

A_W_A_R_D N_O. 43/1971-72

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 (I), 1894 vide notification No.F.15(111)/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 along with 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 256 bighas 13 biswas was made vide notification No.F.4(19)/65-L&H(ii) dated 1.11.66. Out of the area notified u/s 6, land measuring 3 bighas 12 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 under section 9(3) and 10(1) of the Land Acquisition Act were issued to the interested persons. Almost all the interested persons have responded to the notices.

MEASUREMENT AND OWNERSHIP:

Out of the area notified u/s 6 of the Land Acquisition Act the area under present acquisition is 3 bighas 12 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 12 biswas as detailed below:-

<u>Khasra No.</u>	<u>Area</u>	<u>Kind of land.</u>
836/741/1	3.12	G.M.Qabristan.

Note: The total area of Khasra No.836/741 is 3 bighas 15 biswas out of which 3 biswas is under a temple and samadhies and is ^{excluded} ~~included~~ from present acquisition under instruction of the Delhi Administration.

CLAIMS & EVIDENCE:

The following persons have put in claims for compensation:-

<u>Sl. No.</u>	<u>Name of the claimant</u>	<u>Compensation claimed.</u>
1.	Sh.Birbal s/o Soma ⁿ Ram th. Sh.Jagdish Chander Mongia Advo.	Rs.8500/- as total compensation.
2.	Ram Charan s/o Ram Kishan.	-do-
3.	Sh.Kasari s/o Sh.Badloo	Rs.9000/- as total compensation.
4.	Sh.Ram Parshad s/o Gulab	Rs. Rs.8500/- as total compensation.
5.	Sh.Harphool Singh s/o Sh.Neeta	Rs.9200/- as total compensation.
6.	Sh.Dabia s/o Chhotia	Rs.10500/- -do-
7.	Sh.Gulab s/o Sh.Bundoo.	Rs. 8500/- -do-
8.	Sh.Harcharan s/o Patwa Singh	Rs.10000/- -do-
9.	Sh.Ram Charan s/o Patwa Singh ^{ms} .	Rs. 9000/- -do-
10.	Sh.Naroti s/o Patwa Singh	Rs.14000/- -do-
11.	Sh.Chatru s/o Sahi Ram	Rs.9000/- -do-
12.	Sh.Baldeva s/o Sh.Badhan	Rs.10000/- -do.
13.	Sh.Girwar Singh s/o Harphool Singh	Rs.9200/- -do-

14. Sh. Dharam Vir s/o Sh. Dakhpat	Rs. 8500/-	as total compensation
15. Sh. Durga s/o Mam Raj	Rs. 8000/-	-do-
16. Sh. Dharam Pal s/o Sh. Dabia	Rs. 9000/-	-do-
17. Sh. Ram Singh s/o Sh. Sagi	Rs. 8500/-	-do-
18. Sh. Hari Kishan s/o Sh. Nathoo	Rs. 6800/-	-do-
19. Sh. Ram Chander s/o Sogi	Rs. 12000/-	-do-
20. Sh. Raghubir s/o Sh. Chait Ram	Rs. 10500/-	-do-
21. Sh. Daya Ram s/o Sh. Badloo	Rs. 8500/-	-do-
22. Sh. Ram Phal s/o Sh. Mukhtiar	Rs. 10,500/-	-do-
23. Sh. Mukhtiar s/o Khan Chand	Rs. 6800/-	-do-
24. Sh. Murari s/o Sh. Ram Singh	Rs. 8000/-	-do-
25. Sh. Chander s/o Sh. Sibani	Rs. 11500/-	-do-
26. Sh. Nathoo s/o Harde	Rs. 6800/-	-do-
27. Sh. Ram Chander s/o Khacheru	Rs. 8,500/-	-do-
28. Sh. Chander s/o Bhagwana	Rs. 6800/-	-do-
29. Sh. Asey Ram s/o Sibani	Rs. 11500/-	-do-
30. Sh. Ravi Dass s/o Asa Ram	Rs. 8500/-	-do-
31. Sh. Risal s/o Sh. Jaithwa	Rs. 6800/-	-do-
32. Sh. Chhotan s/o Godhoo	Rs. 9000/-	-do-
33. Sh. Piarey Lal s/o Ram Lal	Rs. 9100/-	-do-
34. Sh. Deep Chand s/o Sh. Ram Parsad	Rs. 8500/-	-do-
35. Sh. Lakhi Ram s/o Ram Kishan	Rs. 8500/-	-do-
36. Sh. Champay s/o Gulab	Rs. 10500/-	-do-
37. Sh. Gopi Chand s/o Durga Dass	Rs. 10500/-	-do-
38. Sh. Umra s/o Bhaudoo	Rs. 10500/-	-do-
39. Sh. Ram Sarup s/o Mangety	Rs. 10000/-	-do-
40. Sh. Ram Singh s/o Khacheru	Rs. 8500/-	-do-
41. Sh. Ram Parsad s/o Khazan Singh	Rs. 10200	-do-
42. Sh. Nihal Singh s/o Deep Chand ^{Puran}	Rs. 5500/-	-do-
43. Sh. Ganga Ram s/o Deep Chand	Rs. 7200/-	-do-
44. Sh. Khazan Singh s/o Mam Raj Singh	Rs. 11000/-	-do-
45. Sh. Siv Charan s/o Kewal	Rs. 8500/-	-do-

46. Sh.Saktoo Singh s/o Baldev Singh	Rs.20000/-	as total compensa tion.
47. Sh.Jai Pal Singh s/o Ram Dhan	Rs.5300/-	-do-
48.Sh.Hira Lal s/o Sib Charan	Rs.8500/-	-do-
49.Sh.Chander s/o Hari Kishan	Rs.8500/-	-do-
50.Sh.Chander Pal s/o Gulzari Lal	Rs.8500/-	-do-
51.Sh. Komal Singh s/o Puran	Rs.5300/-	-do-
52.Sh.Parkash s/o Devi Singh	Rs.15000/-	-do-
53.Sh.Giyas Ram s/o Ram Sahai.	Rs.10200/-	-do-
54.Sh.Dhan Singh s/o Baldev Singh	Rs.8000/-	-do-
55.Sh.Ram Pal Singh s/o Banwari Lal	Rs.8000/-	-do-
56.Sh.Banwari Lal s/o Khacheru Singh	Rs.8000/-	-do-
57.Sh.Om Parkash s/o Sher Singh	Rs.5900/-	-do-
58.Sh. Jai Karan s/o Pusa Ram	Rs.4100/-	-do-
59.Sh.Mohan Lal s/o Mani Ram	Rs.7200/-	-do-
60.Sh.Kishan Lal s/o Tulsi Ram.	Rs.7200/-	-do-
61.Sh.Bhopal Singh s/o Pritam Singh	Rs.5300/-	-do-
62.Sh.Pritam Singh s/o Ramji Lal	Rs.5300/-	-do-
63.Sh.Rajinder s/o Jawala Parsad.	Rs.7200/-	-do-
64.Sh. Ajeet Singh s/o Amar Singh	Rs.5300/-	-do-
65.Sh.Samaya Singh s/o Jagu Singh	Rs.7200/-	-do-
66.Sh.Amar Singh s/o Phool Singh	Rs.5300/-	-do-
67.Sib Dayal s/o Khacheru	Rs.5300/-	-do-
68.Sh.Bhagmal s/o Mahavir Singh	Rs.7200/-	-do-
69.Sh.Chaitan s/o Samaya Singh	Rs.6800/-	-do-
70.Sh.Jagmal s/o Khacheru	Rs.5800/-	-do-
71.Sh.Mahabir Singh s/o Ganga Dass	Rs.6000/-	-do-
72.Sh.Bhagwan Dass s/o Ganga Dass	Rs.7300/-	-do-
73.Sh.Pritam Singh s/o Sh.Sarup Singh	Rs.16000/-	-do-
74.Sh.Debi Sahai s/o Ram Singh	Rs.13200/-	-do-
75.Sh.Phuloo s/o Niadre.	Rs.8000/-	-do-

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No evidence has been filed by the claimants.

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 Jhilmila Tahirpur.

In this village awards No. 1542, 1544, 1700, 1850, 1903, 1964, 2127 have been made in respect of land notified on 13.11.59 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. 2,000/- 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.

The land acquired under the above mentioned awards 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 Kh. No. 742 and 743 in the relevant year 1959, details of which are given as under:-

Sr.No.	Mutation No.	Date of registration	Kh.Nos	Area	Sale price	Average per bigha
1.	3949	5.3.59	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/-

Contd....6..

Khasra Nos. 742 & 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 average of the two sale transactions mentioned above comes to Rs. 4666/- per bigha. But the area involved in these sale deeds is much smaller. It appears that the land has been sold in the shape of plots. In plotted area some land has to be left out for community purpose. The value of plot rises on this account. I, therefore consider deduction of 35 % from the average sale price of Rs. 4666/- reasonable in order to arrive at correct market value of the land under acquisition which is much larger in area. Allowing 35 % deduction the market value comes to Rs. 3000/- per bigha. in the year 1959 and I assess the same for the land under acquisition.

OTHER COMPENSATION
STRUCTURES

There are some Jhuggies in the land under acquisition which are reported to have been erected after the date of notification u/s 4. No compensation is, therefore, assessed for them, but owners are, however, allowed to remove the material immediately after the announcement of the award.

TREE

The N.T. has assessed the value of trees in the land under acquisition as follows:-

<u>Kind & No.</u> <u>of trees</u>	<u>Weight in</u> <u>quintal</u>	<u>Rate per</u> <u>quintal</u>	<u>Amount</u> <u>Assessed</u>
Kikar (18)	10	Rs. 4/-	Rs. 40/-
Rata (1)	4	Rs. 4/-	Rs. 16/-
Total			Rs. 56

I agree with the above assessment and award the same.

WELL

There is no well in the land under acquisition.

15 % solatium

A sum of Rs. 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 and validation) Act, 1967 simple interest at the rate of 6 % per annum is allowed on the market value of the land from the date of the expiry of 3 years viz 13.11.62 to the date of tender of payment of compensation awarded viz. 30.1.72 as the award is likely to be announced on 31.1.72 as the final declaration under section 6 of the L.A. Act was made after three years from the date of the publication of the notification u/s 4 of the Land Acquisition Act.

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 AWARD'

1. Market value of land measuring 3 bighas 12 biswas at the rate of Rs. 3000/- per bigha	Rs. 10,800-00
2. Market value for trees	Rs. 56-00
3. 15 % solatium	Rs. 1628 -40
4. Interest at the rate of 6 % per annum from 13.11.62 to 30.1.72(9 years & 79 days) on the market value of land	Rs. 6003 -22

Grand Total:- Rs. 18487 -62

The land is not assessed to land revenue.

Pandey
(B.M.L. GAUMAT) 31.1.72
LAND ACQUISITION COLLECTOR
DELHI-SHAHDARA CIRCLE: DELHI.

Announced & filed today.

Pandey
31.1.72
LAC (DS)