

AWARD NO. 723

Village.

MANDAOLI FAZALPUR.

Nature of acquisition: Permanent.

In pursuance of notification No.F.15(91)/56-L.S.G.(iii) dated the 2nd May, 1959, under section 4 of the Land Acquisition Act, 1894, issued by the Chief Commissioner, Delhi, 67.265 acres of land is under acquisition for the construction of Goods Avoiding Lines and the Second Yumna Bridge from Ghaziabad to Tughlakabad alongwith other land at village Mandaoli Fazalpur. Simultaneously, declaration under section 6 of the Act was issued vide notification No.F.15(91)/56-L.S.G. (iv) of the even date in respect of the same area for the same authority. Because of the emergent instructions were issued vide notification of the even date for taking over the land. In the declaration under section 6 of the Act, field number 1254/928/512 and 708. It has been stated that section 17 of the Land Acquisition Act, 1894 is not applicable to the land numbers also because field number 1254/928/512 and in its place another new house has been built. Therefore, no compensation is due; there are 28 trees grown up in field number 1254/928/512, which can hardly be called a structure. In field number 708, there are ruins of a house which can hardly be called a structure. In the notification issued under section 6 of the Act, field number 1254/928/512 and 708 do not find its place in the order of taking over the land. Therefore,

397,1058/495,497,1293/511,1071/519,538,543,544,545, 681/2 and 72 not actually been covered by the scheme and these field numbers are to be left out even though mentioned in the notifications under sections 4 and 6 of the Act. Field Numbers 954/40 and 200/1 were mentioned in the notifications given above, but have actually been covered by the scheme. The persons interested know it fully and these are under acquisition. Therefore, no revised notification is necessary on this account. Satisfaction about the measurement of land has been made by the land acquisition field staff. The details of the field numbers are given in the statement 'A' attached, which is a part of the award. The classification of land is given below:

Cultivated		Uncultivated.
Kind of soil.	Area.	Kind of soil.
Chahi.	Big-Bis.	Ghairmunkin Plot.
Rosli.	78 - 16	Banjar Qadim.
Rosli Rihala.	58 - 7	Ghairmunkin Kiln.
Dakar.	1 - 0	Ghairmunkin Well.
Dakar Rihala.	93 - 19	Ghairmunkin bore.
Matiar Rihala.	15 - 14	Ghairmunkin hand.
Matiar.	2 - 11	Ghairmunkin ath.
	12 - 3	
	262 - 10	

TOTAL AREA === 32

COMPENSATION:

The persons interested made the following written or oral statements on the file:-

Sl.No.	Name of the person interested
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1. Smt.Kishan Devi.

2. Sh.Gobind Ram.

the

3. M/s.Mittal Sons Land & Finance Pt.Ltd.

4. Sarvashri Naider, Harir Singh.

5. Sarvashri & Smt. Khazhi, Gopi, Nanua, Lakshibha, Chhote, Khache, Naider, Rom, Kalu, Bali, Jai Ram, Kars, Mehar, Chander, Kale, Sis, Jhunk

Rs.200/- to
per bigha.

Rs.2,500
to Rs.6.
Rs.5000/
wells &
for st
15% com
acquisi
sever

Rs.

Khubi alias Gopi, Rati Ram, Mani Ram, Munshi, Jagmal, Dhan Singh, Harkesh, Sis Ram, Bikhari, Sohan Lal, Jag Ram, Shiv Charan, Sheo Dayal, Sheo Dass, Attar Singh, Chandan.

6. Sh. Vidya Parkash Sethi. Rs. 4.00 per sq. ya
7. Sh. Himat Singh. Rs. 4.50 per sq. ya
8. Sarvashri Radhe Lal, Chiranji Lal, Pearey, Tika Ram, Har Lal, Deep Chand. Rs. 5.00 per sq
9. Sarvashri Buhadar, Har Sarup, Chhaju, Bhim Singh, Daler, Badle, Giasi, Munshi, Prem Singh, Smt. Bhakhtawri. Rs. 5,000/- per
10. Sarvashri Chaina, Dhani Ram, Nathua, Bihari, Gopi, Fatan, Bhajan alias Tejan, Ram Pal, Har Kishan, Mahavir, Mangal, Parkash, Jhutan, Bodal. Rs. 6,000/- pe
11. Sarvashri Gordhan, Inchha, Jagbir Singh, Ragbir Singh, Gaiinda, Bule, Giasi, Roshan, Nihal, Shamshera, Kishan Lal, Giani, Khacheru, Rattan Lal, Harbir Singh. Rs. 7
12. Sarvashri Badan Singh, Smt. Bakhtawri, Uggar Sain Kahsyap, Bhim Singh, Chacheru, Rattan Lal, Mohan Lal, Sohan Lal, Kishan Lal, Jagbir Singh, Lakhi Chand, Shamshera, Gordhan, Giani, Gopi. Rs. 7, 6
13. Sh. Uggar Sain Kahsyap also demanded Rs. 10/- persq. yard and Re. 1/- per sq. yard for severance allowance
14. Sh. Narain Dass Khana Rs. 5/-
15. Sh. Ragbir Singh demanded Rs. 10,000/- for his well
16. S. Mohinder Singh demanded compensation @ Rs. 12/- per sq.
17. M/s. Mittal Sons Land & Finance Pt. Ltd also demanded damage expenditure incurred by them on the outlay and improvement land and for future potential possibilities and special ad by reasons of situation and propinquity to the surrounding plus 15% towards compulsory acquisition cost.

The following documentary evidence was r interested:-

Sl. No.	Name of person interested.	Docum
1.	Sh. Uggar Sen Kashyap (a)	A copy of register 9.8.1941, through which numbers 510/1, 1263/928, village Mandaoli Faza
	(b)	A copy of registered on the 27th April, 19 transfer of 133 sq. ya Pandav Nagar Colony in for Rs. 516/- x
	(c)	A copy of reg on the 23rd A transfer of situated i Bangar Est yard.

- (D) a copy of registered Deed No.7459 executed on the 5th day of September, 1959 in respect of the transfer of 83.4 sq.yards for Rs.834/- @ Rs.10/- per sq.yard.
- (e) A copy of registered Deed No.2718 executed on the 17th February, 1955 in respect of the transfer of 1000 sq.yards for Rs.875/- situated in Satya Nagar Colony in Mandaoli Fazalpur Estate @ Rs.875/- per sq.yard or @ Rs.882/- per bigha.
2. Sh.Gobind Ram. 1. A copy of registered Deed No.7845 executed on the 3rd December, 1958 in respect of the transfer of 100 sq.yards for Rs.650/- @ Rs.6/8/- per sq.yard in Guru Angad Nagar Colony of Khurezi Khas. *He also refers to the above.*

CHIEF DATA:- The Naib-Tehsildar, Land Acquisition vide his report dated the 29th February, 1960 proposed a rate of Rs.1000/- per bigha for Chahi, Ghairmumkin Plots, Rs.500/- per bigha for Dakar, Dakar Rs.400/- per bigha for Rosli, Rosli Rihala, Matiar, Matiar Rihala Rs.300/- per bigha for Banjar Qadim and Rs.150/- per bigha for G lands.

DEPARTMENTAL REPRESENTATION:

The Land Control Officer, Northern Railway, his letter dated the 19th February, 1960 wrote that as deemed suitable might be fixed, but the estimate the purpose might not be exceeded. The Preliminary

Chahi. @ Rs.700/- per bigha.
Barani. @ Rs.450.00 per bigha.
Banjar Qadim Rs.250.00 per bigha.

FAIR & REASONABLE VALUE:

The land under acquisition had been inspected situated in between Karkar Duman on the North, South. It is a narrow strip of land varying in places. The Chahi land is fairly good while the for agricultural purposes. Small kothas are in places besides the village abadi in this Estate.

to increase its future potentiality by wa disposing of plots here and there over has since vested in the Gaon Sabha. The in the prices in this village.

The rental value is not available any area in this village. There

in respect of the land within the land under acquisition of which the details are given below:-

Mutation No.	Date of Transaction	Field No./Numbers.	Kind of Soil.
753	6.7.1954	1450/953/40	Rosli.
801	29.12.54	37	-do-
807	19.6.54	116,123 situated nearby	Rosli & Dakar.
809	16.6.54	1074/521	Dakar
813	22.1.55	62,63,64	Dakar. Rs.
824	5.8.54	520	Dakar Rs.
858	11.5.55	1293/511	Dakar
870	22.1.55	523	Chahi. Rs.
877	17.6.55	1370/117	Banjar Qadim
878	9.7.55	1371/117	-do- Rs.
887	23.7.55	1225/201	-do- Rs.
944	1.10.54	1229,1230,1231,1228/201 etc. (125/1,1325/132, are situated nearby.)	-do- & Dakar
947	20.12.54	115/1 other field Nos. 1438/198 and 1439/198 are situated nearby.	-do-
949	10.9.54	1318/1228/201, Kh.No. 34 situated nearby.	Banjar Qadim and Rosli.
951.	4th April, 55	1228/201 Kh.No. 106 situated nearby.	Dakar.
952	21.5.54	1031/277	-
957	27.5.56	1310/117	Rosli & Banjar Qadim
959	16.1.56	1372/117	Banjar Qadim
1002	3.10.55	1068/514	Ghearn
1008	2.5.59	1259/115	Rosli.

The above figures show how the prices varied from the same kind of soil in different years. There are in which the land involved is situated near the land such as Nos. 754, 769, 817, 829, 860, 862, 890, 891 per bigha of all the above mentioned mutations.

Kind of soil.
1. Chahi.
2. Dakar.
3. Rosli.
4. Ghearn

as against the quinquennial average of Rs.381.00 per bigha of mixed kinds, of sale-transactions took place in this village immediately preceding the date of the notification, under section 4 of the Act. In it is included the land of plots. The claims of the persons interested are very exorbitant and the evidence produced by them is in respect of the sale of the land of plots, except the land involved in Registered Deed No.2718 executed in the year 1955, @ Rs.882/- per bigha. Generally inflated prices are shown in the registered to foil pre-emption suits. The prices in the land acquisition itself or near it ranged from Rs.100/- to Rs.115/- per bigha for Rosli land, Rs.416/- to Rs.115/- per bigha of Dakar, Rs.111/11 nP. to Rs.1149/43 nP. per Banjar Qadim. The valuation of various kinds of land in Shahdara Assessment Circle, in the Delhi Land Reform are as under:-

Abi	16 an
Chahi & Sailab.	12 an
Barani.	8 an

Keeping in view the claims of the persons interested and the evidence produced by them, the chief-data provided by the Naib-Tehsildar, Land Acquisition, the department, and the original estimates, the material available on the spot and my own observation of the spot I consider a fair price per bigha for Chahi and Ghairmumkin Plots, Rs.450/-, for Barani (Dakar, Rosli, Matiar with Matiar Riha) Rs.100/- per bigha for Banjar Qadim and Rs.100/- per bigha for Kiln, Well, Shore, Ruins and Path, as fair and reasonable award accordingly.

SEVERANCE:

A few claimants have demanded compensation on account of severance. The farm should surely be linked by a bridge or a level road. In such cases, the demands are vague and there is no justification for allowing any amount. In the case of Shri Jagmal, whose

field number 287 are rendered less useful for purposes. He alone is allowed Rs.100/- per big Rs.70/- for diminution of profits of his land.

T R E E S:- There are 67 trees weighing 205 Rs.550/- by the Land Acquisition Naib-Tehsild dated the 29th February, 1960. I have scrutinized and have no reason to disagree with him. I, the same amount, the details of which are given 'A' attached with the Award.

W E L L S:- There are two wells in field number. These wells had been inspected by me. The owners claimed exorbitant amounts as per their claims. The proposed Rs.1,000/- each. The departmental officers are of the opinion about this item. The well in field number was repaired by the present owners. Its repair was found to be poor because at the time of inspection muddy water was coming out of it. General Rs.1000.00 to Rs.1,500.00 is advanced for Shahdara area. The well being old, there is a doubt in its valuation. It would have outlived its life if not been repaired. It should be assessed at Rs.1,000.00 as the well is in useable condition. It appears that the well is like a brick-kiln. Such like wells are generally assessed at Rs.1,000.00 because after the excavations the well is abandoned by the brick-kiln owner. I assess its value at Rs.1,000.00 accordingly.

S T R U C T U R E S:- There are ruins of Malwa alone is to be assessed. The Land Acquisition proposed Rs.50/- with which the value is to be assessed.

S O L A T I U M:- As provided in sub-section 3 of the Land Acquisition Act, 1894, 15% of the market value of the land is to be paid as amount of compensation for its compulsory acquisition.

I N T E R E S T:- As possession of the land has not been taken by the department so far, the question of interest does not arise.

APP

About some Farad-Badar or mutation have not been entered or attested. There are some field numbers, ^{about which} ~~whose~~ rights could not be ascertained because of the non-availability of the records. There are some field numbers, which have been div on account of the application of Delhi Land Reforms Act, 19 but these have not been defined or measured at the spot. U the tattimas are made, it is not possible to make payment. The records of this village with the Patwari were burnt i year 1947 and its copies are not available in the head-of inspite of much efforts. The ^{detail} ~~list~~ of such field number given below:-

952/40, 954/40, 1450/953/40/1, 46 min, 69/1
1452/953/40, 49/1, 49/2, 65/1, 65/2, 65/3, 7
1371/117/1, 66/1, 67/1, 115/1, 115/2, 115/4
1260/115, 1216/201 etc. 1372/117/1, 134/1
1312/1228/201, 1313/1228/201, 1314/1228
1077/542, 1306/266/1, 1277/277, 1278/267, 2
1028/277, 1029/277, 1030/277, 1031/277, 286
294 min, 292/1, 292/2, 1253/928/512, 1254/1
1072/521, 1073/521, 1074/521, 541, 672/1, 682

The amount of compensation in respect of these shall have to be deposited with the Distri

The payment of compensation in respect of will be made according to the entries i ^{which} reproduced in statement 'A', /forms a part amount of taccavi-loan advanced for the charge on the amount of compensation. T

Officer will be consulted before payment

~~XXXXXX, XXXX~~ Nos. 546, 690, 950 and 1002

The award is summarised as below:

Sl.No.	Kind of soil.	Rate	Area per bigha
		Big-Bi	

1. Chahi.
2. Ghairmumkin
3. Rosli.
4. Rosli.
- 5.

885

E/F.

Big-Bis. 1/8 1/2
320 - 8

12. Chairmunkin Shore.	1 - 1	} Rs. 100.00
13. Chairmunkin Ruins.	0 - 18	
14. Chairmunkin Path.	0 - 3	

Rs. 1,62,190.00

Rs. 1,970.00

322 - 13 1/2

Add Compensation for trees.

Rs. 550.00

Add compensation for two wells.

Rs. 1,500.00

Add compensation for the Malva (of ruins of ordinary stones).

Rs. 50.00

Rs. 1,66,260.00

Add 15% towards compulsory acquisition cost

Rs. 24,939.00

Add compensation for severance (diminution of profits of Kh.No.287).

Rs. 70.00

GRAND TOTAL:

Rs. 1,91,269.

LAND REVENUE DEDUCTION:

The land revenue cannot be calculated because of the want of Tittamas { division of field numbers } according to the rights declared under the Delhi Land Reforms Act, 1954. The matter of determination of land revenue shall have to be referred to the District Judge.

(Murari Singh)
Land Acquisition Collector: Delhi.
12.3.1960.

Submitted to the Collector of the District (Deputy Commissioner, Delhi) for information.

(Murari Singh)
Land Acquisition Collector: Delhi.
12.3.1960.

See

1673/60