % solatium,
6 % interest on the total
assessment & other remedies
as deemed fit & alternative
accommodation. | Nil |
| 8. Tek Chand alias Tikka Ram
Jain s/o Late Shri Nanak
Chand. | Rs. 32000/- as value of the
property @ Rs. 100/- p. sq. yd,
50 % solatium, 6 % interest
on the total assessment &
other remedies as deemed
fit. | Nil |
| 9. Kamla Devi Sharma w/o
Sat Narain Sharma | Rs. 25500/- as value of the
property @ Rs. 100/- p. sq. yd,
50 % interest on the total
assessment & other remedies
as deemed fit & alternative
accommodation. | Nil |

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MARKET VALUE

The land under acquisition is situated to the south of railway line and to the east of abadi near the boundary line with village Jhilmil Tahirpur.

M/s Land & Building Corporation have filed a copy of mutation No. 6441 dated 27.3.1968 relating to part of Kh.No. 780 measuring 0-3 biswas through auction on 24.6.1959 for a sum of Rs. 2400/-. This sale relates to a small piece of land which is far away from the ~~in~~ land under acquisition and is nearer to the abadi. For these reasons this sale cannot be an exemplar in the present case.

In this village awards No. 1542, 1544, 1700, 1850, 1903, 1964, 2127, 43/71-72 & 22/73-74 have been made in respect of land notified on 13.11.1959 which is also the date of notification u/s 4 in the present case. In these awards the L.A.C. fixed the market value of various kinds of land between Rs. 500/- per bigha and Rs. 4000/- per bigha. Under award No. 1542 the A.D.J., Delhi enhanced the market value from Rs. 1250/- to Rs. 4500/- & Rs. 5000/- per bigha. Under award No. 1544 the A.D.J. enhanced the market value from Rs. 1250/- to Rs. 4500/- per bigha. Under award No. 1700* the market value was enhanced from Rs. 1500/- to Rs. 2000/- and similar enhancement was allowed under award No. 1903. Under award No. 1850 the A.D.J. enhanced the market value from Rs. 3000/- per bigha to Rs. 6000/- per bigha, from Rs. 2500/- per bigha to Rs. 5000/- per bigha. In almost all cases under the above mentioned awards no appeal was filed against the decision of A.D.J., Delhi. Under award No. 2127 also the market value was enhanced from Rs. 3000/- to Rs. 6000/- per bigha but appeals have been filed against the decision of A.D.J., Delhi in these cases.

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The land acquired under the above mentioned awards except award No. 43/71-72 is situated very far from the land under acquisition. These awards alongwith the enhancement allowed against them cannot offer proper guidance in arriving at the market value of the land under acquisition. Some land has been sold out of Khasra No. 742 & 743 in the relevant year 1959, details of which are given as under:-

Sr.No.	Mutation No.	Date of registration	Kh.Nos.	Area big-bisrice	Sale price	Average per bigha
1.	3949	5-3-1959	3177/2603/ 742/3192/ 2603/743	0-6	Rs.1000/-	Rs.3333/-
2.	3937	8.6.59	3178/2603/ 742/1	0-3	Rs. 900/-	Rs.6000/-

Khasra No.s 742 and 743 to which the above sales pertain are adjacent to the land under acquisition and these sale deeds are, therefore, very relevant for determination of market value of land under acquisition. The area acquired under award No. 43/71-72 was recorded G.M. Kabristan on the material date and certain graves existed on the spot also but the area under present acquisition is recorded as G.M.Plot and G.M.Sarak. It shows that the entire area under acquisition was sold away in the shape of plots. Though the land acquired in award No. 43/71-72 adjoins the land under present acquisition, yet there is material difference in the quality of land acquired under award No. 43/71-72 and the present land as mentioned above. The land acquired in award No. 43/71-72 was assessed at the rate of Rs. 3000/- per bigha because it was inferior land & also because it was not parcelled out in plots recorded in the revenue record. It will, therefore not be fair to base the market value of the land under present acquisition on award No. 43/71-72. The above mentioned sale transactions relate to sale of small pieces of land and the land under acquisition is also in the nature of similar small plots and their sales stand mutated in revenue record. In these circumstances it will be fair and reasonable

to assess the market value of land under present acquisition on the basis of above mentioned sale transactions which pertain to land in Kh.No.742 & 743 adjacent to Kh.No.741 which forms part of land under present acquisition. The average of the above two sale transactions comes to Rs.4,222/-. I, therefore, fix the market value of land under acquisition @ Rs.4,225/- per bigha, except land in Kh.No.3990/3172/2590/837/741 (0.1), 3993/2664/751 (0.2), 3998/2664/751 (0.2), 4006/3209/750 (0.1) and 4009/3209/750 (0.1) recorded as G.M. Sarak in the revenue record. No compensation is, therefore, assessed for 7 bis. of land.

OTHER COMPENSATION STRUCTURES

There are some structures in Kh.No.2665/751 but they appear to have come into existence after the date of notification u/s 4 i.e. 13.11.1959. There is no entry about these structures in the revenue record of 1959 and no evidence has been led to show their existence prior to the date of notification u/s 4 in the present case. No compensation is therefore, assessed.

WELL & TREES

There are no well and trees on the land under acquisition.

SOLATUM

A sum of 15% on the market value will be paid on account of compulsory nature of acquisition as provided u/s 23(2) L.A. Act.

INTEREST

According to the provision of the Land Acquisition (Amendment & Validation) Act, 1967 simple interest at the rate of 6% p.a. is allowed on the market value of the land from the date of expiry of 3 years after the date of notification u/s 4 in the present case as final declaration u/s 6 was made after 3 years from 13.11.1959. The interest is awarded from 13.11.62 to 11.1.76 as the award is likely to be announced on 12.1.1976.

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APPORTIONMENT

The compensation will be paid according to the latest entries in revenue records. In case of dispute which is not settled between the parties within a reasonable time, the matter will be referred to A.D.J., Delhi for adjudication.

SUMMARY OF THE AWARD

1. Market value of land measuring 3 big. 11 bis. @ Rs. 4,225/- p.b.	Rs. 14,998.75
2. Nil Market value of land measuring 7 bis. (G.M. Barak).	Rs. Nil
3. 15% solatium on the above market value.	Rs. 2,249.81
4. Interest @ 6% p.a. from 13.11.62 to 11.1.1976 (13 years and 60 days) on the market value of land.	Rs. 11,846.96
GRAND TOTAL:	Rs. 29,095.52

(Rs. Twenty nine thousand ninety five and Paise Fifty two only.)

LAND REVENUE

The land is assessed to land revenue of Rs. 0.86 only which will be deducted from the rent roll w.e.f. the date of taking over possession of the land.

B.M.L. Gaumat
(B.M.L. GAUMAT) 12.1.76
LAND ACQUISITION COLLECTOR(MSW)
DELHI.

Announced & filed today

B.M.L. Gaumat
12.1.76
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