

A W A R D No. 12/73-74

Name of the Locality : Open plot at the back of
Khanna Talkies.
Nature of acquisition : Permanent.
Purpose of acquisition : For Municipal Park.

INTRODUCTION

The land situated at the back of Khanna Talkies, Pahar Ganj, Delhi bounded on four sides by a 8' wide lane in front of House Nos. XV/1531 & 1532 on the north, back of Khanna Talkies on the south, H.No. XV/1528 & XV/1529-30 on the east, back of house No. 1562 known as Katra Hussain Bux on the west is needed by the government at the expense of Municipal Corporation of Delhi for a public purpose namely Municipal Park. Notification u/s 4 of the Land Acquisition Act was issued in respect of said land measuring $316\frac{9}{12}$ sq.yds vide notification No.F.15(39)/67-L&H dated 11th July, 68. It was duly published and objections were invited. A report u/s 5-A of the Land Acquisition Act was sent to Delhi Administration alongwith the objections in original. Delhi Administration, Delhi issued a final declaration u/s 6 of the Land Acquisition Act vide notification No. F.15(39)/67-L&H dated 28th September, 1968. A notice u/s 9(1) was given due publicity and notices u/s 9(3) and 10(1) of the Land Acquisition Act were issued to interested persons some of whom filed claims.

TRUE & CORRECT AREA

From further verification by the Land Acquisition Staff on the spot u/s 8 of the Land Acquisition Act the area notified u/s 6 was found to be correct and it is held to be $316\frac{9}{12}$ sq.yds.

CLAIMS

The following claims have been filed :-

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Sr. Name of the claimant
No.

Amount claimed

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| 1. Sh. Shambhu Nath &
Sh. Vishwa Nath sons
of Late Sh. Ram
Narain | a) Rs. 1,61,000/- for land
b) Rs. 50,000/- for development and
up-keep of the plot.
c) Rs. 2,00,000/- on account of
severance.
d) Rs. 3,00,000/- on account of
damages and loss of business.
e) Rs. 2,00,000/- on account of
diminution of profits.
f) 15 % solatium. |
| 2. Raj Mohinder Lal Handa | a) Rs. 36,900/- for the land
b) Rs. 3690/- for cost of cons-
truction of the pucca floor.
c) Rs. 14,0000/- value of the plot.
d) Rs. 500/- value of the hand pump.
e) Rs. 10,000/- as value of the
Cow-shed, etc.
f) Rs. 3000/- value of the trees.
g) Rs. 5000/- value of the kitchen
garden.
h) Rs. 15,000 for loss of privacy.
i) Rs. 25,000/- on account of
disturbance and nuisance
j) Rs. 20,000/- for shifting charges.
k) Rs. 10,000/- for easement.
l) Rs. 25,000/- for diminution, of
the value of his other property.
m) Rs. 50,000/- on account of his
land becoming a gali. |

EVIDENCE

Shri Raj Mahender Lal Handa has filed the following documents:-

- i) Attested copy of letter No. LC.15/H.D./17/125/57 dated 24.3.1958 from the Municipal Corporation of Delhi regarding licence for keeping Cows.
- ii) Attested copy of letter dated 7.5.65 from the Chairman

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Special Zonal Committee, Sadar Pahar Ganj Zone, Municipal Corporation of Delhi to Zonal Engineer for inspection of the site.

- iii) Attested copy of certificate dated 23.9.55 from Shri M.R. Khanna, Member of the Delhi Legislative Assembly.
- iv) Attested copy of certificate dated 23.9.55 from Shri Rattan Lal, Municipal Commissioner and Shri Hakumat Lal, Municipal Commissioner.
- v) Certified copy of sale deed No. 3347 dated 30.4.66 in respect of House No. 1532 in his favour.
- vi) Site plan of House No. 1532 & 1533 owned by the claimant. The Manager of Khanna Talkies has ~~xxxx~~ filed a certified copy of sale deed No. 562 dated 29th January, 1960 in respect of 350 sq.yds of land, Mohalla Santrasa behind Khanna Talkies for Rs. 18,400/-.

MARKET VALUE

The land under acquisition is situated in a thickly populated area of Pahar Ganj near the main Bazar behind Khanna Talkies. Sale transactions or awards for similar land around the material date have to be considered in the determination of market value of land. There is no award for land situated in Pahar Ganj. Award No. 1197 relates to land situated in Katra Nabi Karim notified on 11.3.57 u/s 4. This award cannot be of any help as the market value was assessed at a time 11 years prior to the material date on the basis of rental value and the land involved in this award is situated far away from the land under acquisition. The following sale transactions are reported to have taken place in 1968:-

Sr. No.	Sale deed No. with date	Plot/House No.	Area sq.yds	Consideration money.
1.	1058/17.2.68	11, Mohalla Nabi Karim	35	Rs. 2500/-
2.	2597/27.4.68	10447/XV Kadam Sarif Pahar Ganj	76½	Rs. 10,000/-

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|---------------------------------------|-----------|-----|--------------|
| 3. 3360/30.5.68 | 10503/1 | 66 | Rs. 5,000/- |
| Bagichi Alla-u-ddin,
Pahar Ganj | | | |
| 4. 3664/14.6.68 | 9598/Ward | 109 | Rs. 15,000/- |
| No. XV, Multani Danda,
Pahar Ganj. | | | |

All these sale transactions relate to built up property and cannot offer any guidance in the determination of market value for vacant land.

Shri Raj Mohinder Lal Handa, claimant has filed certified copy of sale deed mentioned at Sr.No. 5 under the head 'evidence'. This property is adjacent to the land under acquisition but the sale transaction is in respect of a house and cannot reflect the market value of land alone. Another sale deed mentioned at Sr.No. 7 under the head 'evidence' is in respect of vacant land measuring 350 sq.yds for Rs. 12,400/- on 29.1.60. This sale deed is quite relevant for consideration in the present case. This sale transaction appears to have been made in respect of the land under acquisition. In this sale transaction a sum of Rs. 16,575/- only has been paid before the Sub-Registrar. Taking this amount to be the sale price for the land in question the rate comes to Rs. 47/- per sq.yd. Allowing 5 % increase on the value of land during the intervening eight years the rate comes to Rs. 65/- per sq.yd. on the material date. I consider the market value of the land under acquisition at the rate of Rs. 65/- per sq.yd fair & reasonable and allow the same.

OTHER COMPENSATION
STRUCTURE

There is a cow shed with tin roof and pucca floor and boundary wall. The N.T. has assessed its value at Rs. 500/-. I agree with him and assess the same. This amount will not be paid if the owner

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has removed the material after the announcement of the award.

TREES

The N.T. has assessed the following trees:-

<u>Tree</u>	<u>Weight</u>	<u>Amount</u>
Gulmarg	40 Kg.	Rs. 2.40
Safeda	10 Kg.	Rs. 0.60
Anar	-	Rs. 5.00
		<hr/> Rs. 8.00 <hr/>

I agree with him and allow the same.

DAMAGES

The claimants Shri Shambhu Nath & Sh. Vishwa Nath have claimed huge amount as damages on account of severance, loss of business & diminution of profits. No evidence has been led in support of this claim. No damages are, therefore allowed. Shri Raj Mohinder Lal Bhandra has claimed huge amount for easement, diminution of the value of other property, shifting charges, loss of privacy and for disturbance and nuisance. No evidence has been led in support of these claims. No damages, are, therefore allowed. Hand pump does not fall within the area under acquisition.

SOLATIUUM

15 % solatium will also be paid on account of compulsory nature of acquisition, as provided u/s 23(2) of L.A. Act.

INTEREST

No interest is payable in this case, as the case does not fall within the purview of the Land Acquisition (Amendment & Validation) Act, 1967 nor it is governed by provisions of section 17 of the Act.

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APPORTIONMENT

The amount of compensation for the land is claimed by both claimants. It is also disputed by the Managing Officer in the office of Regional Settlement Commissioner(9) , Jam Nagar House, New Delhi vide his letter No. 4973 dated 6th December, 1972 who has intimated that M/s Khanna Talkies have no concern with the plot in question. The compensation is therefore disputed and will be sent to the Court of A.D.J., Delhi u/s 30, 31 of the Land Acquisition Act, if the dispute is not amicably settled between the parties within the reasonable period.

SUMMARY OF THE AWARD.

Market value of land measuring	Rs. 20588.75
316 $\frac{9}{12}$ sq.yds at the rate of	
Rs. 65/- per sq.yd.	
Market value of structures	Rs. 500.00
Market value of trees	Rs. 8.00
15 % solatium on the market value of land	Rs. 3164.51

TOTAL:	Rs. 24261.26
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The land under acquisition is not assessed to any land revenue.

Bulleramat
(B.M.L. GAUMAT) 11.6.73
LAND ACQUISITION COLLECTOR(DS)
DELHI.

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Announced & filed May
Bulleramat
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LAC (DS)

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Sh. Brijahar Pal Singh Kgo (M)

Please prepare the notices up to 12(2) of the L.A. Act, 1948 with a delay for the remaining persons.

8/15, 11.

W. T. (20)

4/5 12(2) $\frac{9}{4}$ गाँव से 11 घण्टे में 13/1/23
गाँव से 11 घण्टे में 13/1/23

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