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ME AWARD NO. 9/29-80  
NAME OF THE VILLAGE: CHANDERAWALI @ SHAHDARA  
NATURE OF ACQUISITION: PERMANENT  
PURPOSE OF ACQUISITION: PLAN DEVELOPMENT OF DELHI.

INTRODUCTION

The land situated in the revenue estate of village Chanderawali @ Shahdara is required by the Government at Public expense for public purpose namely for the Plan Development of Delhi. A notification U/s 4 of the Land Acquisition Act, 1894 was issued vide No.F.15(III)/59-L&H dated 13.11.59. In this notification vast area of 34070 Acres situated in a number of villages of the Union Territory of Delhi was covered and land area being acquired from this area from time to time as and when the necessity arises by making publication of notification U/s 6 of the aforesaid Act. The substance of the notification U/s 4 referred to above was given due publicity and objections were invited from the interested persons. After hearing the same, a report was made to Delhi Administration along with the objections. Delhi Administration then issued a declaration U/s 6 of the Land Acquisition Act vide notification No.F.4(19)/65-L&H(1) dated 1.11.1966 and a corrigendum vide No.F.4(19)/65-L&H(1) dated 20.9.68 affecting modification therein in respect of land measuring 210 Bigha 16 Biswa situated in the aforesaid village of Chanderawali @ Shahdara out of which the present acquisition is being made for a more specific purpose namely digging of Trunk Drain No.1. Notice U/s 9(1) was given due publicity and notices U/s 9(3) and 10(1) of the aforesaid

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Act were served on the known interested persons.

MEASUREMENT AND OWNERSHIP

As said above 210 Bigha 16 biswa land was sought to be taken vide the declaration U/s 6 read with corrigendum referred to above but the said notification and the corrigendum were assailed by Shri Mohd. Yunis and others all owners of land comprised in Khasra No. 5154/634 min to the extent of their land only and the Hon'ble High Court accepted this contention. Shri Mohd. Yunis has objected to the validity of these proceedings so far as these concern him and other heirs of late Shri Abdul Razak. The objection has been considered and in result the following is the specification of the land covered by acquisition in the present case:-

<u>Khasra No.</u>	<u>Area</u> Big. Bis	<u>Classification</u>
5154/634/7/2/1 ✓	1-00	Banjar Qadeem
5154/634/22/2/1 ✓	0-02	-----do-----
2239/1046/22/3/1 ✓	3-19	-----do-----
1048/924/2/1 ✓	1-15	Banjar Jadeed
831/1 ✓	0-01	Banjar Qadim
5035/829/2/1 ✓	1-10	Banjar Qadim
5034/829/2/1 ✓	0-08	Banjar Jadid
5033/828/2 ✓	0-07	Banjar Qadim
5037/830/1 ✓	0-01	Banjar Qadim
Total:	<u>9-03</u>	

The measurement has been carried out on the spot by the field staff and the area of the land under acquisition conforms to the measurement of <sup>it</sup> at site. The above is, therefore, the true and correct area for purposes of this award. *Ownership is as per Jamabandi 60-61*

CLAIMS

The following persons responded to the notices and

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filed their claims:-

S.NO.	Name of the Claimant	Substance of Claim
1.	Pushpa Devi W/o Om Parkash.	Claims to have built a house on 150 sq.yds. prior to notification U/s 4. Claims compensation @ Rs.200/- per sq.yd. for land and Rs.60,000/- for the house or alternative accomodation.
2.	Maya Devi W/o Jai Parkash Gupta through Sh.R.K.Shukla, Advocate.	Claims to have built a boundry wall and tin sheds over 250 sq. yds. prior to notification U/s 4. Claims compensation @ Rs.200/- Rs.12,000/- for construction with solatium and interest.
3.	Shiv Narain S/o Jai Narain for himself and on behalf of Jagdish Narain and Inder Narain, brothers and Jai Narain his father.	Claims compensation @ Rs.150/- per sq.yd. with 15% solatium and interest.
4.	M/s Swaran Cinema through Swaran Singh Gaur.	Claims to run the cinema since 1970 which at present is a project of 50 Lakhs claims all that and Rs.10 lakhs more for loss of business. Also claims cost of land at Rs.250/- per sq.yd.
5.	Shanti Narain and Parkash Narain sons of Sh.Ram Narain.	Claim compensation at Rs.150/- per sq.yd. and 15% solatium.
6.	Satish Chand, and Mahesh Chand sons Sukhbir Singh Jain through their Advocate.	Claim to have constructed a house on 150 sq.yds. Claim compensation at Rs.200/- per sq. yds. for the land and Rs.35,000/- for the house and 15% solatium and interest in addition.
7.	Ved Parkash Sharma s/o Shiv Charan Dass.	Claims to have constructed a house on 100 sq.yds. Claims compensation at Rs.200/- per sq. yd. for the land and Rs.35,000/- for the house and 15% solatium and interest in addition.
8.	Ravi Parkash Sharma s/o Shri Shiv Charan Dass through counsel.	Claims to have constructed a house on 100 sq.yds. Claims compensation at Rs.200/- per sq. yd. for land and Rs.40,000/- for the house and 15% solatium and interest in addition.

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S.NO.	Name of the Claimant	Substance of Claim.
9.	Daulat Ram S/o Mohan Lal.	Claims Rs.50,000/- for his land under acquisition.
10.	M.L.Gupta S/o Late Mussadi Lal for himself and for Smt.Rani Urmila, Dr.Kaushalya Gupta, Dr. Saroj Kumari Prakash, Smt.Krishna Lal, Smt. Ashoka Vedi, Smt.Suman Gupta, Smt.Abha Raj his sisters and Smt.Bela Devi his mother.	Their claim is as heirs of Late Shri Mussaddi Lal one of the 5 partners claiming 19 paise in a Rupee in the firm M/s Daulat Ram Khanna & Co. Claims compensation @ Rs.300/- per sq.yd.
11.	Sri Ram Sarvaria & Sons (P) Ltd. through Pt.Ved Ram Sarvaria, Secretary & General Attorney.	Claims compensation @ Rs.30/- per sq.yd. and 15% solatium and 6% <del>per</del> interest.
12.	Smt.Nirmala Jain w/o Sh.N.S.Jain.	Claims to have built a house at 100 sq.yds. prior to notification U/s 4. Claims compensation @ Rs.200/- per sq.yd. and Rs.30,000/- for house, 15% solatium and interest in addition.
13.	Smt.Sushila Devi w/o Sh.Satya Prakash Jain.	Claims to have built a house at 100 sq.yds. prior to notification U/s 4. Claim compensation @ Rs.200/- per sq.yd. and <del>Rx</del> Rs.40,000/- for house, 15% solatium and interest in addition.

#### EVIDENCE

Almost all the claimants have contended that the land under acquisition is a part of developed colony with all the civic amenities on it as a result of which the compensation merits determination at the rates demanded by them. None of them has, however, led any evidence to substantiate the exorbitant rate demanded for the land and the constructions. Some of them have not even established that the land was purchased by them and house built before the notification U/s 4 was made. Only in one case i.e. Shri M.L.Gupta, representing

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himself and other heirs of late Shri Musaddi Lal has led some evidence that too to the effect of Late Shri Musaddi Lal's share in M/s Daulat Ram Khanna & Co.

MARKET VALUE

The land under acquisition is situated along the easter bank of Drain that passes along a colony now known as Bhola Nath Nagar but the boundaries of village Karkardooma are also not far off. It is correct as contended by some of the claimant that their land is part of a colony which has amenities like water and electricity, but this discussion of the land being part of developed area is not relevant because under the provisions of the Land Acquisition Act, 1894 the market value of the land has to be assessed as it existed on the date of notification U/s 4 of the said Act which in the instant case is 13.11.59. The whole land was then Banjar Zadeed or Qadeem. That situated beyond Bhola Nath Nagar maintains that character even today. It was not being used even for agricultural purposes, at the time of notification as the Banjar land is generally unfit for the use. The market value of the land under acquisition, therefore, has to be determined on the basis of a fallow erable land.

From the information of the sale instances gathered by the field staff, it is evident that a number of sale transactions reportedly took place during the relevant year which by average can deduce sale value of Rs.4000/- per bi ha. There are also a few awards available in respect of land in this very village ~~are~~ in which the material date for determination of market value is the same as in the instant

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case. These are award No.1544 of 20.3.63, 1850 of 12.10.65 and 1700 of 31.3.64 in which market value per bigha has been determined at Rs.1250/-, Rs.3000/2500, and Rs.1500/- respectively. The Naib Tehsildar, Land Acquisition has reported that award 1850 is most relevant for consideration in this case because it pertains to other parts of the field/land which are covered from the present acquisition. He has at the same time suggested that valuation vide this award had been assailed and taken for adjudication in case No.972 of 1966 wherein the Ld.Addl.District Judge enhanced the market value from Rs.3000/- to Rs.13,000/- per bigha vide his judgement dated 23.1.68. I have gone through this judgement and I am unable to persuade myself to believe that the rate allowed in this judgement can fairly be made applicable to the land subject to acquisition in the instant case for the following reasons:-

1. The land of which Ld.Addl.District Judge enhanced the rate to Rs.13,000/- was a small parcel of 8 Biswa.
2. This 8 Biswa of land was more or less in the form of a plot enclosed by road on three sides. The roads being 60 feet, 30 feet and 15 feet wide.
3. This plot i-tself had been purchased for Rs.5200/- by the owner prior to acquisition.

★The Ld.Addl.District Judge had in that case, interalia, held that the actual price paid by the owner of the land, forms the best basis for assessing the market value of the same. It was for these reasons, which are paculiar for that

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case itself, that market value in that was enhanced from Rs.3000/- to Rs.13000/-. In that vary case our counsel had tried to convince the court that in another <sup>reference arising</sup> ~~case covered~~ <sup>out of</sup> ~~the~~ the same award the compensation had been enhanced from Rs.3000/- to Rs.5000/- per bigha and that precedent need be followed. The Ld.Addl.District Judge did not accept the plea of the Govt. Counsel for the reasons discussed at length in the judgement some of which I have quoted above.

Since enhancement in this village has been made by the court of Addl.District Judge at Rs.5,000/- per bigha vide the case discussed above I consider that no other criteria can be most reliable for determination of a fair and reasonable rate of market value of the land under acquisition. I adopt the same rate of Rs.5,000/- per bigha at flat rate, of the land being all <sup>of</sup> ~~the~~ the same kind and <sup>known</sup> ~~contingencies~~ and assess accordingly.

#### COMPENSATION FOR STRUCTURES

As I have discussed above it is amply clear from the entries of revenue record that the land under acquisition at the time of notice U/s 4 was a vacant and fallow land not even worthy of giving any agricultural yield, the the contention of the claimants that some of the house and structures existed on it prior to the date of notification becomes devoid of credibility more so when none of them has led any evidence whatsoever on this point. The super-structures, therefore, presently standing on the land under acquisition have subsequently been raised and raised at their own risk. The land Acquisition Act clearly disapproves of making improvements and increase to the value of land after the notification U/s 4. No compensation on account of such

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structures can, therefore, be legitimately claimed. I am, for this simple reason, unable to accede to any claim on this, <sup>count</sup> The owners of super-structures are however at liberty to remove their Malba.

#### OTHER CLAIM

Other claims on account of severance and loss of business, made in this case and particularly by M/s Swaran Cinema become redundant in view of my observations under the head 'claim for super-structures'.

#### APPORTIONMENT

The payment of compensation will be made on the basis of the title being established by the parties.

#### SOLATIU

Since the acquisition is under the Land Acquisition Act, 1894, it is in the nature of compulsory acquisition and will admit of payment of solatium @ 15% on account of compulsory nature of acquisition. 15% on the value of compensation is, therefore, allowed in this case as solatium.

#### INTEREST

Since the notification U/s 4 was made on 13.11.59 and that of section 6 on 1.11.66. As per provisions of the Land Acquisition (Amendment) and Validation Act, 1967 interest at 6% will be permissible from 13.11.62 to date.

#### LAND REVENUE

The land under acquisition is assessed to Rs.1.83 which will be deducted from the rent roll of this revenue-estate from the date of takingover possession.

The aforesaid land will now vest absolutely in Government free from all encumbrances.

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'SUMMARY OF THE AWARD'

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| 1. Market value of land measuring 9 Bigha 3 Biswa @ Rs.5,000/- per bigha.                          | Rs.45,750.00 |
| 2. 15% Solatium on account of compulsory acquisition.  | Rs. 6,862.50 |
| 3. Interest U/s 4(3) of the Amendment Act, 1976 @ 6% from 13.11.62 to 20.6.79 (16 years 220 days). | Rs.45,574.52 |

TOTAL:

Rs.98,187.02

(Rupees Ninety Eight Thousand One Hundred Eight Seven and paise two Only).

*[Signature]*  
( C.B. VERMA )  
LAND ACQUISITION COLLECTOR(DS):  
DELHI.

*Announced in open Court today as per proceedings on file*

*[Signature]*  
21-6-79  
LAC

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31.09.79

Final d/o

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