

Award No. 6-B/74-75 (Supplementary)

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

INTRODUCTION:

These are supplementary proceedings under section of the Land Acquisition Act, 1894 to award No. 6/74-75 of village Oldempur for determination of compensation in re of land measuring 7 bighas 6 biswas situated in village Oldempur.

The land under acquisition in the present award part of notification No. F. 15(III)/59-LSG dated 13.11.1959 under section 4 of L.A. Act for an area measuring 34070 ac scheme and of notification No. F. 4(19)/65-L&H(I) dated 9 for an area 449 bighas 13 biswas under section 6 of L.A. Act. The land is required by the Government at the public expense for a public purpose, namely, for the Planned Development Delhi.

Notices under sections 9 & 10 of L.A. Act were issued to the persons interested in the land. Claims filed by will be discussed under a separate heading 'Claims'.

MEASUREMENT & CORRECT AREA

Out of the land notified under section 6 of the L.A. Act, an area measuring 4 bighas was acquired through award No. 6/74-75 and an area measuring 20 bighas 01 biswa was acquired vide Award No. 6-A/74-75 (Supplementary).

The present proceedings are confined to an area measuring 7 bighas 6 biswas only, out of the remaining land notified under section 6, the area of the land under acquisition was found correct as per measurement carried out by the

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staff. The remaining land notified under section 6 will be acquired through another supplementary award on receipt of instructions from the Administration. The details of land under acquisition are as under :-

Khasra No.	Area	Kind of soil.
1333/691/422	0.06	G.M.Sarak.
- 1334 -do-	0.14	G.M.Plot.
1335 -do-	0.03	-do-
1336 -do-	0.03	-do-
1337/-do-	0.03	-do-
1338/-do-	0.03	-do-
1339/-do-	0.03	-do-
1340/-do-	0.03	-do-
- 1341/-do-	0.03,	-do-
1342		
1342 x/-do-	0.03	-do-
1343/-do-	0.10	G.M.Sarak
1344/-do-	0.03	G.M.Plot.
1345/-do-	0.03	-do-
1346/-do-	0.03	-do-
1347/-do-	0.03	-do-
1348/-do-	0.03	-do-
1349/-do-	0.03	-do-
1350/-do-	0.03	-do-
1351/-do-	0.03	<i>hms</i> -do-
1352/-do-	0.04	G.M.Sarak
1353/-do-	0.03	-do- G.M.Plot.
1354/-do-	0.03	-do-
1355/-do-	0.03	-do-
1356/-do-	0.03	-do-
1 357/-do-	0.03	-do-

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1358/-do-	0.01	G.M.Plot.
1359/-do-	0.06	-do-
1360/-do-	0.13	G.M.Sarak
1361/-do-	0.03	G.M.Plot.
1362/-do-	0.03	-do-
1363/-do-	0.03	-do-
1364/-do-	0.03	-do-
1365/-do-	0.03	-do-
1366/-do-	0.03	-do-
1367/-do-	0.05	-do-
1368/-do-	0.06	G.M. Sarak.
Total:	7.06	

The inspection of the site, however, reveals that there are no marked out plots, roads as mentioned in the revenue record or any other development on the land under acquisition. The site inspection further reveals that out of land measuring 7 bighas 6 biswas, land measuring 1 bigha 7 biswa comprising of khasra Nos. 1333/691/442min (0.02), 1357/691/442 min.(0.01), 1358/691/442(0.01), 1359/691/442(0.06), 1360/691/442 min(0.07), 1366/691/442 (0.03), 1367/691/442(0.05), 1368/691/442 min.(0.02) is of normal level, whereas remaining land measuring 5 bighas 19 biswas is 'Gair Mumkin Khudan Zer Aab'. The land of normal level is placed in block I, while the remaining land is placed in Block II.

CLAIMS

S.No.	Name of the claimant	Kh.No.	Area	Compensation claimed.
1.	Bahali Ram	691/442	146.6 sq.yd.	Rs.50/-per sq.yd. 15% & interest.
2 & 2A.	Brij Mohan Tayla s/o Late Kanhaya Lal Tayla.	691/442	-	-

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3.	Kanhaya Lal s/o Suraj Bhan.	1333/691/442 to 1341/691/442, 1343/691/442 to 1354/691/442, 1357/-do- 1358/-do- 1360/-do- 1361/-do- 1366/-do- 1368/-do-	5-13	i)Rs.50/-per sq.yd. for land. ii)15% solatium. iii)6% interest
4.	Sadhu Ram s/o Kartara Ram.	691/442	161.3 sq.yd.	i)Rs.10,000/-for plot. ii)or alternative plot.
5.	Ganga Dass s/o Molar.	1364/691/442.	0.03	i)Rs.100/- per sq.yd. ii)Rs.500/-for levelling.
6 & 6A.	Perma Nand Dikshit.	691/442	146.6 sq.yd.	i)Rs.50/-per sq.yd. for land. ii)Alternative plot.
7.	Jamuna Dass s/o Molar.	691/442	156.3 sq.yd.	i)Rs.100/-per sq.yd. for land. ii)Cost of levelling Rs.500/-.
8.	Inderaj s/o Mewa Ram.	1362/691/442.	0.03	i)Rs.100/-per sq.yd. for land. ii)Rs.500/-for levelling.
9.	Hardeva s/o Chhitar,	1365/691/442.	0.03	-do-

DOCUMENTARY EVIDENCE:

The inter alia mentioned persons interested have produced documentary evidence in support of their claims:

1. Shri Brij Mohan Tayla s/o Late Shri Kanhya Lal Tayla has produced copies of the following documents:-

- i) Photostate copy of the sanctioned letter from Municipal Committee, Shahdara intimating the sanction of the layout plan of the colony known as "Suraj Bhan" the Delhi Shahdara and referring to the committee resolution No.11/III passed in the meeting held on 25.11.53.
- ii) Photostate copy of the sanctioned plan of Suraj Bhan Block.
- iii) Photostate copy of the sanction letter of the Building Deptt. of the Municipal Committee, Shahdara granting permission to erect a single storey building in Suraj Bhan Block in Mohalla Silampur Delhi Shahdara referring to resolution No.3/III, passed in the meeting held on 25.11.53.

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(iv) Photostat copy of the certified copy of the Deed in respect of the ~~xxxx~~ sale of land marked as Plot No. 11, Suraj Bhan Block khasra No. 691/442 in village Oldenpur Shahdara, sold to Shri Parmanand Dixit, Gali Kunjas Dariba Kalan, Delhi, Total Area sold 146.6 sq.yds. at Rs. 5/- per sq.yd. Total consideration of Rs. 735/- sale deed registered at No. 8785 by Sub Registrar, Delhi on 31.7.56 in Volume 3003, Pages 263 to 267.

(v) Photostat copy of Plaints in suit No. 1186 of 1964, instituted by Shri Mahender Kumar Garg against Shri Kanahia Lal Tayla respecting the sale of plot No. 32 in Suraj Bhan Block Plot measuring 140 sq.yds. contracted to be sold at Rs. 20/- per sq.yd. (plot could not be sold for the reason of notification dated 13.11.1959 u/s 4 of Land Acquisition Act respecting the land).

(vi) True copy of the Written Statement filed by Shri Kanahya Lal Tayla in the above mentioned suit.

(vii) Photostat copy of the judgement of the court of Shri M.L. Jain, Addl. Judge Small Causes Court, Delhi in the above mentioned suit.

2. Shri Kanahya Lal has produced copies of the following documents:-

- (i) Copy of plaint Mohinder Kumar Garg Vs. Kanaya Lal dated 11.5.64.
- (ii) Copy of written statement dated 22.8.64.
- (iii) Copy of judgment dated 24.8.64 in the court of Shri M.L. Jain, Addl. Judge Small Cause Court, Delhi.

3. Shri Sashu Ram s/o Shri Kartara Ram has produced copy of sale deed dated 24.5.57.

MARKET VALUE:

The market value of the land under acquisition is to be determined with reference to the date of preliminary notification u/s 4 of the L.A. Act i.e. 13.11.1959. In assessing the market value of the land, various factors such as size and situation, kind of soil use to which it is put, the advantages and potentialities are taken into consideration. The best evidence in this regard is awards in respect of the similar land in the village around the date of preliminary

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notification and court decisions pertaining to these awards. If no such award is available, sale transactions between the willing purchaser and the willing seller in respect of the land parallel in circumstances to the land under acquisition, are taken into consideration.

There are following awards with the same date of preliminary notification under section 4 relating to village Oldenpu

Award No.

Rate awarded by L.A.C.

1506

Block 'A' Rs.1200/- per bigha.
Block 'B' Rs.800/- per bigha.
Block 'C' Rs.500/- per bigha.
Block 'D' Rs.200/- per bigha.

1648

Block I Rs.800/- per bigha.
Block II Rs.200/- per bigha.

1941

Rs.800/- per bigha..

6/74-75

Rs.200/- per bigha.

6A/74-75

Block 'I' Rs.800/- per bigha.
Block 'II' Rs.200/- per bigha.

Supplementary

The present proceedings are supplementary to award No.6/74-75, as the date of notification under section 6 is the same. In award No.6/74-75, previous awards Nos.1506, 1648, 1941 were also considered and the land was evaluated on the basis of award No.1506, because it was adjacent to land acquired in award No.1506. In the present case award No.1506 is not so relevant as award Nos.1648, 1941 and 6A/74-75 supplementary are, because the land involved in award No.1506 is situated north of GT Road and railway land whereas the land acquired vide award Nos. 1648, 1941, 6A/74-75 supplementary alongwith the present land are situated south of the railway line. In award Nos. 1941, 1648 and 6A/74-75 Land Acquisition Collector fixed the market value of land @ Rs.800/- per bigha and of land in the shape of Jheel/Wala @ Rs.200/- per bigha, after taking in consideration the sale transactions, and the evidence filed by the interested persons.

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In the present case the persons interested have produced documentary evidence, the details of which have been given under the heading 'Documentary Evidence'. Shri B.M. Tayla has produced the photostat copy of sale deed dated 4.11.55 wherein plot measuring 146.6 sq.yd. out of khasra No.691/42 village Oldenpur was sold for a consideration of Rs.733/-. The scrutiny of the sale deed has revealed that out of above amount a sum of Rs.634/- was paid in the presence of the Sub Registrar. Since the sale deed is in respect of small plot of land and relates to a period of 4 years prior to the date of preliminary notification, this sale deed will not give any useful guidance in assessing the market value of the land in the present case. The other documentary evidence produced by Shri Brij Mohan Tayla has no bearing in assessing the market value in the present case.

The documentary evidence produced by Shri Kanahya Lal in respect of his claim does not give any useful guidance in assessing the market value of the land in the present case.

Shri Sadhu Ram has produced a copy of the sale Deed for purchase of land measuring 161 sq.yds, out of khasra No.691/442 for a consideration of Rs.800/-. A scrutiny of the sale deed has revealed that the entire consideration money was paid prior to the execution of the sale deed. Moreover, this sale deed is for a small plot of land and was executed about 2½ years prior to the date of preliminary notification. This sale deed cannot be taken into consideration for assessing the correct market value of the land under acquisition. Keeping in view the rates awarded in Awa. Act Nos.1648, 1941, 6-A/74-75 supplementary, I consider of Rs.800/- per bigha fair and reasonable for land revenue 1 bigha 7 biswas falling in Block I and Rs.200/- per rent for land 5 bighas 19 biswas falling in Block I. 9 same.

OTHER COMPENSATION:

There is no tree or well on the land under acquisition.

STRUCTURES:

There is one room without roof in khasra No.1359/691/442 and a boundary wall in khasra No.1367/691/442 which have come up after the notification under section 4 dated 13.11.1959. As there are no entries in the revenue record regarding the existence of the above structures prior to 13.11.59, no compensation is, therefore, assessed for the same. The owners may remove the 'Malba' immediately after the announcement of the award.

SOLATUM:

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

INTEREST:

The case falls within the purview of Land Acquisition (Amendment & Validation) Act, 1962. The date of notification under section 4 is 13.11.1959 and the date of notification under section 6 is 9.8.1966. Interest @ 6% per annum is, therefore, payable three years after the preliminary date i.e. from 13.11.62 to the date of announcement of award which is tentatively fixed as 28.9.76.

APPORTIONMENT:

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 for adjudication of title under section 30/31 of L.A. Act.

LAND REVENUE

The land under acquisition is assessed to Rs.2/62 paise only which will be deducted from

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roll of the village with effect from the date of taking possession.

SUMMARY OF THE AWARD.

1.	Market value of land in Block I measuring 1 bigha 7 biswas & Rs.800/- per bigha.	=	Rs.1080.00
2.	Market value of land in Block II (G.M. Khudan Zer AAb) measuring 5 bighas 19 biswas @ Rs.200/- per bigha.	=	Rs.1190.00
3.	15% solatium.	=	Rs.240.50
4.	Interest @ 6% per annum w.e.f. 13.11.62 to 27.9.76(13 years 320 days) on the market value of land (Rs.2270).	=	Rs.1889.68
G.Total		=	Rs.4,500.18

(Rupees four thousand five hundred & paise eighteen only).

Announced in Open Court -

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(K.S. WAHI)
Land Acquisition Collector(MSW)
Delhi. 28/9/76