

AWARD No. 5/1969.

Name of the village

Shakarpur Khas

Nature of acquisition

Permanent

INTRODUCTION:

This is an award relating to the acquisition of the land situated in the revenue estate of village Shakarpur Khas which is required by the Government at the public expense for a public purpose namely for the Planned Development of Delhi. The entire land under acquisition was notified vide the General preliminary Notification u/s 4 of the L.A. Act number F.15(111)/59-LSG dated 13.11.1959, covering an area of 34070 acres. The substance of the said notification was given due publicity. The objections received were heard and a report u/s 5-A of the L.A. Act was sent by the Land Acquisition Collector (III) along with the original objection petitions, to the Delhi Administration. Out of this area, final declarations u/s 6 of the L.A. Act are made as and when the acquiring department feels the necessity. In the present case, the notification u/s 6 of the L.A. Act No.F.1(31)/63-L&H dated 7.1.1964 for an area of 7 big. 17 bis. was issued.

Notice u/s 9(1) of the L.A. Act was given due publicity and notices 9(3) and 10(1) of the L.A. Act were issued to the known interested persons who have responded to the notices by filing their claims. The notices as well as claims have been attached in file No.F.4(19)/65-L&H dt. 18.3.66 regarding acquisition of land measuring 1153 Big. 15 Bis. which is being dealt with separately.

' MEASUREMENT & OWNERSHIP '

The area to be acquired according to the notifications u/s 6 of the L.A. Act is ~~1153~~⁷/bighas and 17 biswas. From further verification made on the spot u/s 8 of the L.A. Act, the area under acquisition is found to be correct 7 Big. 17 Bis.

I, therefore, hold the area under acquisition to be true at 7-17, the details of which according to the latest entries in the Revenue Record are as given below :-

Khasra No.	Area Big.Bis.	Kind of land
298/210/3/2/1 Min.	2.5	Dakar
229	0.17	"
230/2	0.1	"
298/210/1/2 Min	0.1	"
222 Min	0.14	G.M. Plot
223/2/1 Min	3.5	"
231/2/2	0.14	"
	<u>7.17</u>	

Classification of the land :	Big.Bis.	Big.Bis.
Dakar	3 . 4	F.M.Plot 4.13

' CLAIMS & EVIDENCE '

The following persons have filed their claims jointly in respect of the land proposed to be acquired & under the instant award together with the land which is being acquired under a separate notification u/s 6 of the L.A. Act No.F.4(19)/65-L&H dt. 18.3.66 measuring an area of 1153 Big. 15 Bis.

Sl. No.	Name of the claimants	Khasra No. plot No.	Area	Compensation demanded.
1.	Lajpat Rai, Raghubir Dayal, Vishnu, Kishan Saroop, sons of Khacheru Mal	229 230		Rs. 30 10/- per sq.yd. for the land.
2.	Revti, Balwant, Ram Saran, Onkar, Chander Bhan, Mangat	231		Rs. 30/- per sq.yd. for the land.
3.	Tirkha, s/o Sehra	222		Rs. 60/- per sq.yds. for the land.
4.	Din Dayal Garg, s/o Bali Ram	223		Rs. 20/- per sq. yd. for the land.

As stated above under the head "Measurement & Ownership" the claim petitioners alongwith the notices u/s 9 & 10 of the L.A. Act have been attached with the file No.F.4(19)/65-L&H covering an area of 1153 Big. 15 Bis.. These claims have been entered at Sl. Nos. 434, 598, 601 & 624 respectively of the above said file.

No evidence has been produced on behalf of the above claimants. Hence, they are entitled for the compensation as discussed under the head 'Market Value' below :-

' MARKET VALUE '

The land under acquisition is surrounded by boundaries of village Khureji Khas on the north, Gahronda nimka Bangar on the south, Mandawli Fazalpur on the east and Shakarpur Bramad on the west. The land acquired vide the award No. 980 of village Shakarpur Khas for the construction of Rly. line passes from west to east towards north of the land under acquisition. Some portion of khasra No. 210 acquired under the award No. 980 now forms a part of the present acquisition. The developed colonies of Krishna Nagar, Gandhi Nagar, Gita Colony and the abadis of Khureji Khas and Karkarduma are situated within the radius of 1 to 1½ miles from the land under acquisition.

The land under acquisition agricultural and Delhi Land Reform Act, 1954 is applicable in village Shakarpur Khas. According to the provisions of the said Act, the use of the land cannot be put to any other purpose other than agriculture. The land under acquisition consists of various types of soils. It will not be proper to assess the entire area at a flat rate and division of land into blocks is necessary. At the same time it does not seem proper to divide the land into blocks according to the classification of the soils, because such a division will not reflect the true market value.

The land under acquisition is either irrigated or unirrigated. The irrigated land, ~~ix~~ which comprises a large portion of "CHAH" area and situated on a higher level is placed under Block 'A.' Accordingly the land which ~~stachus~~ ^{stachus} from north to south towards the eastern side comprising khasra No. 222 min. 14 biswas area, ~~222~~ 223/2/1 min. 3.5 biswas total measuring 3 big. 19 biswas. is kept under Block 'A'.

The lands which include unirrigated as well as irrigated area, but situated on a lower level ~~or paste~~ ^{are placed} under block 'B'. Thus, the land which ~~stachus~~ ^{stachus} from north to south upto the land acquired for the construction of the Rly. line vide the award No. 980 comprising khasra No. 229, (17 biswas) 230/2 (1 Biswas) 231/2/2 (14 biswas), total measuring 1 bigha 12 biswas are kept under Block 'B'. ~~The remainder~~

The remaining land bearing khasra No. 298/210/3/2/1 min. (2.5 bis.), 298/210/1/2 (1 biswas) total measuring 2.6 biswas consists of ~~Chhatta and Jheel~~ ^{Jheel}. In some land the earth has been removed upto the depth of 2 to 3 feet and rain water stagnates in it. This land is inferior to the above land and hence placed under Block 'C'.

The following sales transactions in respect of village Shakarpur Khas have been recorded during the period of last five years preceding the date of the notification u/s 4 of the L.A. Act viz. 13.11.1959 are as given below :-

Year	Area Big. Bis.	Total conside- ration money	Average per Bigha
1954-55	34.12	Rs. 16150/-	Rs. 466/80
1955-56	4.13	855/-	183/87
1956-57	12.9	1400/-	112/45
1957-58	4.6	6055/-	1408/20
1958-59	1.12	2650/-	1656/57

From the above statement it will be seen that the rates of the land fluctuated from year to year. The prices had shot up during the years 1957-58 and 58-59. The sale instances for the year 1958-59 are reproduced as below :-

Mutation Number	Date of registry	Khasra No.	Area	Total amount	Average per bigha
267	14.5.59	305/212/2/3/2			
268	4.7.59	"	8 Bis.	Rs. 500/-	Rs. 1250/-
			-do-		
281	24.4.59	"	4 bis.	"	"
284	26.2.59	"	"	250/-	2500/-
					1250/-
296	24.4.59	"	"	600/-	3000/-
328	25.3.59	"	"	300/-	1500/-

All the above transactions relate to the khasra No. 305/212/2/3/2. The minimum and maximum rates as worked out come to Rs.1250/- and Rs. 3000/- per bigha respectively. The sales in question were made in form of small plots. The rates of small plots cannot be relied upon for assessing the market value of the land under acquisition as it is a general trend that small plots fetch higher values.

Three awards have been made in village Shakarpur out of which, the awards Nos. 980 and 1416 are relevant. In the award No. 980 which relates to the land acquired for the construction of the Rly. line, the land acquisition collector had assessed the compensation at the rate of Rs. 320/- per bigha. The date of the notification u/s 4 of the L.A. Act of the said award was 2.5.59. In the award No. 1416 the Land Acquisition Collector had evaluated two separate rates, namely, Rs. 320/- and 225/- per bigha respectively. The date of the notification u/s 4 of the said award was 13.11.1959. As stated, above, some portion of the land bearing khasra No. 210 which was acquired under the award No.980 is being acquired under the present award also. It appears that the land acquired under that award belongs to gaon sabha.

Recently the award No. 2179 of village Mandoli Fazalpur has been made. In the said award the compensation has been allowed @ Rs. 1500/- per bigha for the land classified as Block 'A' Rs. 1000/- per bigha for the land classified as Block 'B' and

Rs. 700/- per bigha for the land classified as Block 'C'. The lands of this award and of the present award are adjacent and similar in situation to each other.

The factors leading to the assessment of the market value of the land has been discussed in the detail in the award No. 2179. Hence considering the above award and the situation of the land under acquisition I am of the view that it will be fair and reasonable to allow the compensation at the same rate of Rs. 1500/- per bigha for the land classified for Block 'A' Rs. 1000/- per bigha for the land classified for block 'B' and Rs. 700/- per bigha for the land classified for Block 'C' and I award accordingly.

'Other compensation'

Compensation for trees & wells. There is neither any tree nor any well in the land under acquisition, therefore, the question of assessment of compensation does not arise.

15% solatium: As provided u/s 23(2) of the L.A. Act the land owners will also be paid 15% solatium for compulsory nature of acquisition.

Interest: According to the provisions of the Land Acquisition (Amendment & Validation) Act, 1967, simple interest @ 6% p.a. is allowed on the market value of the land from the date of expiry of the three years i.e. 13.11.1962 to the date of tender of payment of compensation awarded viz. 1.6.1969 as the award is likely to be announced on 2.6.1969 as the final declaration u/s 6 of the L.A. Act was made after three years from the date of publication of the notification u/s 4 of the L.A. Act.

' APPORTIONMENT '

The compensation will be paid according to the latest entries in the revenue record and in presence of the interested persons and in case of any dispute, the compensation will be sent to the Additional District Judge, Delhi for adjudication.

There is a stay order from Delhi High Court dated 23.9.1966 against dispossession of the land bearing khasra No. 229 min (17 biswas), 230/2 (0.1), 231/2/2 (0.14) total measuring 1 bigha 12 biswas. Hence, the possession of this area will be taken after the stay is vacated.

' SUMMARY OF THE AWARD '

Compensation for the land measuring 3.19 biswas @ Rs. 1500/- per bigha for Block 'A'.	Rs. 5,925/-
Compensation for the land measuring 1.12 biswas @ Rs. 1000/- per bigha for Block 'B'.	1,600/-
Compensation for the land measuring 2.6 biswas @ Rs. 700/- per bigha for block 'C'.	1,610/-
15% of the above as solatium for compulsory nature of acquisition	9,135/-
Interest @ 6% p.a. on the market value of the land (Rs. 7,535/-) from 13.11.62 to 1.6.1969	1,370/85
Interest @ 6% p.a. on the market value of the land Rs. 1600/- from 13.11.62 to 22.9.66	2,961/56
	370/59
G. Total	13,837/40

The land is assessed to a land revenue of Rs. 1.22 P. which will be deducted from the Khalsa rent roll of the village from the date of taking over the possession of the land under acquisition.

(ZAL NOWSHERWANJI)
LAND ACQUISITION COLLECTOR(DS)
DELHI.