

A W A R D No 1927

Name of the Locality:-

Near Bulbali Khana,
Inside Turkman Gate,
D E L H I.

Nature of Acquisition:

Permanent.

This is a case for the acquisition of land in the above locality required by the Government at the public expense for a public purpose, namely, for the construction of a Government School. A declaration under section 4 of the Land Acquisition Act was made vide Notification No. F.15(291)/60-LSG dated 2.5.61. The substance of the Notification was given due publicity in the locality and objections were invited within the period of one month. No objection was, however, received. A declaration under section 6 of the Land Acquisition Act was made vide notification of even number dated 4.9.62. Notice under section 9(1) of the Land Acquisition Act was given due publicity in the locality and notices under section 9(3) and 10(1) of the Land Acquisition Act were served upon the known interested persons. The interested persons have filed their claims.

MEASUREMENT & OWNERSHIP.

The acquisition consists of Houses No.2095 to 2097 in the Turkman Gat near Bulbali Khan mosque. The ownership of this property is vested in Shri Wahid Beg s/o ~~Sr~~ Mirza Ayub Beg 2/3, & Shrimati Zabida Begum d/o Ayub Beg 1/3. One Shri Aziz Beg s/o Shri Baqil Beg is a tenant in the shop.

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CLAIMS & EVIDENCE.

Shri Wahid Beg on his own behalf and that of his sister Shrimati Zabida Begum has stated that the total area is 605 sq.yds. From measurement made on the spot, the area is found to be 599 sq.yds. The measurement is, therefore, held to be correct at 599 sq.yds. He has claimed the following compensation.

1. Sale-price of the land @ Rs.200/- per sq.yd.	Rs.1,20,000.00
2. Price of the structure.	Rs. 30,000.00
3. Compensation for getting it vacated.	Rs. 15,000.00
	Rs.1,65,000.00

As regards the price of the land @ Rs.200/- per sq.yd, the claimant has stated in evidence the following transactions:-

1. A sale of 45 sq.yds. of land in Bulbali Khana for for a sum of Rs.6000/- in favour of Bhola on 29.9.62. The rate, according, to this transaction is Rs.133/-.
2. H.No.2794 of 111 sq.yds. for a sum of Rs.16000/-. The average of ~~these~~ this transaction comes to Rs.150/- per sq.yd.
3. H.No.2800 on 15.9.61 for a sum of Rs.35,000/-. He has not mentioned the area of this transaction.
4. House of 80 sq.yds. in Bhojla, Pahari on 22.5.61 to Shm.Radha Rani for a sum of Rs.22000/-. The average of this transaction comes to Rs.275/- per sq.yd.

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All these transactions are of a date after the date of notification under section 4 of the Land Acquisition Act. In order to arrive at the Market Value of the land, the owner should have produced the cost of the structure which is built upon this area. As a matter of fact, the houses have been sold and not the land. The structure of the each house is quite different and the price of the land cannot be worked out by a sale-transaction of a house unless an evidence is given regarding the cost of the structure on the relevant date. These transactions are, therefore, useless for arriving at the Market Value of the land. As regards the cost of the structure, the claimant has produced one Shri Rajinder Singh, Architect. He has assessed the price of the structure on the following rates:-

- | | |
|-------------------------------------|-------------------|
| 1. Covered area at the ground floor | 3237.25 sq. feet. |
| 2. Covered area at the first floor | 3096.22 sq. feet. |
| | 6333.45 sq. feet. |

He has assessed the cost of construction at Rs. 15/- per sq. ft. and the total price he has worked out at Rs. 95001-75/- He has further assessed the cost of Barsati at Second Floor at Rs. 3000/-. Thus the total cost of structure, according to him comes to Rs. 98001/75 p2. He has deducted 40% as depreciation

fact that the structure had grown weak and was likely to fall down at any time. Rs.15/- per square feet is not the cost price even of 1st class buildings which have been recently constructed with marble floors, with up-to date etc. The building, according to ^{P.M. standard was} 3rd class and the cost of construction of third class buildings is Rs.7/- per sq.yd. Although the house appears to have been built long long ago, but according to the Architect himself the age of the building is 40 years. There is 20% depreciation on the third-class, and therefore, the depreciation is 80% in this building. The cost of the structure, therefore, works out at Rs.1.40 per sq.ft. Assuming the covered area of 6333.45 square feet, the cost of the structure works out to Rs.8864.85. There is also a Barsati at the Second floor. According to this calculation, the price of the structure of Barsati should be about Rs.250/-, thus the total cost of structure comes to about Rs.9,000/-. The Architect has assessed the price at Rs.32,000/-. The owner has claimed Rs.30,000/- and actually the price of the structure should not be more than Rs.9,000/-. As regards his claim for 15,000/- for the vacation of the building, I cannot understand on what basis he claims this compensation and what he means by it. The building is already

Market Value.

The house under acquisition is situated inside the Turkman Gate which is totally a slum area. There are very few plots in the area of Turkman Gate and, therefore, it is very difficult to find the market value of the land in this locality. Only ~~xxxxx~~ houses have been sold from time to time and the cost-price of the land can be deduced if the price of the structure on the land is worked out and deducted from the sale-price. Every house has its own structure and if you calculate the market value of the structure of a house, no one will allow you to enter the house to calculate its price. The owner himself has produced no evidence of this type. The Naib Tehsildar, Land Acquisition, ^{collected} has ~~calculated~~ the figures of sale of houses from the Registration Department. All these transactions pertain to smaller areas ranging from $7\frac{2}{3}$ sq.yds. to 209 sq.yds. The area under acquisition is 600 sq.yds. It is a well known fact that the average price of the land and houses of big areas is much less than that of small areas. The average of ^{all} these transactions for houses comes to Rs.100/- per sq.yd. Assuming that half the cost is that of the structure, the

Rs. 50/- per sq.yd. This price

cost of structure at Rs.9,000/- then the total cost of the building comes to about Rs.30,000/-.

The building was given on rent at Rs.150/- per ~~sq. ft.~~ month to the Education Department. The net income to the claimants from this house is as follows:-

1. Rent of 12 months @ Rs.150/-per month.	Rs.1800/-
2. Cost of repairs at 10% of the above.	<u>Rs. 180/-</u>
Ratable value.	Rs.1620/-
House tax at 10% of the above.	<u>Rs. 162/-</u>
	Rs.1458/-

Assuming the rate of interest at 5%, the capitalized value of the building is worked out at Rs.29160/-. From this calculation also the value works out to about Rs.30,000/-. I, therefore, award Rs.30,000/- for the land as well as ^{for} the structure. In addition to the above compensation, the claimants will get 15% as solatium for compulsory nature of acquisition. The tenant has claimed nothing and therefore nothing is allowed to him.

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

Shri Mohd. Arab has made an application before me that

equine from Siri wood. arab.

[illegible]

500000 for the land as well as for the structure. Rs. 70,000.00

policy solution for compulsory
nationalization. Ans. 1, 200,000

2011..... 10.34, 560.00

(Mand Kishore)
Land Acquisition Collector I,
D E M A I.
4.12.62.

Submitted to the collector of District for
 1900. 1901. 1902. 1903. 1904. 1905. 1906. 1907. 1908. 1909. 1910. 1911. 1912. 1913. 1914. 1915. 1916. 1917. 1918. 1919. 1920. 1921. 1922. 1923. 1924. 1925. 1926. 1927. 1928. 1929. 1930. 1931. 1932. 1933. 1934. 1935. 1936. 1937. 1938. 1939. 1940. 1941. 1942. 1943. 1944. 1945. 1946. 1947. 1948. 1949. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 2057. 2058. 2059. 2060. 2061. 2062. 2063. 2064. 2065. 2066. 2067. 2068. 2069. 2070. 2071. 2072. 2073. 2074. 2075. 2076. 2077. 2078. 2079. 2080. 2081. 2082. 2083. 2084. 2085. 2086. 2087. 2088. 2089. 2090. 2091. 2092. 2093. 2094. 2095. 2096. 2097. 2098. 2099. 2100. 2101. 2102. 2103. 2104. 2105. 2106. 2107. 2108. 2109. 2110. 2111. 2112. 2113. 2114. 2115. 2116. 2117. 2118. 2119. 2120. 2121. 2122. 2123. 2124. 2125. 2126. 2127. 2128. 2129. 2130. 2131. 2132. 2133. 2134. 2135. 2136. 2137. 2138. 2139. 2140. 2141. 2142. 2143. 2144. 2145. 2146. 2147. 2148. 2149. 2150. 2151. 2152. 2153. 2154. 2155. 2156. 2157. 2158. 2159. 2160. 2161. 2162. 2163. 2164. 2165. 2166. 2167. 2168. 2169. 2170. 2171. 2172. 2173. 2174. 2175. 2176. 2177. 2178. 2179. 2180. 2181. 2182. 2183. 2184. 2185. 2186. 2187. 2188. 2189. 2190. 2191. 2192. 2193. 2194. 2195. 2196. 2197. 2198. 2199. 2200. 2201. 2202. 2203. 2204. 2205. 2206. 2207. 2208. 2209. 2210. 2211. 2212. 2213. 2214. 2215. 2216. 2217. 2218. 2219. 2220. 2221. 2222. 2223. 2224. 2225. 2226. 2227. 2228. 2229. 2230. 2231. 2232. 2233. 2234. 2235. 2236. 2237. 2238. 2239. 2240. 2241. 2242. 2243. 2244. 2245. 2246. 2247. 2248. 2249. 2250. 2251. 2252. 2253. 2254. 2255. 2256. 2257. 2258. 2259. 2260. 2261. 2262. 2263. 2264. 2265. 2266. 2267. 2268. 2269. 2270. 2271. 2272. 2273. 2274. 2275. 2276. 2277. 2278. 2279. 2280. 2281. 2282. 2283. 2284. 2285. 2286. 2287. 2288. 2289. 2290. 2291. 2292. 2293. 2294. 2295. 2296. 2297. 2298. 2299. 2300. 2301. 2302. 2303. 2304. 2305. 2306. 2307. 2308. 2309. 2310. 2311. 2312. 2313. 2314. 2315. 2316. 2317. 2318. 2319. 2320. 2321. 2322. 2323. 2324. 2325. 2326. 2327. 2328. 2329. 2330. 2331. 2332. 2333. 2334. 2335. 2336. 2337. 2338. 2339. 2340. 2341. 2342. 2343. 2344. 2345. 2346. 2347. 2348. 2349. 2350. 2351. 2352. 2353. 2354. 2355. 2356. 2357. 2358. 2359. 2360. 2361. 2362. 2363. 2364. 2365. 2366. 2367. 2368. 2369. 2370. 2371. 2372. 2373. 2374. 2375. 2376. 2377. 2378. 2379. 2380. 2381. 2382. 2383. 2384. 2385. 2386. 2387. 2388. 2389. 2390. 2391. 2392. 2393. 2394. 2395. 2396. 2397. 2398. 2399. 2400. 2401. 2402. 2403. 2404. 2405. 2406. 2407. 2408. 2409. 2410. 2411. 2412. 2413. 2414. 2415. 2416. 2417. 2418. 2419. 2420. 2421. 2422. 2423. 2424. 2425. 2426. 2427. 2428. 2429. 2430. 2431. 2432. 2433. 2434. 2435. 2436. 2437. 2438. 2439. 2440. 2441. 2442. 2443. 2444. 2445. 2446. 2447. 2448. 2449. 2450. 2451. 2452. 2453. 2454. 2455. 2456. 2457. 2458. 2459. 2460. 2461. 2462. 2463. 2464. 2465. 2466. 2467. 2468. 2469. 2470. 2471. 2472. 2473. 2474. 2475. 2476. 2477. 2478. 2479. 2480. 2481. 2482. 2483. 2484. 2485. 2486. 2487. 2488. 2489. 2490. 2491. 2492. 2493. 2494. 2495. 2496. 2497. 2498. 2499. 2500. 2501. 2502. 2503. 2504. 2505. 2506. 2507. 2508. 2509. 2510. 2511. 2512. 2513. 2514. 2515. 2516. 2517. 2518. 2519. 2520. 2521. 2522. 2523. 2524. 2525. 2526. 2527. 2528. 2529. 2530. 2531. 2532. 2533. 2534. 2535. 2536. 2537. 2538. 2539. 2540. 2541. 2542. 2543. 2544. 2545. 2546. 2547. 2548. 2549. 2550. 2551. 2552. 2553. 2554. 2555. 2556. 2557. 2558. 2559. 2560. 2561. 2562. 2563. 2564. 2565. 2566. 2567. 2568. 2569. 2570. 2571. 2572. 2573. 2574. 2575. 2576. 2577. 2578. 2579. 25

(Handwritten)
 Acquisition Collector,
U.S.A.
 4.12.1962.

See. hi