

AWARD NO. 2178

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

A W A R D

Delhi Administration issued a notification No.F.1560/61-LSG dated 15th January, 1964 u/s 4 of the Land Acquisition Act 1894 with regard to 3 Big. 10 Bis. of land situated in village Chandrawali alias Shahadra for acquisition at public expense for a public purpose namely The Planned Development of Delhi. A declaration u/s 6 of the Act was issued for the above land vide notification No.F.4(79)/64-L&H dated 12th November, 1964. There-upon notices u/s 9 & 10 of the above act were issued to the interested persons to file their claims. The claims thus filed by the interested persons, will be discussed at their proper place.

MEASUREMENT

U/s 6 of the L.A. Act 3 Big. 10 Bis. of land with Kh. Nos. detailed below was notified for acquisition. The field staff carried out measurements of the land under acquisition and found the area of 3 Big. 10 Bis. to be correct. Thus the area to be acquired is 3 Big. 10 Bis.

DETAILS OF THE LAND UNDER ACQUISITION

S.No.	Name of owner	Kh.No.	Area Big.Bis.	Nature of land.
1.	Shan Lal s/o Niader Mal	1130/1072/480/ 0 -03 848/1		G.M. Plot.
2.	Gopi Nath s/o Ganga Sahai	1133/1072/480/ 0 -02 848/1/1		G.M. Plot.
3.	Jaggu Mal s/o Ram sarup	1133/1072/480/ 0 -02 848/2/1		G.M. Plot.
4.	Ram Kishan Dass s/o Naider Mal	1132/1072/480/ 0 -05 848		G.M. Plot.
5.	Imdad Elahai s/o Inayat Elahai	1129/1072/480/ 0 -06 848/1		G.M. Plot.
		1131/1072/480/ 0 -03 848/2		G.M. Plot.
		1135/1072/480/ 2 -09 848/3		G.M. Plot.
		Total	3 Big. 10 Bis.	

CLAIMS & EVIDENCE

The following interested persons have filed their claims in respect of the land under acquisition. The details of these claims are given below:-

Sl.No.	Name of the claimant	Amount of compensation	Evidence. if any.	ed
1.	Nihal Chand s/o Choder Mal	Rs.1000/-	& an alter- Produced no proof. native site. except rent receipt	
2.	Hardat Singh s/o Jawala Singh	alternative site for shop.	-do-	
3.	Kundan Lal, Mulk Raj Ss/ of Devi Dass	alternative accommodation		
4.	Mehar Singh s/o Sumer Singh	Rs.1200/- & alternative site.	Produced No proof. but rent receipt.	
5.	Kirpal Singh s/o Harnab Singh	Rs.1365-31 & alternative site	-do-	
6.	Som Nath s/o Buta Ram	Rs.500/- & alter- native site.	-do-	
7.	Ram Saran Dass s/o Mohal Lal	Rs.500/- & alter- native site.	-do-	
8.	Des Raj s/o Devi Dayal	Rs.600/- & alter- native site.	-do-	
9.	Chhitar s/o Chhuja Ram	Rs.1000/- & alter- native site.	-do-	
10.	Deep Chand s/o Kirku Ram	Rs.1100/- & alter- native site.	-do-	
11.	Ghurditta Mal through Satram Dass	Rs.700/-	-do-	
12.	Jagan Nath s/o Ram Dass	An alternative accommodation	-do-	
13.	Chhote Lal s/o Khacharu	Rs.15000/- & alternative accommodation	-do-	
14.	Kharati Lal s/o Sant Ram	6000/- & alter- native site.	-do- No receipt.	
15.	Tilak Raj Chadda & others	Rs.15000/- as shifting charges & alternative accommodation	-do- No Receipt.	
16.	Durga Pd. s/o Banarasi Dass	Rs.19600/- for 97.7 sq. yds.	Produced 3 rent receipts.	
17.	Gopi Nath s/o Ganga Sahai, Ram Lal alias Ram Kumar s/o Balu Ram	Rs.76800/- for 284 sq. yds.	Produced a copy of sale deed. Two rent receipt and a copy of the Will.	
18.	Muni Lal, Shiv Kumar ss/o Baboo Ram	Rs.77200/- for 286 sq. yd. & structure	produced a sale deed of 11.11.36 & plan.	

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19. Ram Sarup alias Saroop Mall. Rs.12000/- for 160 sq. yds. land. Produced 3 copies of sale deeds for Rs.5000/- Rs.3000/- dt. 6.6.46 & 1.4.63 respectively.
20. Gopi Nath s/o Ganga Sahai Rs.150/- per sq. yd. Produced 3 copies of for the land, Rs.2700/- sale deeds for Rs.5000/- for the structure. Rs.3000/- dt. 6.6.46 & of 4 shops. Rs.1.4.63 respectively
21. Mangu Mal Through Advocate @ Rs.150/- per sq. yd. as against Sl.No.19 of the land & Rs.29000/- for structure of 9 shops.
22. Devi Saran Dass Rs.150/- per sq. yd. Produced no proof. for 450 sq. yds.
23. Smt. Mehmod Fatima d/o Hazi Imdad Ilahi w/o Amir Hussain Rs.854560/- for the land @ Rs.100/- per sq. yd.
24. A.N. Saxena Rs.40000/- for coal depot. Produced an estimate of the depot, site plan receipts & balance Sheet.
25. Hans Raj s/o Chander Bhan Rs.12000/- for structure & Business. Produced no proof.
26. Ram Nath Ram rich Ral ss/o Ram Lal Rs.23600/- for land & for shop. -do-
27. Hukam Singh Rs.21000/- for structure & Business. Estimate of the depot & site plan.
28. Kalyan Singh Rs.90000/- & alternative accommodation. Produced no proof.
29. K.L. Jain & Co. Rs.11000/- Afterwards Rs.25000/- -do-
30. Udho Dass s/o Mangat Ram alternative accommo- produced copies of rent dation receipts
31. Abdul Rashid G.A. Smt. Mehmod Fatima Filed an application showing Smt. Mehmod Fatima the only legal heir of Hazi Imdad Ilhai who died on 25.12.64.
32. Rameshvar Dayal Rs.28000 Rs.258430/- for the land Rs.86765/- for the buildg. and fixatue. Rs.16000/- for severance Rs.25000/- damages/property Rs.15000/- for injurious effect on existing Rs.15000/- for change of site. One site plan of the factory and one copy of the receipt & two copies of letters.

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Apart from the documentary evidence shown above against each claimant, about a dozen persons have also been examined. Bhadur Singh s/o Sohan Singh has stated that he is a tenant on a piece of the land under acquisition for the last 12-13 years and pays Rs.15/- per month as rent. Charan Dass s/o Mangal Dass has stated that Tilak Raj Chadda & Co. are tenants on a piece of land at Rs.5/- per month since 1954. Khariti Lal s/o Sant Ram has stated that he has got a go-down on the land under acquisition as a tenant of S/Shri Ram Nath & Ramrich Pal land owners at the rate of Rs.5/- per month for the last 14/15 years. Abdul Rashid attorney on behalf of Smt. Fatima has stated that Smt. Mehmod Fatima is the only legal heir of Shri Imdad Ilhai recorded owner(deceased) of 2 Big. 18 Bis. of the land under acquisition. On her piece of land there are 17 tenants ~~which~~ whose details are as follows.

S.No.	Name of tenant	Year tenancy	Rent per month.
1.	Nihal Chand, Shopkeeper	1958	Rs.15/-
2.	Hardat Singh -do-	1958	Rs.8/-
3.	Chotte Lal -do-	1958	Rs.15/-
4.	Hans Raj -do-	1958	Rs.20/-
5.	Mehar Singh -do-	1958	Rs.15/-
6.	Kundan Lal -do-	1958	Rs.15/-
7.	Ramji Dass -do-	1958	Rs.15/-
8.	Som Nath -do-	1958	Rs.15/-
9.	Kirpal Singh -do-	1960	Rs.15/-
10.	Baba Singh -do-	1965	Rs.15/-
11.	Deep Chand -do-	1962	Rs.15/-
12.	Pritam Singh -do-	1966	Rs.15/-
13.	Deep Chand -do-	1966	Rs.15/-
14.	Gugi Pahalwan -do-	1966	Rs.15/-
15.	Sudhasan Singh -do-	1966	Rs.15/-
16.	Baryam Singh -do-	1967	Rs.10/-
17.	Rameshwer Dayal Agents & Manufacturers	1965	Rs.125 Rs.250/-

He has further stated that the above ~~rent~~ tenants who have been in occupation since 1965 are all new ones and the old ones had left the place. It is after their vacation

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that these shops were let out to the present tenants. All these shops are temporary structures raised either of wooden plank walls or bamboo split walls except some portion of a factory which is pucca and constructed in 1965. Besides these 17 shops there are three other kokhas lying vacant. Chittar Ram s/o Chajju Ram has stated that he is in occupation of a site for the last 10 years but could not pay rent of the last two years. Shri Abdul Rashid on the other hand has denied this by saying that he had left this site 7/8 years ago. Shri Sham Lal s/o Shiv Dayal has stated that he is a tenant since 1962 at Rs.25/- per month, but Abdul Rashid admits him a tenant since 1967 only. He has further stated that he is also a tenant of Mangu Mal and has constructed two kothas during the last three years. The statement made by Shri Abdul Rashid has also been supported by nine tenants present. This oral as well as documentary evidence mentioned above will be discussed while assessing the market value of the land under acquisition and the existing structures thereon.

#### MARKET VALUE

The land under acquisition measuring 3 Big. 10 Bis. just lies parallel to the Rly. track that runs to Ghaziabad, on one side and abuts the Circular Road on the other. It is just behind the main Bazar shops of Shahadra on the left hand side while entering the Chotta Bazar through the small Rly. bridge. It has an access from the main bazar road through an opening in between the shops, after entering <sup>two rows of</sup> this opening there are/shops on either side in the shape of Khokas or stalls. Thus the land under acquisition is accessible from the Circular Road as well as from the main Bazar Road. The acquisition staff has prepared a statement of 5 years sale transactions preceeding to the date of notification u/s 4 of the L.A. Act. According to this statement 335 Big. 3 Bis. of land was sold through numerous transactions during these preceeding 5 years for Rs.1498225-25 at an average of Rs.4470-31 per bigha. A perusal of this

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statement goes to show that there have been fluctuations in the land price of the land from year to year and to base the market value of the land under acquisition on the average of these 5 years would not be a rational approach. The interested persons have filed copies of certain sale deeds to substantiate their claims, as detailed below:-

Sl.No.	Date of execution	Area	Sale consideration.
1.	11.11.36	329 sq.yd.	Rs.3000/-
2.	6.6.46	1274 sq.yd.	Rs.5000/-
3.	3.3.48	255 sq. yd.	Rs.3000/-
4.	5.5.57	House	Rs.6000/-
5.	1.4.63	21 sq.yd.	Rs.3000/-

Now as regards sale transaction at S.No.1 above, it cannot form basis to assess the land price as prevailing on 15.1.64 because this transaction is 32 years old. Similarly transaction at Sl.No.2 above cannot be taken into consideration being too old. This principle is applicable to transaction at Sl.No.3 as well. As regards transaction at Sl.No.4, it relates to the purchase of a built up house. There is no specification of the land price nor of the structure thereon separately and so it cannot be taken into consideration to assess the market value as price of the land has not been specified. Now as regards the last transaction dated 1.4.63, it is only for a very small piece of land consisting of 21 sq. yds. for Rs.3000/-. It cannot be taken as basis being too small and the price appears to be exorbitant.

Thus in view of the above discussion these sale transactions filed by the claimants are of little help to assess the market value of the land under acquisition on the material date. In this village there have been numerous awards under the L.A. Act with regard to different types of land for different years. Recently 3 Big. 18 Bis. of land abutting this very Circular Road at a little distance from the land under acquisition was acquired.

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the basis of notification dated 24th October 1961 u/s 4 vide award No.2141 <sup>rate of</sup> announced on 14.8.68 at the / Rs.5000/- per bigha. That land too lies in between the Fly track and the Circular Road but its location is inferior in potentiality to that of the land under acquisition, as stated above, is very close to the main market road of Shahadra and has a direct access through an opening on the Main market road. So the land under acquisition is to be assessed at a higher market value than the land of Award No.2141 on two grounds, firstly it is to be assessed on the market rates prevailing on 15.1.64 as against 24th October, 1961 and secondly due to its superiority in potentiality. It is no denying the fact that prices of land in Delhi have a rising trend from year to year and what could be a fair land price in January 1964 is now to be determined.

A further perusal of the 5 years statement goes to show that during 1960-61 84 Big. 14 Bis. of land was sold for Rs.292472/- at an average of Rs.6005-59 and in the year 1963-64 18 Big. 1 Bis. of land was sold for Rs.205074/- at an average of Rs.11405-76. It shows that during these 3 years the land price in this village was doubled to what it was in 1960-61. It means that the land of Award No.2141 if it would have been acquired on the basis of notification dated 15.1.64, its land price would have then gone up from Rs.5000/- per bigha to Rs.10000/- per bigha. The land under acquisition as stated earlier enjoys a better position than the land of this award as apart of its being on the Circular Road, it is also approachable through the main market of Shahadra. As such its land price should have been much more than Rs.10000/- per bigha. But for the fact that there are several tenants sitting on it so a man of ordinary prudence would not like to offer as much as he would have offer/for it, if it would have been lying vacant. Any-how its present potentiality being nearer to the main market on one side and ~~adjoining~~ abutting the

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Circular Road on the other cannot be denied. For this advantageous position it would not be unreasonable if 30% of its land price is allowed over and above the estimated land price of Rs.10000/- per bigha. Accordingly the market value of the land under acquisition is assessed at Rs.13000/- per bigha which is, under the circumstances explained above, quite reasonable and adequate.

WELLS TREES & STRUCTURES

There is no well nor any tree on the land under acquisition but there are some structures both old and new on this land. The land under acquisition is shown in the Revenue Records as G.M. Plot at the time of the notification u/s 4 of the L.A. Act. The Asstt. Engineer (Valuation) was requested to assess the valuation of the existing structures on this land. He has assessed valuation of these structures as on the date of notification u/s 4 i.e. 15.1.64. His valuation report is on the acquisition file. He has not mentioned the names of the owners nor of the occupiers against these structures. After local inspection the acquisition staff on the basis of the details of the structures given in the valuation report has succeeded in naming the occupiers of these premises. The details of valuation as well as of the occupiers are given below:-

1. Sardar Hukam Singh s/o Dharam Chand is in occupation of the structures shown at Sl.No.1 (A&B) in the report and these structures are in a major portion of Khasra No.1129/10 /1. The Asstt. Engineer has worked out value of these structures after allowing due depreciation at Rs.2542/- . He is running a coal depot, much prior to the material date as is evident from rent deed dated 12.10.47 filed by him. As such the valuation of these structures is to be included in the market value of the land.

2. There is another coal depot run by M/s. A.N. Sexena just by the side of the previous coal depot. This depot is located partly in Kh.No.1129/1 and partly in Kh.No.1135/3. The valuation of the existing structures of this depot has

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been assessed at Sl.No.2 (C&D) in the report after allowing due depreciation, at Rs.445/- only. This depot too is an old one existing prior to the date of notification as is clear from the rent receipt dated 18.3.61 filed by him.

3. The other structures shown at Sl.No.3 (E&F) in the report belong to M/s. Kalyan Singh Manak Lal, and are located in a portion of Kh.No.1135/3. In the revenue record Shri Imdad Elhai (deceased) and now his daughter Smt. Fatima as heir is shown owner of Kh.No.1135/3 and Shri Kalyan Singh & Manak Lal have not produced any evidence to this effect in support of their claim. The Asstt. Engineer has assessed value of these structures at Rs.1388/- and has further shown that various types of machines, tools are fitted along with power & Electricity in these premises. These premises are now let out to Shri Rameshwar Dayal of M/s Agents & Manufacturers as is clear from a rent receipt dated 22.1.63 filed by him. The Asstt. Engineer has also assessed a sum of Rs.300/- as removal and carriage charges of the above machines and tools. But this amount of Rs.300/- is not to be included in the market value of the land.

4. The valuation of the structures shown at Sl.No.3(M&G) and at Sl.No.8(Z) is shown as Rs.390/- Rs.796/ & Rs.1373/- respectively. These premises are in occupation of M/s. Kalyan Singh Manak Lal and are located in Kh.No.1135/3, owner of which is shown Smt. Fatima as stated earlier. Thus the total valuation of the structures existing in the premises occupied by M/s. Kalyan Singh Manak Lal comes to Rs.4247/- only apart from Rs.300/- of the removal charges.

5. The structures mentioned at Sl.No.3(HVJK&L) are located in Kh.No.1135/3, owned by Smt. Fatima daughter of Imdad Elhai (deceased). The Asstt. Engineer has separately assessed valuation of these above stated five structures in his report shown against each item. Out of these 5

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structures, structure shown at Sl.No.3(H&J) are reported to be new and so the Asstt. Engineer has not made any deduction for depreciation while assessing their valuation. The other three structures are old one and their values have been assessed at Rs.557/-, Rs.297/- <sup>For portion of (J)</sup> Rs.313/- Rs.56/- & Rs.90/-) & Rs.444/- respectively. The Valuation of the two new ones has been assessed at Rs.1454/- & Rs.739/- respectively. These two valuations assessments are not to be included in the market value of the land as they were raised after the date of notification u/s 4. Shri Rameshwar Dayal tenant has not filed any document concerning this portion belonging to Shrimati Fatima while her attorney Shri Abdul Rashid has made a clear statement on the date fixed for evidence that Shri Rameshwar Dayal of M/s. Agents & Manufacturers took this portion on rent from him in 1965 at a rental of Rs.250/- per month. He is further supported by 9 other witnesses. Shri Rameshwar Dayal has claimed exorbitant sums as compensation, but being only a tenant and that too after the date of notification in this case is not entitled to any compensation. He can only remove the material used in the two structures ~~duely~~ raised after the material date, provided they were raised by him and not by the owners of the land. As regards his tenancy in the premises of Kalyan Singh Manak Lal is concerned, he has not proved as to when he started that tenancy and so question of compensation for the use of land and for ownership will be a matter of dispute and so cannot be disbursed.

6, At Sl.No.4 (N&P) located in Kh.No.1131/2 valuation of structures has been assessed at Rs.359 after due depreciation. These structures are in occupation of Shri Sham Lal s/o Siv Dyal and have been constructed prior to the date of notification u/s 4. Structures shown at Sl.No.5 (Q) are located in Khasra No.1130/1 and their valuation has been assessed at Rs.127/- only. Shri Udho Dass s/o Mata Manga Ram is in occupation of it. At. Sl.No.6(R) structures which are shown located



in Kh.No.1130/1 have been assessed at Rs.216/- and are in occupation of Kharati Lal s/o Sant Ram . Again at Sl.No. 7(T) located in Khasra No.1129/1 a structure's valuation has been assessed at Rs.139/- and it is in occupation of Charan Dass s/o Mangal Dass. Besides these above structures there are 14 temporary structures in the form of shops made of either wooden planks walls or of Bamboo split walls. They are located in Kh.No.1132/2. Their valuation and other description are shown at Sl.No.9 in the valuation report. The details of their valuation and occupants are as follows :

Sl.No.	Shop No.	Name of occupant	Valuation assessed
1.	1	Sudharshan Singh	Rs.301-00
2. ✓	2.	Kirpal Singh	Rs.290-00
3. ✓	3.	Som Nath	Rs.291-00
4.	4.	Gogi	Rs.279-00
5. ✓	5.	Ramji Dass Ram Saran Dass	Rs. 67-00
6. ✓	6.	Kundan Lal	Rs. 67-00
7. ✓	7.	Mehar Singh	Rs.307-00
8.	8. (now vacant)	Jagdish	Rs.307-00
9.	9. (fallen & vacant)	Chajju Mal	Rs.103-00
10.	10.	Pritam Singh	Rs.307-00
11.	11.	Deep Chand s/o Barku Ram	Rs.307-00
12. ✓	12.	Suresh Kumar	Rs.307-00
13.	13.	Bawa Singh	Rs.290-00
14. ✓	14.	Nihal Chand	Rs.307-00
15. ✓	*15.	Hans Raj	Rs.307-00
16. ✓	*16.	Haridatt Singh	Rs.290-00
17. ✓	*17.	Chott Lal	Rs.290-00

The Asstt. Engineer (Valuation) has given the valuation of only the first 14 shops, but the last 3 from before but wrongly omitted now been shops also existed there and their valuation has assessed

after inspection keeping in view the valuation of other similar shops given by the Asstt. Engineer. As stated earlier these shops are in Khasra No.1132 & in the revenue records this No. stands in the name of one Ram Kishan Dass s/o Niader Mal. But from the evidence on records, it is also clear that Smt. Fatima d/o Imdad Elahi realises rent from these tenants as is evident from the statement of Abdul Rashid and nine other witnesses. Abdul Rashid in his statement has clearly deposed that the following 10 tenants are in occupation prior to the date of notification and the other ones are those who were admitted to tenancy thereafter.

S.No.	Name of tenant	Year	Rental
1.	Nihal Chand	1958	Rs.15/- p.m.
2.	Hardutt Singh	1958	Rs.3/-
3.	Chotte Lal	1958	Rs.15/-
4.	Hans Raj ✓	1958	Rs.20/-
5.	Mehar Singh	1958	Rs.15/-
6.	Kundan Lal	1958	Rs.15/-
7.	Ramji Dass	1958	Rs.15/-
8.	Som Nath	1958	Rs.15/-
9.	Kirpal Singh	1960	Rs.15/-
10.	Deep Chand	1962	Rs.15/- Rs.2523/-
11.	Pritam Singh	1966	Rs.15/-
12.	Deep Chand	1966	Rs.15/-
13.	Bawa Singh	1965	Rs.15/-
14.	Sudharshan Singh	1966	Rs.15/-
15.	Bariam Singh	1967	Rs.10/-
16.	Rameshwar Dayal Agents & Manufacturers	1965	Rs.250/- discussed earlier.
17.	Gogi	1966	Rs.15/-

The last seven shopkeepers are new ones and so they are not ~~entitled~~ entitled to any compensation for their structures and they can remove the material of their new structures after the announcement of the award. If the

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valuation of any new shop has been given by the Asstt Engineer (Valuation) then it is not to be included in compensation. The total amount of compensation for these structures comes to Rs. 12405/- based on the valuation report of the Asstt. Engineer after excluding the valuation of the structures raised after the date of notification.

RELIGIOUS PROPERTY

There is no religious property on the land under acquisition in the shape of a temple, mosque or any grave yard etc.

INTEREST

Since possession of the land under acquisition is still with the claimants and both the notifications u/s 4 and 6 of the L.A. Act were issued in 1964 so in either case the claimants are not entitled to any interest.

SOLATUM

The claimants are entitled to 15% as solatium for compulsory nature of acquisition as allowed under the Act.

APPORTIONMENT

The compensation for the land is to be paid to the recorded owners according to the latest entries in the Revenue Records and that of the structures to entitled occupants. But here there is a dispute about the ownership of the land as well as about the occupancy. Shri Kalyan Singh Manak Lal are not the recorded owners but they claim like that and have also let out some portion of the land under acquisition to the tenants. Similarly Shri Ram Kishan Dass is ~~not shown~~ as recorded owner against Kh.No.1132 while Smt. Mehmod Fatima is realising rent through her attorney Shri Abdul Rashid of shops located in Kh. No.1132. Under the circumstances the compensation will be kept/dispute till the concerned parties come to an amicable settlement failing which the matter will be referred to the Add. District Judge

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for adjudication., in between the recorded owners & occupan

DEDUCTION OF LAND REVENUE

The land under acquisition is assessed at Rs.0-63 P. as land revenue. The same shall be deducted from the land revenue roll of this village from the next harvest after possession of the land is taken over.

SUMMARY OF THE AWARD

1.	Compensation of 3 Big. 10 Bis. @ Rs.13000/- per bigha.	Rs.45500-00
2.	Compensation for the old structures.	Rs.12405-00
	Total	Rs.57905-00
3.	15% solatium	Rs. 8635-75
4.	Removal & carriage charges	Rs. 300-00
	Grand Total	Rs.66890-75

Announced today:

File

in snail

16/11/60

*Ram K. Sinha*

(R.K. SINHA)

LAND ACQUISITION COLLECTOR(SW)

DELHI