

A W A R D No. 57

Name of the village : Oldenpur.
Purpose of acquisition : Planned Development of Delhi.
Nature of acquisition : Permanent.

INTRODUCTION.

This is a case for acquisition of land in the estate of Oldenpur required by the Government at the public expense for a public purpose namely Planned Development of Delhi. A declaration u/s 4 of the Land Acquisition Act was made vide notification No.F.15(III)/59-L&G dated 13.11.59. This notification covers an area of about 34000 acres in several villages of Delhi. Area from this notification is being acquired from time to time by publication of notification u/s 6 of the Land Acquisition Act as and when the necessity arises. Declaration u/s 6 of the Land Acquisition Act regarding this area was made by notification No.F.4(19)/65-L&H dated 9.8.1966. Notice u/s 9(1) of the Land Acquisition Act was given due publicity and notices u/s 9(3) and 10(1) were served upon ^{known} interested persons most of whom responded by filing claims.

MEASUREMENT & TRUE AREA

According to the notification u/s 6 the total area is 449 Bighas 13 Biswas. Out of this 4 Bighas of land is being acquired at present under instructions from the Delhi Administration vide letter No.F.4(19)/65-L&H(E-3)/LA(P) dated 28.1.1974. The remaining area will be acquired through a supplementary award. On measurement by the field staff on the spot u/s 8 the area of the land under present acquisition is found to be 4 Bighas which is held to be correct area. The details of the area under acquisition are as under:-

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p.a.
amount.

900.

900.

<u>Kh.No.</u>	<u>Area</u>	<u>Kind of land</u>
529/303	Big-Bis 1-7	G.M. Khudan.
530/303	0-8	-do-
715/533/303/1	2-5	-do-
	4-0	

OWNERSHIP & OCCUPANCY

<u>S.No.</u>	<u>Name of the owner</u>	<u>Name of occupant</u>	<u>Kh.No.</u>	<u>Area</u>	<u>Kind of Soil</u>
1.	Suraj Bhan s/o Ram Chaudhary	Self	530/303	0-8	G.M.Khadan
2.	Probodh Nath s/o Hari Nath	Self	715/533/ 303/1	2-5	-do-
3.	Ajit Parshad ADOPTED s/o Joti Parshad		529/303	1-7	-do-

CLAIMS & EVIDENCE

The following persons have filed their claims:-

<u>S.No.</u>	<u>Name of the claimant</u>	<u>Kh.No.</u>	<u>Area</u>	<u>Rate claimed</u>	<u>Evidence</u>
1.	Luxman on behalf of Moti Ram s/o Kharati Lal r/o 1625/11, Dwarkapuri, V. Oldenpur.	Plot No. 66 1/2 3(part)	sq.yds		i) Cost of land Nil @ Rs. 100/- per sq.yd Rs. 6,625-00 ii) Development charges -Rs. 662-00 iii) Construction -Rs. 20,000-00 iv) 15 % solatium -Rs. 4000/- Total -Rs. 31,237-00 Also interest @ 12 % p.a. on the above amount.
2.	Lajwant Saran Sharma s/o Late Sh. Harparshad Sharma r/o 1625/3 B, Dwarkapuri, V. Oldenpur.	Plot No. 200 10	sq.yds		Cost of land @ Rs. 100/- per sq.yd -Rs. 20,000-00 Cost of road & Land -Rs. 9,000-00 Development charges -Rs. 2,000-00 Cost of construction -Rs. 12,000-00 15 % solatium -Rs. 6,700-00 Rs. 49,700-00 Also interest @ 12 % p.a. on the above said amount.

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3. Tej Kaur w/o S. Santokh Singh r/o 892, Jameel Basti, G.T. Road, Shahdara.	Plot No. 9, Kh. No. 303	200 sq.yds	Cost of land @ Rs. 100/- per sq.yd -Rs. 20,000-00 Cost of roads & Lane = Rs. 5,000-00 Development of plot -Rs. 2,000-00 Cost of construction -Rs. 29,400-00 Solatium -Rs. 8,200-00 Total:- Rs. 64,600-00
4. Dayal Singh s/o Dewa Singh r/o 1625/3-D, Dwarka Puri,	Plot No. 49-50, Kh. No. 303	190 sq.yds	Cost of land @ Rs. 100/- per sq.yd -Rs. 19,000-00 Cost of road & Lanes -Rs. 16,500-00 Cost of factory -Rs. 20,000-00 Cost of Development -Rs. 1,900-00 Cost of construction -Rs. 17,500-00 Solatium -Rs. 12,400-00 Total -Rs. 87,300-00
5. Shakuntla Devi w/o Sh. Aridaman Kumar Jain r/o 1625/14-B, Dwarkapuri, V. Oldenpur.	Plot No. 24, Kh. No. 533, 303 & 290	200 sq.yds	Cost of land @ Rs. 100/- per sq.yd -Rs. 20,000-00 Cost of roads & Lanes -Rs. 8,000-00 Cost of Development of plot -Rs. 2,000-00 Cost of Construction -Rs. 37,800-00 Solatium -Rs. 9,000-00 Total -Rs. 76,800-00
6. Shakuntla Devi w/o Sh. Aridaman Kumar Jain, r/o 1625/14-B, Dwarkapuri, V. Oldenpur.	Plot No. 22, Kh. Nos. 715/533/303/291 min	200 sq.yds	Cost of plot @ Rs. 100/- per sq.yd -Rs. 20,000-00 Cost of roads, Lane, Park etc. -Rs. 12,000-00 Development charges -Rs. 2,000-00 Cost of Const. Rs. 12,000.00 15% Solatium. Rs. 6,900.00 Total:- Rs. 52,900.00 Also interest @ 12% p.a. on the above amount. <i>me</i>

7. Hari Bhushan	Plot No. 200	Rs.100/- per sq.yd
s/o Sh.Jai	2, Kh.No. sq.yds	for land -Rs.10,000-00
Narain Sharma,	303/715/	
r/o cv V.Oldenpur	533	
	Cost of Deve-	
	lopment	-Rs. 750-00
	Cost of Cons-	
	truction	-Rs. 18,900-00
	15 % solatium-	-Rs. 4,200-00
	Shifting	
	Charges	-Rs. 500-00
	Total	<u>-Rs. 24,350-00</u>

Interest @ 12 % p.a. on the above amount.

8. Swaran Kuar	Plot No. 202	Cost of land @
w/o S.Karam	41, & 42 187½	Rs.100/-persq.yd -Rs.18,750-00
Singh, 1625/33,	(1/2 share).	
Dwarkapuri,	Kh.No.715/	Cost of road
V.Oldenpur.	533/303	& land -Rs. 9,200-00
		<i>he Construction</i>
		Development
		charges -Rs. 1,875-00
		<i>he Construction</i>
		Concession -Rs. 37,800-00
		15 % solatium -Rs.10,000-00
	Total	<u>-Rs.77,625-00</u>

Interest @ 12 % p.a. on the above said amount.

9. Ram Kishan Dass	Plot No. 250	Cost of land @
s/o Molarmal r/o	47, 48,	Rs.100/-per sq.yd -Rs. 25,000/-
1625/3, Dwarkapuri,	49 (Half)	
V.Oldenpur.	Kh.No.	Cost of roads,
	715/533/	lanes, Part etc. -Rs. 12,500-00
	303	Cosntruction -Rs. 33,250-00
		Trees, Garden etc =Rs. 1,000-00
		Development
		charges -Rs. 2,500-00
		15 % solatium -Rs. 11,250-00
		<u>-Rs. 85,500-00</u>

Interest @ 12 % p.a. on the above amount.

10. Shanta Rani	Plot No. 30	sq.yd
Gupta w/o	19, 20 (Half)	<i>he</i>
Sh.G.C. Gupta		

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Kh.No.
715/533/
303
& 291 min

Cost of land @
Rs. 100/- per sq.yd =Rs. 30,000/-
Cost of road & Land-Rs.16,500-00
Development charges-Rs. 3,000-00
Construction cost -Rs.60,000-00
Loss of factory -Rs.10,000-00
15 % solatium - Rs .18,000-00
Total -Rs.1,37,500-00

Interest 12 % p.a. on the above.

11. Sh.Kishan s/o 11-A 39
Sh.Bhagirath Pd. Kh.No.
r/p 1625/3-A, 303
Dwarkapuri, Navin,
Shahdra, Delhi.

Cost of land @
Rs. 100/- per sq.yd-Rs. 3,900-00
Value of structures-Rs. 12,281-00
Cost of Lands, roads-Rs. 390-00
& Development
Rs.16,571-00

15 % solatium, Interest @ 12 %
p.a.

12. Bharat Singh 715/ -
s/o Chain Singh 533/303
r/o Navin Shahdara

Rs.8000/- for construction of
house.
Rs. 80/- per sq.yd for land.

13. Jagdish P d. Plot No. 200
s/o Lala Ram 2, Kh.No.
Saran Dass 303/715/
533

Cost of land Rs.
100/- per sq.yd -Rs.20,000/-
Cost of Develop-
ment of plot -Rs. 2,000-00
Cost of Construc-
tion -Rs. 14,280-00
Solatium -Rs. 5,400-00
Total -Rs. 41,680-00

14. Bhagirath Pd Plots 250
s/o Ram Saran Nos.38,
Dass r/o 1625/3-A, 39,
Dwarkapuri, Oldenpur Kh.No.
715/533 /
303

Cost of land @
Rs.100/- per sq.yd Rs- 25,000-00
Cost of structure Rs. 31,500-00
Cost of roads, Lanes,
& Development Rs. 2,500-00
Shifting charges Rs. 500-00
15 % solatium Rs. 9000-00
Rs. 68,500-00

Interest 12 % p.a.

Rs. 2 Lacs for loss of earnings.

15. Kishan Lal s/o Plot No. 200	Cost of land @	
Jagdish Pd. r/o 3, Kh. No.	Rs. 100/- per sq. yd	-Rs. 20,000-00
1625/11-A, 303/715/		
Dwarkapuri, Oldenpur 533	Cost of Development	-Rs. 2,000-00
	Cost of constructions	10,920-00
	Solatum	Rs. 5,000-00
	Total	<u>Rs. 37,920-00</u>

16. Padma Wati Plot No. 50	Cost of land	-Rs. 5,200-00
w/o Raghbir 17, Kh. No.	Cost of Development	-Rs. 500-00
Singh Behal, 715/	Cost of construction	-Rs. 9,450-00
1625/A, Dwarkapuri, 533/	Solatum 15 %	-Rs. 2,250-00
Oldenpur. 303	Total	<u>Rs. 17,420-00</u>

17. Sadhu Ram F-5, 200	Cost of land	Rs. 20,000-00
Awasthy, Kh. No.	Cost of Development	Rs. 200-00
s/o Fulli Ram 715/533/	Cost of construction	Rs. 48,000-00
r/o F-5, Navin 303	15 % solatum	Rs. 10,280-00
Shahdara, Oldenpur	Total	<u>Rs. 78,480-00</u>

Interest 6 % p.a.

18. J.S. Bakshi, F-17, 200	Cost of land	Rs. 20,000-00
s/o Pt. VishnuDutt,	Cost of Development	Rs. 200-00
r/o F-17, Navin Shahdara,	Cost of construction	Rs. 48,600-00
Oldenpur Kh. No. 531/303	15 % solatum	Rs. 10,320-00
	Total	<u>Rs. 79,120-00</u>

Interest @ 6 % p.a.

19. Gian Chand F-6, 200	Cost of land	Rs. 20,000 -00
Awasthy s/o 715/533/	Cost of construction	Rs. 27,520-00
Sh. Jullia Ram 303	15 % solatum	Rs. 12,500-00
r/o F.6, Navin		
Shahdara, Oldenpur		

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Total Rs. 60,000-00
Interest 6 % p.a.

20. Purn Singh 44/ 217
s/o Sh. Gulab Singh Kh. No.
r/o 1625/12-A, 303/555/
Dwarkapuri, V. Olden- 715
pur

Cost of land - Rs. 21,700-00
Cost of Development- Rs. 2,170-00
Cost of construction- Rs. 31,500-00
15 % solatium - Rs. 8,400-00
- Rs. 63,770-00

21. Bharat Singh 715/ -
s/o Hem Singh, 533/
r/o 1625/6, 303
Navin Shahdara

He states that his house is
not under acquisition. ~~xxx~~ He
has not submitted his claim.

22. O.N. Sharma F-12, 200
s/o Sh. Mehar Singh 715/
533/
303

Cost of land Rs. 20,000-00
Cost of Development Rs. 200-00
Cost of construction Rs. 54,800-00
15 % solatium Rs. 11,250-00
Total Rs. 86,250-00

23. Day ~~ee~~ Ram s/o Plot 217.77
Sh. Phool Singh No. 2,
r/o 1625/12, Dwarka Kh.
puri, V. Oldenpur. No.
303

Cost of land Rs. 21,777-00
Cost of Develop-
ment Rs. 2,177-00
Cost of construc-
tion Rs. 44,100-00
15 % solatium Rs. 10,200-00
Total Rs. 78,254-00

24. Niva Moitra, 12 & 13 (360)
w/o Sh. M.N. Moitra, Kh. No.
r/o 1619-B, Dwarkapuri, 715/
V. Oldenpur. 533/
303

Cost of land Rs. 36,000-00
Cost of Develop-
ment Rs. 3,600-00
Cost of construc-
tion Rs. 35,000-00
15 % solatium Rs. 11,190-00
Total Rs. 85,790-00

Interest 12 % p.a.

25. Rajinder Sarup F-11, (287)
Sharma s/o Lt. Sh. Kh. No.
~~xxxxxx~~ Kalyan ~~xxxxx~~ 715/
Sarup r/o F-11, 533/
Navin Shahdara, 303
V. Oldenpur.

Cost of land Rs. 28,700/-
Cost of Develop-
ment Rs. 300-00
Cost of construc-
tion Rs. 50,000-00
15 % solatium Rs. 11,850-00
Me Total Rs. 90,850-00

Interest @ 6 % p.a.

26. Rajinder Narain	16 & 17 (96)	Cost of land	Rs. 9,600-00
Sharma s/o Pt. Brijender Kh.			
Narain Sharma, 1625,	No. 303	Cost of Development	Rs. 1,000-00
Dewarkapuri, V. Oldenpur			
		Cost of construction	Rs. 15,120-00
		15 %	Rs. 3,858-00
		Total	Rs. 29,578-00

27. Ram Sanehi s/o	Kh.No. 150	Cost of land & construction	Rs. 15,000/-
Maya Chand Sharma,	1625/3		
r/o 1625/3-C,			
Dwarkapuri, V. Oldenpur			

28. Abhey Ram Tiwari	45, 46 & 325	Cost of land	Rs. 32,500-00
s/o Sh. Raja Ram,	47 (Half) sq. yds		
r/o 1625/12B,	Kh.No.	Cost of road & Land	Rs. 16,300-00
Dwarkapuri, Oldenpur	715/533/303		
		Cost of Development	Rs. 3,250-00
		Construction	Rs. 63,000-00
		15 % solatium	Rs. 16,400-00
			Rs. 1,31,450-00

Interest 12 % p.a.

Note :- No evidence has been produced by the claimants. & none of the above houses fall under the present acquisition.

MARKET VALUE

The market value of the land under acquisition is to be determined with reference to the date of preliminary notification i.e. 13.11.1959. In the determination of the market value various factors such as size and situation of land, the kind of soil, the tenure & the use to which it is put, the advantages and potentiality are taken into consideration. The best evidence in this regard is the evidence of genuine sales between a willing buyer and a willing seller, in respect of either the land under acquisition or other land similarly circumstances about the material date. Awards in respect of

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similar land in the village around the date of preliminary notification can also offer guidance in arriving at the market value of the land. The claimants have not filed any evidence ~~in~~ to support their exorbitant claims. There are following awards with the same date of notification w/s 4 in this village:-

<u>Award No.</u>	<u>Rate awarded by L.A.C.</u>	
1506	Block A	Rs. 1200/- per bigha
	Block B	Rs. 800/- "
	Block C	Rs. 500/- "
	Block D	Rs. 200/- "
1648	Block I	Rs. 800/- "
	Block II	Rs. 200/- "
1941	Rs. 800/- per bigha	

Out of these awards award No. 1648 and 1941 pertain to land which is situated far away across the railway line from the land under acquisition. Award No. 1506 is quite relevant to our consideration in the present case because Kh.Nos. 230, 231, 232, 233, 234, 235, 236 & 237 acquired in award No. 1506 are quite adjacent to Kh.No. 303 under present acquisition. In this award the land in the above mentioned Kh.Nos. is assessed at the rate of Rs. 200/- per bigha on the basis of mutation No. 596 involving sale deed dated 3.6.1958⁸³, with an area of 15 Bighas 8 Biswas for Rs. 3000/- yielding an average of Rs. 200/- per bigha. The land under present acquisition is a pond on the spot. Since the land under ponds is assessed at the rate of Rs. 200/- per bigha in award No. 1506 as mentioned above, I consider it fair & reasonable to fix the market value of land under acquisition at the rate of Rs. 200/- per bigha and allow the same.

OTHER COMPENSATION

There are no trees, Wells or structures on the land under acquisition. *me*

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15 % SOLATIUM

2 15 % solatium is payable on the market value of land for compulsory nature of acquisition.

INTEREST

The present case falls within the purview of the Land Acquisition (Amendment & Validation) Act, 1967. The date of notification u/s 4 is 13.11.1959 and the date of notification u/s 6 is 2.8.1966. Interest at the rate of 6 % p.a. is therefore payable 3 years after the preliminary date i.e. 13.11.1962 to the date of announcement of award which is tentatively fixed on 27.4.1974.

APP-ORTIONMENT

The compensation will be paid according to the latest entries in the revenue record. In case of dispute between the interested persons which is not settled within the reasonable time the compensation will be remitted to the Court of ADJ, Delhi for adjudication of title u/s 30, 31 of L.A. Act.

LAND REVENUE

The land is assessed to land revenue of Rs. 1,64 which will be deducted from the Khalsa rent roll from the date of taking possession over the land.

The award is summarised as below:-

- | | |
|---|------------|
| 1. Compensation of land measuring
4 Bighas @ Rs. 200/- per Bigha | Rs. 800-00 |
| 2. 15 % solatium | Rs. 120-00 |
| 3. Interest @ 6 % p.a. w.e.f.
13.11.1962 to 26-4-1974
(11 yrs 165 days) on the
market value of land (Rs. 800/-) | Rs. 549-70 |

GRAND TOTAL

Rs. 1469-70

(Rs. One thousand four hundred sixty nine & paise seventy only)

Announced & filed today

Paulsammatt
(B.M.L. - SAHMAT) 31.5.74
LAND ACQUISITION COLLECTOR (NSW)
DELHI.

Paulsammatt
31.5.74
LAZ (NSW)

Co. found.

Patil Singh

N.T. (L.A.)