

AWARD NO. 2175

Name of the village	Chandrawali alias Shahadra.
Nature of acquisition	Permanent.
Purpose of acquisition	Planned Development of Delhi.

A W A R D

In pursuance of Delhi Administration's notification No.F.42(7)/67-L&B(iv) dated 17.6.67 u/s 4 of the Land Acquisition Act 1894 an area of 12 Bis. bearing Kh. No. 1115/991/450/1 min of village Chandrawali alias Shahadra was notified for acquisition at public expense for a public purpose namely The Planned Development of Delhi. No objection was filed u/s 5-A of the L.A. Act. Consequently a declaration u/s 6 of the Act was issued vide notification No.42(7)/67-L&B dated 19th September, 1967 with regard to the above piece of land. Notices u/ss 9 & 10 of the Act were issued to the interested person to file his claim with regard to the above piece of land under acquisition. The claimant has filed his claim which will be discussed later on.

MEASUREMENT

The area notified u/s 6 of the Act is 12 Bis. consisting of 2 separate portions namely one portion of 2 Bis. and other of 10 Bis. This 2 Bis. portion consists of Dharamshala and a well and the 10 Bis. portion is lying vacant. The field staff has taken measurements at site and found this area to be correct. So the area to be acquired is 12 Bis. only.

OWNERSHIP & CLASSIFICATION OF LAND.

Kh. No. 1115/991/450/1 is 3 Big. 19 Bis. in area. This No. has further been split up into 3 parts namely Kh. No. 1115/991/450/1/1 measuring 3 Big. 7 Bis., Kh. No. 1115/991/450/1/2 measuring 2 Bis. and Kh. No. 1115/991/450/1/3 measuring 10 Bis. The first portion is being separately acquired under a different notification u/s 6 of the L.A. Act while the two other portions of 12 Bis.

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are being now acquired. Shri Asha Ram adopted s/o Lala Mushadi Lal as recorded owner of 12 Bis. of land and the classification of the land is as follows:-

10 Bis. Chahi.

2 Bis. G.M. Makan

CLAIMS & OBJECTION

Shri Asha Ram has claimed compensation @ Rs.100/- per sq. yd. for the land and a sum of Rs.2000/- for electric power connections etc. He has also mentioned about a stay order with regard to 2 Bis. of land comprising of Dharamshala and a well. ~~in this~~ In respect of his claim, he has filed a copy of a sale deed dated 2.2.66 for Rs.25000/- of 300 sq. yd. of land bearing Kh. Nos. 870/78, 79, 97.

MARKET VALUE:

The land under acquisition is situated in between the G.T. Road and the Railway Track that runs to Ghaziabad. It is at a distance of about a furlong from the main crossing of Shahadra on G.T. road and is nearly opposite to the police station, Shahadra. The Land Acquisition staff has prepared a statement of all sale transactions preceeding 5 years to the date of notification u/s 4 of the L.A. Act. During these 5 years 311 Big. 12 Bis. of land of the village has been sold through numerous transactions for Rs.2106505.64 with an average of Rs.6760.20 per bigha. A perusal of this statement further shows that during the year 1966-67 an area of 23 Big. 11 Bis. of land was sold through various transactions for Rs.263592/- at an average of Rs.11435.08 per bigha. It means that there has been a rising trend in the land price of this village during these 5 years and to determine the market value on the basis of 5 years average does not look to be rational approach. The material date in this case is 17.6.67

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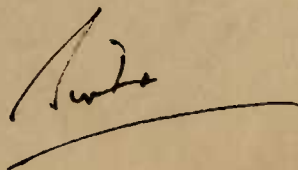
when notification u/s 4 was issued. The claimant has filed a copy of a sale deed of a piece of land measuring 300 sq. yds. executed on 2.2.66 for Rs.25000/- to determine the market value of this land on that basis. A perusal of the deed indicates that apart from the land it also includes the price of the boundary walls and of the iron gate and that has not been separately assessed. So it cannot be definitely ascertained as to what was actually paid for the land. Moreover the land of this transaction is situated on the other side of the G.T. Road in a developed area as against this land which is under depression and filled with knee deep water. This claimant has already sold 2 Bis. of land adjacent to the land under acquisition for Rs.3800/- on 12.4.67, more than a year after the above transaction and so in no way can claim more than what he has already received for this land. Even this land price of Rs.3800/- for 2 Bis. of land appears fabulous and very much higher than the prevailing rates at about that time and so cannot easily be acceptable unless it stands the test of scrutiny.

In respect of a property which has been purchased by a person before the acquisition, the following proposition of law was laid down in A.I.R. 1958, Kerala, 166.

"Ordinarily a party will be generally entitled to get at least the amount that he actually paid for a particular property provided he is able to satisfy the court that the transaction is genuine one and was entered into having due regard to the market conditions prevailing at about that time".

This proposition requires the purchaser not merely to establish genuineness of the transaction, but it was agreed upon having due regard to the then prevailing

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market conditions. No doubt the entire sale consideration was paid in this case, yet it is to be seen whether this amount of Rs.3800/- for 2 Bis. of land was reasonable or not, keeping in view the then prevailing market rates. As stated earlier the average of all the recorded transactions of 1966-67 comes to Rs.11435.08 per bigha. Even the average of all those 36 recorded transactions carried out during January, 1967 to the middle of June, 1967 in this village, covering an area of 7 Big. 17 Bis. only for Rs.115530/- comes to Rs.14698.09 per bigha. If this 2 Bis. disputed transaction is excluded, the average is reduced to Rs.14397.42 per bigha. A difference of Rs.300/- in average caused by this petty transaction speaks itself of its abnormality to the then prevailing market rates. Even the claimant has not come to the witness box to depose about its justification. So this transaction cannot be taken as basis to assess the compensation. Moreover Kh. Nos. 2965/983/445 and others of this village which are on the same side of the G.T. Road and very near to Shahadra Railway Station, Shahadra crossing and its main market were acquired vide Award No.1261 based on notification dated 18.10.60 u/s 4 of the L.A. Act. In this award the compensation was awarded @ Rs.5000/- per bigha for 6 Big. 3 Bis. of land and on a reference the learned court had enhanced the compensation to Rs.12/- per sq. yd. It means that on 18.10.60 the market value of that piece of land was assessed at Rs.12/- per sq. yd. The land under acquisition is also on the same side of G.T. Road and is quite near to that land, but is in depression and is filled with knee deep water and so in no way can be treated at par with the land of Award No. 1261, as explained above. So naturally the land under acquisition could not have been assessed @ Rs.12/- per sq. yd. on 18.10.60 but at a lesser rate. Except its location on G.T. Road, it is of little significance otherwise and would require a lot of money to drain out its water and to bring it to the level. As

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such its market value, at the best, could have been assessed comparatively at ^{in 1960. In Award No.1261} Rs.9/- per sq. yd./the average per bigha on the basis of the recorded sale transaction effected in 1960 has been assessed at Rs.5000/-. While in 1967 on that very basis the average has been arrived at Rs.14698.09 as discussed earlier. It shows that during this period of 7 years the land price has been increased roughly to three times to what it was in 1960. So on this basis the price of the land under acquisition comes to about Rs.27/- per sq. yd. This rate of compensation for this land, under the circumstances explained above, appears to be quite reasonable and adequate, and I assess it ~~xxxxxxxxxx~~ at an average of Rs.27000/- per bigha accordingly.

TREES, WELLS & STRUCTURES

There is no tree on this land but there is a small well (pucca). It is an old well. It is now out of use and is filled with rubbish and dirty water. The Naib Tehsildar has assessed its value at Rs.400/- which is quite reasonable and I assess it accordingly. There is one old structure known as Dharamshala. This building consists of a big room with three smaller rooms attached on either side of the big one. It has got a stonney roof. This structure is in a dilapidated condition and seems to have been neglected for long a time. It is also not being used as a Dharamshala. Now it can be utilised for any purpose due to its rotten condition. The Naib Tehsildar has made an assessment of its value at Rs.1600/-. In view of its present condition I accept this value as reasonable and assess it accordingly. As regards the electric connections etc. they can easily be removed. If aggrieved ^{by} this valuation the claimant would be at liberty to remove the material of this old structure within a fort night from the announcement of the Award.

RELIGIOUS PROPERTY

There is no religious property of any kind except ^{the} abandoned Dharamshala.

SOLATIUM

The claimant is entitled to 15% of the market value as solatium i.e. for compulsory nature of acquisition.

DEDUCTION OF LAND REVENUE

The land under acquisition is not assessed to land revenue and so question of deduction of land revenue does not arise.

APPORTIONMENT

The compensation is to be given to the recorded owner namely Shri Asa Ram.

SUMMARY OF THE AWARD

The award is summarised as under:-

1.	Compensation of 12 Bis. of land @ Rs.27000/- per bigha.	Rs.16200-00
2.	Compensation for the structure	Rs. 1600-00
3.	Compensation for the well (pucca)	Rs. 400-00
	Total	Rs.18200-00
4.	15% solatium for compulsory nature of acquisition	Rs. 2730-00
	Grand Total	Rs.20930-00

Ran Kishore

(R.K.SINHA) 31.2.68.
LAND ACQUISITION COLLECTOR(SW)
D E L H I

*Summenced today. File
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8/11/68*