

AWARD NO. 20-A/74-75(SUPPLEMENTARY)

Name of village.	ARKPUR BAGH MOCHI.
Nature of Acquisition.	Permanent.
Purpose of Acquisition.	Planned Development

These are proceedings supplementary U/S 11 Land Acquisition Act, 1894 to award No.20/74-75 for determination of compensation in respect of land measuring 88 bighas 1 bis. situated in village Arkpur Bagh Mochi(Nazul Estate).

The land forms part of notification U/S 4 L.A. Act issued by the Delhi Administration vide No.F.7(88)/62-L&H dated 12.12.63 for 266 bighas 7 biswas. A declaration U/S 6 of the Act issued vide notification of even No. dated 5.12.63. The land was acquired by the Government at the public expense for a public purpose, namely for the Planned Development of Delhi.

Notices U/S 9&10 of the Act were issued to the persons interested. Claims received will be discussed under the appropriate heading.

MEASUREMENT AND CORRECT AREA.

Out of the land notified U/S 6 of the L.A. Act measuring 23 bighas 18 biswas was acquired through award No. 20/74-75 of village Arkpur Bagh Mochi.

As already said the present proceedings are confined to area 88 bighas 1 biswas only which was found correct as per measurement carried out by the field staff at the spot. The remaining land notified U/S 6 will be acquired through another supplementary award on receipt of the instructions from Administration.

The details of the land under acquisition are as follows:

<u>Khasra No.</u>	<u>Area.</u>		<u>Kind of Soil</u>
	<u>Bigha.</u>	<u>Bis.</u>	
639/446/1	6	14	Gairi
639/446/3	74	13	G.M.
640/446/1	3	7	G.M.
641/446/1	3	7	Gairi

Ownership & Occupancy.

S.No. Name of owner. Name of occupant. Kh.No.

1. Sarkar Daulat L&D.O. Deptt. through 639/446/1
Madar. (1) Shri Harnam Singh 639/446/3
S/O Aya Singh Pattedar
Dawam. (3-01)

(ii) -do-

c/o Jagdish Bihari
Lal Caste Kaisth gair
Mauroosi R/O New Delhi
(4-06)

(iii) -do-

c/o Sham Lal S/O Dharam
Sain + Caste Vaish,
Chawari Bazar Gair
Mauroosi.
(4-11)

(iv) -do-

c/o Firm M/S Kirpa Ram &
Jai Chand R/O New Delhi
Gair Mauroosi
(10-05)

(v) -do-

c/o Shibban Bros.
Chawari Bazar, Delhi
Gair Mauroosi
(43-16)

(vi) -do-

C/O Sukha Mall Gokalchand
Johri R/O Chawari Bazar
Chandni Chowk Delhi.
Gair Mauroosi
(4-16)

(vii) -do-

C/O Har Chand S/O Bangli Mull
R/O Chawari Bazar Gair Mauroosi
(14-03)

2. Sarkar Daulat L&D.O. Deptt. 640/446/1
Madar. C/O Gurcharn Singh
S/O Gurbaksh Singh
R/O Jantr Mantr Road,
New Delhi Pattedar Dawam

3-0

Contd....3

There are some jhuggies falling in Kh.No.639/446/3, which have been put up by unauthorised squatters^t after the date of notification U/S. 4 i.e. 15.9.62. No compensation is assessable on this account. The occupants of these jhuggies are at liberty to remove their malba within 15 days of the announcement of the Award.

The structure occupied by the Petrol Pump also came up after the date of preliminary notification. Therefore, no compensation is awarded for the same. There is stay dispossession order in respect of the premises, passed by the Hon'ble High Court on 23.11.1972 in C.W.No.1136/72. No action for dispossession or demolition in respect of the same will be taken till decision of the High Court.

SOLATIUM.

15% Solatium will be paid on the market value of the land in consideration of the compulsory nature of acquisition.

INTEREST.

In this case the notification U/S 6 L.A. Act was issued vide No.F.7(58)/62-L&H dated 5.12.68 i.e., on expiry of three years after the date of publication of notification issued U/s 4 L.A. Act vide No.F.7(58)/62-L&H dated 27.9.62. Therefore the case falls within the purview of the Land Acquisition(Amendment & Validation) Act, 1967. The interest at 6% per annum will be payable only on the market value of the land w.e.f. 27.9.65 to the date of announcement of Award which is tentatively fixed as 29.3.75.

However, no interest would be payable w.e.f. 23.11.1972 in respect of an area 1 big- 18 bis.(1920 Sq.Yds) in Kh.No. 639/446/3 due to stay dispossession orders passed by the Hon'ble

High Court on 23.11.1972 in C.W.No.1136/72 Shanti Swaroop Bhatia S/O Shri Amar Chand Bhatia Vs. L.A.C. and others.
DAMAGES.

The claimant Shri Hira Lal Hiteshi at Sl.No. 27 in addition to his claim for compensation of the premises, has also stated that he had established business of Taxidermy and for which he installed machinery and equipment worth Rs. 20,000/-. The use of the same was also allowed by the petitioner to members of Delhi Hobby Club, a non profit, social registered society for their creative Hobbies. He further stated himself to be a permanent secretary of the said club. Compensation for machines, tools and equipment for the trade has been claimed amounting to Rs. 40,000/- along with a sum of Rs. 1,000/- for the power connection. Another Rs. 20,000/- has been claimed for Hobby Club equipment and machines, and Rs. 20,000/- towards maintenance and other developments. A sum of Rs. 50,000/- has further been claimed towards loss of goodwill to the business.

The petitioner has neither adduced any evidence to substantiate his claim for investment in machines and tools etc. nor any accounts of the running business, produced. Therefore, no claim is maintainable on account of the above items including the claim for goodwill.

As regard the claim for a tubewell and the kitchen garden, the well does not form part of the present acquisition while no kitchen garden was observed by the field staff at site.

It may not be out of place to mention that the field staff did not find any installation of machines etc. nor any activity with regard to the business as stated.

As for claim of severance, it may be stated that the petitioner has only claimed himself as a tenant of the premises and as such no claim on this account is accruable in his capacity as a tenant of the premises. The portion of the open land has been left out of acquisition on the representation to the Government by the persons interested.

The claim of Shri Brij Kishore Gupta S/O Shri Om Prakash and others at Sl.No.29, for severance is also not maintainable, as the person interested in the land under acquisition whose portions of the land have been left out of acquisition, are different than this claimant.

~~Shri~~ claimant Smt. Sharda Devi Dang at Sl.No.33 and Shri Hari Kant Dang alongwith others at Sl.No.34 have also demanded compensation towards severance at the rate of Rs. 150/- per Sq.Yd. The claims are not maintainable as the built-up portion alongwith some open land, has been left out on their representation to the Government.

Smt. Prabha Rani Ukil and others at Sl.No.35 have claimed expenses amounting to Rs. 30,000/- to shift their residence to Roop Nagar, Delhi. According to the inquiries conducted by the field staff, the claimants are not occupying the premises as its front portion is in possession of Nursery School and the rear is in occupation of another person. Therefore, no claim is maintainable in this respect.

The claimant Sh. Shanti Swaroop Bhatia S/O AMAR Chand Bhatia At Sl.No.36 has demanded compensation for the site occupied by the petrol pump and service station and also for various equipments alongwith the loss of goodwill and

dislocation. The claim is not maintainable in view of the provision under section 24 of L.A. Act as all improvements and installations were made after the date of the preliminary notification.

Sh. Gurcharan Singh at Sl.No.38 claimed a sum of Rs. one lac towards severance. The claim is not maintainable as portion of the land has been left out from acquisition on representation to the Government by the persons interested .

The claim for injuriously affecting his other property and his earnings of the workshop alongwith damages resulting from diminution of profits of the land, could not be considered as nothing in evidence has been tendered to substantiate the same.

However, a sum of Rs. 500/- is allowed towards expenses incidental for change of residence.

LAND REVENUE.

The land in question is not assessed to any land revenue and as such the question of making deduction of land revenue in this case does not ~~arise~~ arise.

APPORTIONMENT.

The land vests in the Central Government and is under the management of Land And Development Officer, Ministry of Works and Housing, New Delhi. The land was originally leased out to Sh. Ram Singh Kabli to hold the land in perpetuity. It changed hands afterwards. Since the property is subject to a lease, theoretically speaking the total compensation for the property should be the total of compensation payable in respect of the interest of the lesser and the lessee.

There are some unauthorised occupants as well as claimant.

other than recorded owners/occupants. There is, therefore, inter as dispute between the different categories of persons interested. As the title to receive the compensation is in dispute, the entire compensation will be sent to the court U/S 30-31 L.A. Act for apportionment.

SUMMARY.

(i) Compensation for land measuring 52 bigh. 02 bis. @ Rs. 6,300/- per bigha.	Rs. 3,28,230.00
(ii) Compensation for land (G.M. Gadda) measuring 35 big. 19 bis. @ Rs. 5,300/- per bigha.	Rs. 1,90,535.00
(iii) Compensation for trees.	Rs. 4,775.50
(iv) Compensation for structures.	Rs. 1,02,170.00
TOTAL:-	Rs. 6,25,710.50
(v) 15% Solatium.	Rs. 93,856.57
(vi) Interest @ 6% per annum w.e.f. 27.9.65 to 28.3.75 (9 years 183 days) only on the market value of the land (Rs. 6,13,740.50)	Rs. 3,49,882.52
(vii) Interest @ 6% per annum w.e.f. 27.9.65 to 22.11.72 (7 years 57 days) only on the market value of the land (11,970.00) under the stay order.	Rs. 5,139.56
(viii) Damages (shifting charges)	Rs. 500.00
GRAND TOTAL:-	Rs. 10,75,089.15

(Rs. Ten lacs seventy five thousands eighty nine and paise fifteen only).

Paul Samant
(B.M.L. GAUMAT) 29.3.75
LAND ACQUISITION COLLECTOR (MSW) DELHI.

Announced & filed today.

Paul Samant
29.3.75
LAC (MSW)

(to be published in part IV of Delhi Gazette)

DELHI ADMINISTRATION:DELHI

NOTIFICATION

Dated the November, 1968

No.F.7(58)/62-L&H:- Whereas it appears to the Lt. Governor of Delhi that land is required to be taken by Government at the public expense for a public purpose, namely, for the Planned Development of Delhi, it is declared that the land described in the specification below is acquired for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said act, the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected at the office of the Collector of Delhi.

SPECIFICATION

Village or Locality	Total Area Big. Bis.	Field Nos. or Boundaries.	
Arkpur- Bagh Mochi (Nazul Estate)	(a) 147-0	436	Area big. bis. 147=0
(Nazul land leased out to the Development Corporation of India Ltd. Delhi on 18th January, 1921 for a Pottery Factory)			
	(b) 119-07	448 449	23-16 0-11
		639/446min	3-01
		639/446min	4-06
		639/446min	4-11
		639/446min	10-05
		639/446min	43-16
		639/446min	4-16
		639/446min	14-03
		640/446min	5-01
		641/446min	5-01

(Nazul land leased out to Sardar Ram Singh on the 10th March, 1924 for a