A W A R D No. 1314

Name of the locality: Katra Faiz Bakhsh.

Nature of Acquisition: Permanent.

This is a case for the acquisition of land in the the locality named Katra Faiz Bakhsh required by the Municipal Corporation at the Municipal Expense for a public purpose, namely, for the establishment of a school. A declaration to this effect under section 4 of the Land Acquisition Act 1894 was made vide Notification No.F.15(123)/54-LSG dated 7.12.54. The substance of the notification was given due publicity in the locality on 22.1.55 inviting objections within a period of one month. No objection was however, received and a declaration under section 6 of the Land Acquisition Act was made vide notification of even number dated 2.6.60. Although in the head of the notification, the date is given as 2.6.55, but actually the date is 1960 which is also given as the date of issue. The date 1955 appears to have been entered by mistake. This is a minor mistake and is ignored. Notices under section 9 and 10 of the Land Acquisition Act were duely served upon the interested persons and most of them have responded to these notices and filed their claims.

M E A S U R E M E N T.

According to the notification, the total area to be acquired is 692 sq.yds. From further measurements made on the spot, ~~therexare~~ and from the office of the Municipal Corporation, the area to be acquired is found to 689 sq.yds. None of the land owners has raised any objection against this measurement. I, therefore, hold the measurement to be correct at 689 sq.yds.

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OWNERSHIP & CLAIMS.

HOUSE No.VIII/308.:-

Shm. Sikander Jahan Begum has claimed that she is the owner of the shop and that she should get compensation @ Rs.200/- per sq.yd. plus the price of the structure. According to the latest demand Value of the Municipal Corporation, the property is in the name of the Custodian. The claimant has produced a copy of the judgement of Assistant Custodian Judicial I, dated 28.8.54, according to which the property has been released in her favour. Shm. Sikander Jahan Begum is the owner of the property. Shri Hira Lal & Sh. Jawahar Lal are the tenants in this shop and they have stated that if this shop is acquired, they will suffer a loss of Rs.20000/- in their business. They have therefore claimed Rs.20,000/- as the loss of business and alternative sites. As the claimants are claiming alternative sites, no compensation can be given for the loss of the business.

HOUSE No.VIII/309.:-

The original owner of this property was Shm. Asha Bi. The property was evacuee and Shri Gurbakhsh Lal has claimed that he is the allottee of this property, but has given no proof as to his allotment. He has claimed no monetory compensation, but has stated that the acquisition is illegal.

HOUSE NO.VIII/310.:-

The previous owner of this property was Shrimati Maashala and she has stated that she does not want to part with this property. If it is acquired, she should be given alternative accommodation in the same locality. According

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to the register of the Municipal Corporation, the property is Evacuee. Shri Jwala Dass has stated that there are 5 families in this building. He has not given any name of any other family, except his own. He has stated that these families are ~~being~~ paying an incometax on an income of Rs.13500/- P.M. and that they have established a Soda Water Factory in this premises. He has requested that property should not be acquired and that if it is acquired, he should be given alternative accommodation in the same locality and a compensation ten times of their annual income. Their claim is absurd ~~and~~ so far as the compensation at ten times of their annual income is concerned. When they are getting alternative accommodation, the question of compensation for loss of income does not arise. Before the compensation is paid to Shm. Maashala, she should produce a certificate from the Custodian that the property is not evacuee.

<u>HOUSE NO. VIII/311</u>.:-

According to the Municipal Record, the property is evacuee. Shri Nand Lal Bajaj has claimed that he has purchased the property from the previous Muslim owner by a registered deed. He has made a claim of Rs.10,000/- if the property is acquired. Shri Chander Bhan has claimed that the property is evacuee and that he is the allottee of this property. He has asked for an alternative accommodation in Karampura colony near Moti Nagar. Before compensation is paid to Shri Nand Lal Bajaj, he should be asked to produce an evidence that the property is not evacuee and that he is the owner.

<u>HOUSE NO. VIII/312-313</u>.:-

According to the record of the Municipal Corporation,

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the property is that of the Custodian. Sarvashri Kharaiti Lal & Hans Raj claim that they are the allottees of 6 rooms in this property. Sarvashri Mohd.Amir, Abdul Salam & Baghir Ahmad state that they are also the tenants in this house and have requested that they should not be vacated. Shri Mohd. Usman has claimed that he is the owner of House No.313. The compensation regarding this property will be paid after ascertaining the ownership of the house.

HOUSE NO. VIII/314.:-

According to the Municipal Record, the property is that of the Custodian, Shm. Anwari Begum claims that she is the owner of this property. She is residing in this house. She has stated that this may not be acquired.

HOUSE No.VIII/315.:-

According to the Municipal record, Shm. Lambani Begum was the previous owner of this building. Shri Mohd. Amir has claimed that the Custodian has given him half portion of this ~~land~~ house and he is the owner of this portion. He has further stated that he should be given the other half and that the cost of this house is fixed at Rs.8000/-. Sh. Kasturi Lal Anand has stated that he has been allotted this house by the Custodian and that he has been paid 1/10th of the total purchase price. He has demanded Rs.30,400/- for the land and Rs.2000/- for the construction . He has also asked for 2 quarters in the nearest Rehabilitation colony. Hans Raj has stated before me that he is a tenant in this house and that he is paying a rent of Rs.11/- per month. He further states that he should get alternative accommodation.

HOUSE No.VIII/316.:-

According to the Municipal Record, the owner of this property is the Custodian. Sarvashri Mohd. Amir & Khalilu Rehman have claimed that they are the owners of this property. Shri Khalilu ~~Ram~~ Rehman has claimed ~~xhax~~ Rs.2200/- for his portion, while Shri Mohd. Amir has claimed Rs.7000/-. Sarvashri Ganesh Dass & Hans Raj tenants have claimed alternagive accommodation.

HOUSE NO. VIII/317.:-

According to the Municipal Record, the property was Evacuee. Shri Dharam Chand has produced a copy of a certificate issued by the Custodian in which it is stated that he has purchased this property in auction, for a sum of Rs.15600/- and the adjustments has been made and he has been declared the purchaser from 17.5.1961. There is no doubt, therefore, that Shri Dharam Chand is the owner of this property. He has made the following claims.

1).	Cost of land @ Rs.400/- per sq.yd.	Rs.80,000/-
2).	Cost of structure.	Rs.10,000/-
3).	Repairs and replacements.	Rs. 4,000/-
4).	Loss in goodwill.	Rs.10,000/-
5).	15% on the above compensation.	Rs.15,600/-
		Rs.119,600/-

Sarvashri Ladhu Ram, Hukam Chand & ~~Pxxxx~~ Prabhu Dayal have stated that they are the claimants in this house and are paying rent of Rs.300/- per month to Sh. Dharam Chand. They Have established a factory in this premises. They have further stated that they are displaced persons from Pakistan and if they are displaced, they should get Rs.10,00/- as shifting charges etc.

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the connection of 15 horse power, 5000 sq.yds. of land for the factory and alternative residential accommodation, somewhere near the city.

The only evidence is given by the owner of Shop No.VIII/308. He has produced one Shri Munna Lal who has stated that he is a property dealer and that in 1955, he got a deal of Rs.15,000/- as sale-price of Shop No.VIII/308. The owner refused to accept this price. There is no other evidence as to the price of the land and structure given by the claimants.

MARKET VALUE.

The properties under acquisition are situated in Katra Faiz Bakhsh near Kazi Hauz. This is very important locality from the Commercial point of view, at the same time it is also slum. The houses are very old and were built up long ago. Most of them are fit to be demolished. From the point of view of situation, the area is divided into 3 parts.

Part.I). In this is placed Shop No.308, which opens on the main Ajmeri Gate Road as well as in the street.

Part II). In this part are placed Houses No.309,310 and 317 which open in the street and are being used for commercial and industrial purposes.

Part III). In this part are placed the remaining houses which are used totally for residential purposes.

All these properties were of the Custodian and some of them have been released while others have been auctioned to the Displaced persons. The date of notification in this case is 7.12.54. There has been no sale-transaction of the

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property under acquisition before the year 1954. Some of these properties have been sold by the Custodian to the present owners during the year 1960-61. I think these sales are a true indication of the Market Value of the properties under acquisition. In part II, House No.317 measuring 210 sq. yds. was sold by the Custodian to the present owner Shri D.C. Khanna for a sum of Rs.15,600/-. In addition to this money, the house owner has stated that he has spent a sum of Rs.4000/- more on this house for repairs etc. In this way the total cost of this house comes to Rs.19,600/-. The present price of the structure has been assessed at Rs.2524/- by the Engineering Staff of the Municipal Corporation. Deducting this price from Rs.19,600/-, the price of land comes to Rs.17076/-. The area of this house is 210 sq.yds. and the average price of land comes to Rs.81/- per sq.yds. I consider Rs.80/- per sq.yd. to be a reasonable value of the land of Part II. I, therefore, award Rs.80/- per sq.yd. for the land under block II.

Part III.

Shri Kasturi Lal claimant for House No.315 has stated that he purchased this house from the Custodian and deposited Rs.407.10 N.P. as 1/10th of the total purchase price on 30.6.58. According to this, the total price of this house comes to Rs.4071/-. The price of the structure has been assessed by the Municipal Corporation at Rs.360/-. Deducting the price of the structure, the price of the land comes to Rs.3711/-. The area of this house is 64 sq.yds. The average sale-price of land comes to Rs.58/- per sq.yd. I consider a

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rate of Rs.60/- per sq.yd. reasonable for Part III and hence award the same.

Part I.

No sale-price of similar shop is available. The rent of the shop is Rs.18/- per month. The annual gross rental value of the shop comes to Rs.216/-. Deducting 10% of the rent for annual repairs and further 10% for the house-tax, the net income to the owner from this shop comes to Rs.175/ . Capitalising its value for 20 years, the price of the land as well as the structure comes to Rs.3500/-. The price of the structure has been assessed by the Municipal Corporation at Rs.385/- and the price of the land is Rs.3115/-. The area of the shop is 19½ sq.yds. and the rate per sq.yd. for the land comes to about Rs.160/- per sq.yd. I think this is a very reasonable rate when compared to the rates of Part II and Part III. I, therefore, award Rs.3115/- for the land of the house No.308.

OTHER COMPENSATION.

The Engineering Staff of the Municipal Corporation of Delhi has assessed the following price for the structure standing on the area under acquisition.

House No.	Area Sq.Yds.	Part in which placed.	Value of structure as assessed by M.C.
VIII/308	19.5	I	Rs. 385.00
VIII/309	16	II	Rs. 162.00
VIII/310	17	II	Rs. 356.00
VIII/317	210 ~~100.5~~	II	Rs.2,524.00
VIII/311	77	III	Rs.1,169.00
VIII/312-313	100.5	III	Rs.1,813.00
VIII/314	116	III	Rs. 164.00
VIII/315	64	III	Rs. 360.00
VIII/316	69	III	Rs. 880.00
		Total.....	Rs.7,813.00

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I have inspected the spot. The structures are very old and are fit to be demolished. I agree with the prices assessed by the Municipal Corporation and award Rs.7813/- as the compensation for the structures.

There are 2 factories in the area under acquisition. Factory in House No.317 is pretty big while that in House No.310 is small. I allow Rs.1,000/- to Factory owner of House No.317 and Rs.500/- to thos of House No.310 as the compensation for shifting these factories.

The tenants will get alternative accommodation before they are shifted from the land under acquisition and therefore, no compensation is necessary for their displacement.

The possession has not been taken so far, therefore, the question of interest does not arise. In addition to the compensation for the land and the structure, the land owners will get 15% of the compensation for compulsory nature of acquisition.

A P P O R T I O N M E N T.

The compensation of the owners of House No.309 to 316 will be sent to the District Judge for disbursement as the rights of each person are not clear. ~~The award is~~

THE AWARD IS SUMMARISED AS BELOW.

Compensation of land for Part I.	Rs. 3,115.00
Compensation of 243 sq.yds. of land in Part II @ Rs.80/-per sq.yd.	Rs.19,440.00
Compensation of 426.5 of land in Part III @ Rs.60/- per sq.yd.	Rs.25,590.00
Compensation for structure.	Rs. 7,813.00
	Rs.55,958.00
15% as solatium for compulsory nature of acquisition.	Rs. 8,393.70
	Rs.64,351.70
Compensation for displacement.	Rs. 1,500.00
	Rs.65,851.70

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The land is assessed to no land revenue, therefore the question of deduction from the Revenue Roll does not arise.

(Nand Kishore)
Land Acquisition Collector(I),
D E L H I.
16.4.62.

Submitted to the Collector of District for information and filing.

(Nand Kishore)
Land Acquisition Collector(I),
D E L H I.
16.4.62.

Seen. Filed.

COLLECTOR, DELHI.
1.5.62

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16/3

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16/3/63