

of the village : Chandrawli alias Shahdara
Mode of acquisition: Planned Development of Delhi.
Nature of acquisition: Permanent.

INTRODUCTION

The land situated in the Estate of Chandrawli alias Shahdara is required by the Government at the public use for a public purpose namely for the Planned Development of Delhi. Notification u/s 4 of the L.A. Act was made by notification No. F.15(245)/60-LSG dated 24.10.61. In this notification a big area of 16000 acres situated in various villages was involved. Land out of the area notified u/s 4 ^{is} ~~is~~ being acquired from time to time as and when ^{the} necessity arises by making declarations u/s 6 of the L.A. Act. Notification u/s 6 for 9000 sq.yds of land in this village was made vide notification No.F.15(98)/64-LSG dated 24.9.1965. Notices u/s 9 & 10 of the L.A. Act were served to the interested persons most of whom have responded to the notices by filing claims which are discussed separately.

MEASUREMENT & TRUE AREA

Out of the area measuring 9000 sq.yds notified u/s 6 of the L.A. Act, 3 Bighas 18 Biswas of land is being acquired at present under instructions from Delhi Administration vide letter No.F.15(98)/64-L&H dated 3.11.1973. The remaining area will be acquired through a supplementary notification. On measurement carried out by the field staff on the spot the area is found to be correct as 3 Bighas ¹⁸ Biswas. ^{the} This area is at present under the occupation of Municipal Corporation of Delhi.

Notification u/s 6 indicates the boundaries of the land under present acquisition. However the land under acquisition forms part of Kh.No. 634. This Kh.No. was first divided into 18 parts beginning from Kh.No. 5137/634 to Kh.No. 5154/634. This was the property of Shamlat Deh

which the evacuees were also the owners. Thus this was the composite property. The competent authority completely ignored the previous tatimax and has ~~completely~~ ^{he} divided this Kh.No. 634 into 33 parts beginning from Kh.No. 634/1 to Kh.No. 634/33. The old tatima has therefore, become redundant. According to the new tatima made by the competent authority, the following Kh.Nos. are included in the acquisition:-

	<u>Area</u>	<u>Kind of land.</u>
634/1	1-05	Gairmumkin
634/2/4	0-09	-do-
634/9/1	1-05	-do-
634/30/1	0-19	-do-
634/31	3-18	Gair Mumkin

SHIP & OCCUPANCY

<u>Name of owner</u>	<u>occupant if any</u>	<u>Kh.No.</u>	<u>Area</u>
Sh. Daulet Ram s/o	Municipal Corporation of Delhi.	634/30/1	0-19
Sh. Lohan Lal		634/12/1	1-05
Sh. Harish Chand	-do-	634/29/1	1-05
S/o Sh. Chiranji Lal	-do-	634/22/4	9-09
Sh. Saran Dass s/o			
Sh. Saran Dass, ^{s/o} he	-do-		
1615 share,			
Sh. Bhbir Saran Dass s/o			
Sh. Saran Dass,			
1615 share;			
Sh. Narain s/o Jagat,			
Narain, Sheo Narain,			
Indu Narain, Jagdish			
Narain ss/o Jai Narain			
in equal share,			
1668 share.			
Sh. Anti Narain, Parkash			
Narain ss/o Ran Narain in			
equal share,			
1669 share,			
Sh. Nath, Dawarka Nath			
S/o Ram Gopal in equal			
share,			
1672 share.			
Sh. Sham s/o Ram Nath,			
1673 share,			
1674 share.			
Sh. Ladi Lal s/o Ganga Bahai,			
share out of 141 share.			
Sh. Singh, Indar Singh ss/o			
Sh. Singh in equal share,			

Contd..

Contd...3...

1/2 share,

Harat Singh s/o Karan Singh
1/2 share, 52 share.

Philip Singh s/o Ram Saran, 1/3 share,

Dhara Singh s/o Ram Saran 1/12 share.

Mikram Singh, Pritam Singh Richhpal Singh
s/o Dhara Singh in equal share 1/4 share.

Parkash, Des Raj ss/o Devi Singh in equal
share 1/3 share, 298 share,

Mamoo Mal s/o Pribhu Dayal, 3 share.

Prinjan Singh- 3 share

Pritam Singh one share

s/o Randhir Singh.

Mst. Balbiri wd/o Jashar Singh 2 share
out of 25 share.

Mst. Ahssain s/o Gairb-ullah one share.

Mst. Aziz, Abdul Qauum, Abdul Qadoos, Abdul Karim,

Mst. Gaffor, Abdul Hafiz, Abdul Hakeem ss/o,

shares Mst. Kareez, Ahisha d/o, one share out of

share.

Mst. Ahisha Khatoon wd/o 1/8 share

Mst. Qadar out of 74 share.

Ram Sarwarya & sons Ltd Delhi 65 share.

Ram Nath Sarwarya s/o Siro Ram Sarwarya 52 share.

Parshad, Ram Nath ss/o Radhey Mohan in equal

share 34 share. Om Parkash s/o Som Dutt Singh 106 share.

Siro Ram s/o Chandervati

Pal s/o Om Parkash in equal share 178 share.

Bandharb Sain s/o Bhagwan Chand 41 share.

Sair-U-Din s/o Abraham, 5 share

Mst. Abadi d/o Gairda, one share.

Mst. Aul, Abdul Rehman ss/o Mst. Nawazi, one share,
out of 52 shares.

Mst. Sayeed w/o Abdul Rehman, 8 share.

Mst. Rehman s/o Mohd. Sadiq, 150 share.

Sain-ullah s/o Hafiz Ullah, Abdul Qadar

Mohd. Shafee in equal share, 3 share.

Mst. Qadim s/o Mohd. Ayub, one share.

Mst. Umatul Nazib w/o Anwar Ulhaq, 22 share.

Mst. Khan s/o Ghasita, 6 share out of 190 shares.

Mst. Asian Uduer Custodian, 436 shares.

Mst. Nath s/o Ram Saroop, one share.

Mst. Nanjan Singh s/o Manohar Lal Singh, 3 share.

Mst. Goo Lal s/o Jamna Dass,

Mst. Nath s/o Hargoo Lal Singh in equal share, 2 share.

Mst. Gool Singh s/o Jharria, 2 share.

Mst. Saroop s/o Ragunath Dass, 4 share.

Mst. Singh, Jagmohan Singh ss/o, Mst. Resham wd/o

Mst. Randhir Singh in equal share, 4 share.

Mst. Bahadur Sheikh Wahiduddin s/o Hafiz Abdul Karim,

share.

Mst. Ram s/o Baldev Sahai, 8 share.

Mst. Lal s/o Rura Mal, 8 share.

Mst. Parkash s/o Thandoo Ram, 16 share.

Mst. Parkash s/o Devi Singh, 8 share.

Mst. 64 share out of 146 share.

& EVIDENCE

Name of the claimant	Kh. No.	Area	Claim	Evidence
Antti Narain,	634/22/4	0-16	Rs.50/- per sq.yd	Nil
Parkash Narain,				
Ram Narain				

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Abool Singh s/o	634/22/4	0-16	Rs .30/-per sq.yd	Nbl
Abhar Singh				
Abhir Singh	-do-	-do-	Rs.75/-per sq.yd	Nil
Saran s/o				
Sarsaran Dass				
Sarat Singh s/o	-do-	-do-	Rs.30/-persq.yd for	Nil
Saran Singh,			land.	
Sar Singh s/o Girwar,			Rs.10,000/-per bigha	
Amir Kaur wd/o,			for damages/severance	
Singh, Sukhpal, Azit			15 % solatium & 6 %	
ss/o, Smt. Iqballo,			interest.	
Pallo, Janak Dulari ,				
Krishna, ds/o Umrao				
Resham wd/o Randhir	-do-	-do-	-do-	Nil
Ranjan Singh s/o Randhir	-do-	-do-	Rs.40/-per sq.	Nil
High			yd for land	
Ritam Singh s/o	-do-	-do-	-do-	-do-
Randhir Singh				
Albir Saran Bhatnagar,	-do---	-do-	Rs.20/-per sq.yd	-do-
Bhatnagar & Shashi			15 % solatium	
Amari Bhatnagar.			<i>me</i>	
Jai Narain for self	-do-	-do-	Rs. 60/- per sq.yd	-do-
also as General Attorney			for land.	
Jagdish Narain, Inder			15 % solatium	
Narain & Shiv Narain.			Interest according to law	
Marish Chandra s/o Chiranji			land.	
Lal,	634/29/1(1-05)		Rs.100/-per sq.yd for	
Raj Nath, Swarka Nath,	634/15/1(0-03)		land & 15 % solatium	
s/o Ram Copal,	634/31/1 (0-01)		plus interest according	
	634/22/4 (0-16)		to land law.	
Madhey Shyam s/o Ram Nath,				
Mussadi Lal s/o Ganga Sahai				

Note:- Kh.Nos. 634/15/1 & 634/31/1 do not form the part of present acquisition.

dated 14.5.63

- REFERENCE:- 1. Unattested copy of order No. 14563 of the Court of competent officer in case No. 2260.Addl. Custodian Vs. Devi Saran & others.
2. Unattested copy of order Dated 14.1.1957 Court of Sh. J.N.Razdan, Asstt. Custodian of EP(R), Delhi in file S-7(1) Shahdara/2324.

MARKET VALUE

In determining the market value of the land as ^{at on} ~~the~~ date of preliminary notification, many factors have to be considered like size and shape of the land, its situation, tenure, the use to which it is put, its potentiality also rise and fall in the demand for the land. The

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...evidence in this regard would be the evidence of genuine
...between a willing seller and a willing buyer effected
...at the time of preliminary notification either in respect
...land under acquisition or of the land similarly circumstanced
...land under acquisition.

In the present case the date of preliminary noti-
fication is 24.10.1961. The claimants in this case have
demanded very high rate of compensation without any supporting
evidence.

There have been awards for land in this area with
same date of notification u/s 4 i.e. 24.10.1961. The
details of the awards are given below:-

<u>No.</u>	<u>Award No.</u>	<u>Rate awarded per bigha</u>
	1763 ✓	Rs. 4000/-
	1864 ✓	Rs. 3800/-
	2141 ✓	Rs. 5000/-
	2172	Rs. 5000/-
	23/70-71	Rs. 5000/- for G.M. Plot Rs. 1250/- as G.M. Sarak
	24/70-71	Rs. 1250/-
	23/71-72	Rs. 4500/- for G.M. Plot Rs. 1125/- G.M. Nala
	107/72-73	Rs. 5300/-

From the above awards we find that the market
value of the land is ranged between Rs. 1125/- & Rs. 5300/-.
Of the above awards, award No. 23/70-71 and 24/70-71
were relevant to our consideration because the land
under acquisition has the same use as the land assessed
at Rs. 1250/- per bigha in these awards. These awards
are relevant to acquisition of land in Kh.No. 638 which is

✓

adjacent to Kh.No. 634, part of which is being acquired now. In these awards the Collector assessed the market value of land at the rate of Rs. 5000/- per bigha for the plotted area and Rs. 1250/- for Gair Mumkin Sarak & Park, after taking into consideration the relevant sale transactions as discussed in the award.

The land under present acquisition was earmarked for school in the Lay Out Plan in Bhola Nath Nagar which was approved. The school exists on the spot. The land cannot be put to any other use except for community facilities for which it was originally earmarked. Because of the restricted use the land under acquisition cannot be equated with the land used for residential purposes. It was for this reason that the Collector awarded Rs. 1250/- per bigha as compensation for the land earmarked for community facilities in the aforesaid awards on the material date which is 24.10.1961. I, therefore, consider it fair and reasonable to determine the market value of land under present acquisition at the rate of Rs. 1250/- per bigha and allow the same.

OTHER COMPENSATION

TREES & WELL

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

exists Corporation school building on the land under acquisition. Since the land is being acquired for the Corporation school no compensation is assessed.

SOLATIUM

15% solatium is payable on the market value of land towards compulsory nature of acquisition.

INTEREST

The case falls within the purview of Land Acquisition (Amendment & Validation) Act, 1967 and as such interest is payable 3 years after the expiry of the date of notification u/s 4 which in the present case is 24.10.64⁶¹ to 11.2.76 as the award is likely to be announced on 11.2.76.

ADJUDICATION

ADJUDICATION

Compensation will be paid to the interested persons according to the latest entries in the revenue record. In case where there is a dispute which is not amicably settled between the parties within a reasonable time the amount of compensation will be sent to the Court of A.D.J., Delhi u/s Sec. 31 for adjudication of the title.

SUMMARY

The award is summarised as below:-

Compensation for land measuring 3 bighas 18 biswas @ Rs.1250/- per bigha.	Rs. 4,875.00
Add 15% solatium on the market value i.e. Rs.4,875/-.	Rs. 731.25
Interest @ 6% p.a. on market value i.e. Rs.4,875/- w.e.f. 24.10.64 to 11.2.76 (11 years 110 days).	Rs. 3,305.65

G.TOTAL: Rs. 8,911.90

Amount in words: Rupees Eight Thousand nine hundred and paise ninety only).

Paul Samant
(B.M.L. GAUMAT) - 11.2.76
LAND ACQUISITION COLLECTOR(MSW)