

A W A R D No. 1479

Name of the Village: Patti Jahanuma.

Nature of Acquisition: Permanent.

This is a case for the acquisition of land required by the Government at the public expense for a public purpose, namely, for the Planned Development of Delhi. A notification under section 4 of the Land Acquisition Act regarding 20 Bighas 3 Biswas was made vide Notification No. F.15(255)/61-LSG(ii) dated 23.4.62. The substance of the notification was given due publicity and objections were invited. Objections were received, the objectors were heard and a report on the objections ~~was~~ was made to the Delhi Administration for their consideration. A declaration under section 6 of the Land Acquisition Act was made for the same area vide notification of even number dated 17.8.62. Notice under section 9(1) of the Land Acquisition Act was given due publicity and notices under section 9(3) and 10(1) of the Land Acquisition Act were served upon the interested parties. All the interested parties <sup>except the Custodian</sup> have responded to the notices.

MEASUREMENT & OWNERSHIP.

According to the notifications, the total area to be acquired was 20 Bighas 3 Biswas. From further measurement made on the spot under section 8 of the Land Acquisition Act, this area was found to be correct.

It was, however, found that 1 Bigha 2 Biswas area in Khasra No.804/467/2 is substantially built up and the award is not going to be made regarding this Khasra number. Award is going to <sup>be</sup> made only regarding Khasra No.804/467/1 measuring 9 Bighas. An award regarding khasra No.804/467/2 will be made if necessary after taking further instructions from the Delhi Administration. The ownership of the land under acquisition is given belows:-

Sl.No.	Name of the owners.	Khasra No.	Area Bigha-Biswa.	Kind of land.
†.	Hari Shankar s/o Manohar Lal.	804/467/1	9 - 0	Chahi 8 - 10 G.M. well 0 - 3 G.M. Jhugee 0 - 7 9 - 0

Shri Hari Shankar has claimed the following compensation:-

Compensation for 10 Bighas 2 Biswas @ Rs.80/- per sq.yd.	Rs.8,08,000.00
Compensation for well.	Rs. 10,000.00
Compensation for boundary wall.	Rs. 10,000.00
Compensation for trees.	Rs. 1,000.00
Compensation for water drain.	Rs. 6,000.00
Total.....	Rs.8,35,000.00

Shri Geuri Shankar has claimed compensation for 14 Biswas of land out of the area to be acquired. He has stated that there is a compromise between him and Shri Hari Shankar according to which 9900 sq.yds. will go to ~~him~~ Shri Hari Shankar and 7800 sq.yds. to him.

According to Titamas an area of about 14 Biswas is found to be disputed. This is, however, in possession of Mam Chand who is a tenant of Shri Hari Shankar. The confusion has arisen due to the fact that Titamas in the Muration are wrong. We are not taking more than 9900 square yards of land from this Khasra number and therefore, the whole of the khasra number to be acquired is that of Shri Hari Shankar. Compensation of 14 Biswas will, however, be kept disputed and sent to the District Judge for disbursement. Shri Mam Chand and Shrimati Garsi tenants have also claimed compensation at Rs.150/- per sq.yd. and also compensation for the structures. Shri Hari Shankar has admitted Shri Mam Chand to be his tenant.

2.	Custodian of Evacuee Property.	457	9 - 18	G.M.Abadi	4 - 0
		456	0 - 3	B.Kadin.	5 - 18
			10 - 1		

The Custodian has stated that Khasra numbers mentioned above have been disposed off as follows:-

Khasra No.	Area Higha - Biswa	To whom disposed off.
a). 456-457/1	2 4 1	Auctioned to Sh.Maharaj Kishan for Rs.70,250/-. This auction was afterwards cancelled.
b). 456-457/2	1 - 8	Auctioned to Shmt.Janna Devi on 28.11.61 for a sum of Rs.71,600/- The sale-certificate has been issued.
c). 456-457/3	5 - 2	Auctioned to Sh.Ishwar Das for a sum of Rs.1,00,500/-. Sale-certificate has not yet been issued. Further sold to Samrat Cooperative House Building Society for the same amount.
d). 456-457/4	1 - 12	Auctioned to Sh.Prem Kumar Talwar for a sum of Rs.1,10,000/-. The auction was cancelled and it was further sold to Bharat Mart for a sum of Rs.35,500/-



The Custodian has made no claim. Shri Sita Ram has stated that this land was purchased by 4 persons namely, Jugal Kishore, Radha Kishan, Jagdish Raj and Sita Ram in equal share, 3/7. ~~The~~ The remaining 4/7 part is under the ownership of Shrimati Jamna Devi. They have claimed compensation at Rs.2,17,500/- for the land and huge amounts for structures. As regards item No.1 Shri Maharaj Kishan has made no claim. Shri Prem Parkash Kapur has, however, stated that he took on lease this land from Shri Maharaj Kishan at Rs.100/- per month, from 1959 and he should get a compensation of Rs.70,000/- for the structure and his loss of tenancy. Shri Radha Kishan Tiwari who has got Khadees ~~an~~ a part of the land has claimed compensation for the land at Rs.48/- per sq.yd. and on various other grounds.

M/S Frontier Paper and Board Industries has also claimed compensation for loss of income at Rs.500/- per month. From the inspection of the site, it is found that they have got simply a Board on the place and no work is going on.

In addition to the above claimants, the following tenants have also made the following claims.

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Sl.No.	Name of the Tenant.	Claim made.
1.	Parmanand s/o Jesa Ram.	Unspecified amount for structure.
2.	Nihal Chand s/o Jesa Ram.	-do-
3.	Chander Bhan s/o Ladha Ram.	-do-
4.	Bhagwan Dass s/o Roshan Lal.	Rs.3000/- for Structure.
5.	Lekh Raj s/o Lila Dhar.	Rs.5000/- for -do-
6.	Ladha Ram s/o Ghanshyamdas	Rs.1500/- for -do-
7.	Harnam Singh s/o Nihalsingh	Rs.5000/- for -do-
8.	Uttam Singh s/o Mehtap Singh	Rs.6000/- for -do-
9.	Nirmal Singh s/o Than Singh	Rs.10000/-for -do-
10.	Maharaj Kishan s/o Dewan Chand	Rs.6000/- for -do-
11.	Gian Chand s/o Devi Lal.	Rs.2000/- for -do-
12.	Nihal Chand s/o Jesa.	Rs.8000/- for -do-
13.	Balwant s/o Jesa Ram.	Rs.3000/- for -do-
14.	Lal Chand s/o Chanan Das.	Rs.8000/- for -do-
15.	Tulsi Ram s/o Bal Kishan.	Rs.9000/- for -do-
16.	Kishan Lal s/o Chuni Lal.	Rs.9000/- for -do-
17.	Rora Mal s/o Vidhya Mal.	Rs.5000/- for -do-
18.	Babu Ram s/o Melu Ram.	Rs.5000/- for -do-
19.	Hari Chand s/o Nam Lal.	Rs.10000/- for -do-
20.	Ram Parkash s/o Arora Chand.	Rs.15000/- for -do-
21.	Hari Singh s/o Sona Singh	Rs.8000/- for -do-
22.	Uttam Lal s/o Roop Lal.	Rs.10000/- for -do-
23.	Saran Singh s/o Tara Singh.	Rs.5000/- for -do-
24.	Roop Singh s/o Biba Singh.	Rs.5000/- for -do-
25.	Preetam Singh s/o -do-	Rs.5000/- for -do-
26.	Darshan Lal s/o Ishar Das.	Rs.20000/-for -do-
27.	Raghbir Singh s/o Kalu.	Rs.5000/- for -do-
28.	Mangal Das s/o Shankar Das.	Rs.5000/- for -do-
29.	Mehar Chand s/o Lal Chand.	Rs.3000/- for -do-
30.	Kanshi Parshad s/o Babu Ram	Rs.9000/- for -do-
31.	Anant Ram s/o Jogi Ram.	Rs.5000/- for -do-
32.	Lachhman Das s/o Jhugamal.	Rs.8000/- for -do-

Contd....

33.	Ram Kishan s/o Chanan Das	Rs.1300/- for structure.
34.	Dharam Pura Dayal Bagh Cooperative Stores Ltd;	Rs.10000/- -do-
35.	Dhanpat Rai s/o Ram Chand	Rs.4000/- -do-
36.	Khiali s/o Itbari Lal.	Rs.5000/- -do-
37.	Gillu Ram s/o Jesa Ram.	Rs.2000/- -do-
38.		

Some of the tenants have also claimed compensation for the land. All of them have also claimed alternative accommodation.

Sarvashri Ram Sahai, Hardeva, Ram Parshad, Thana Ram, Dhana Ram, Kunja Ram, Dal Chand and Shrimati Sona have each claimed a compensation of Rs.2000/-.

Kanahya Lal, Nathi Lal, Girdhari Lal, Durga Parshad, Lala Ram, Shib Lal and Ram Sarup have also claimed compensation for Jhugees constructed by them.

All these structures are purely temporary and have created a slum. These are all unauthorised. The mulba is such which can be easily removed. The claims have been made without any respect for reality.

No evidence has been given as to the value of the structure.

#### CLAIMS & EVIDENCE.

The claims of various parties have already been discussed. No evidence has been given as regards the price of the land and structure.

#### MARKET VALUE.

The land under acquisition is situated on the road running along the Western Jamna Canal. It is situated in front of the Railway Station, Subzimandi near the Abadi of Bagh Kare Khan which is a slum area. As a matter of fact by the construction of the jhugees, the whole area has become a veritable slum and in order to maintain the health of the city of Delhi it is

necessary that this area should be cleared. Sale-transactions of the land ~~itself~~ are available from the Custodian and the prices are so highly exaggerated that they have no connection with the reality, For instance, 1 Bigha 8 Biswas land was purchased by Shmt. Jamna Devi for a sum of Rs.71,600/- on 28.11.58 yielding an average of Rs.50/- per sq.yd. In 1958 plots were easily available @ Rs.50/- per sq.yd. even in Shaktinagar which is a very clean and very highly developed colony. I do not understand under what circumstances this transaction was made by Shrimati Jamna Devi. Similar is the case with other transactions made by the Custodian. Land about a hundred yards <sup>away</sup> from the land under acquisition was sold in free market only a few months before the date of notification under section 4 of the Land Acquisition Act in the estate of Sadhora Khurd @ Rs.7/- per sq.yd. The details of these transactions are given below:-

Mutation Number.	Date of registration.	Khasra Nos.	Area Bigha-Biswa	Total sale Value.	Average per bigha.
1565	23.1.59	118 to 121	24 - 13	1,63,500/-	6500/-
1642	13.7.59	370/576 etc.	27 - 19	1,86,000/-	6600/-
1594	26.2.60	430/122 and 429/122	10 - 14	91,000/-	8500/-
1662	23.1.61	114-115.	8 - 14	60,000/-	7000/-

The area involved in these transactions is hardly hundred yards from the land under acquisition. These sales were made in free market by willing purchasers from willing sellers. These are, therefore, the true



indication of the market value of the land on the relevant date i.e. 23.4.62. The area involved in these transaction was not occupied by the tenants while the area under acquisition is occupied by the tenants. I am, therefore, firmly convinced that the rate of the land on the relevant date was not more than Rs.7/- per sq.yd. I, therefore, award Rs.7000/- per bigha for the land under acquisition.

OTHER COMPENSATION.

There are 2 wells situated in Khasra No.456 and 804/467/1. Well situated in Khasra No.456 is totally broken down and is useless. The compensation is being paid on the basis of potential value and, therefore, no compensation can be assessed for this well. Well situated in Khasra No.804/467/1 is one of the best wells in the city of Delhi. It is very big well and can be used even after the construction of houses. The Naib Tehsildar, Land Acquisition, has assessed its price at Rs.4500/- and I fully agree with him and, therefore, award Rs.4500/- as the cost of the well.

The structures, as already stated, are purely temporary and the Naib Tehsildar has prepared a list of these structures. He has assessed the total compensation for the structures at Rs.14,657/-. I have checked this list on the site and I find that the assessment made by him is correct. I, therefore, award Rs.14,657/- as the cost of structures on the land under acquisition.



Shri Hari Shankar claimant claims compensation for storm water drain which is very small and broken down. No compensation, therefore, <sup>is</sup> assessed for this broken drain. No one except Shri Hari Shankar has claimed compensation for trees. There are small trees on the land of Shri Hari Shankar. When sales are made than a few trees are not separately assessed. These form the part of sale-transactions. I, therefore, award no compensation for the trees standing on the land.

APPORTIONMENT.

Khasra No.804/467/1 is being cultivated by Shri Mam Chand. In the estate of Sadhora Khurd a similar land belonging to Shri Mohd. Yalya was cultivated by Shri Ghisa etc. The total area of that land was 28 Bighas 5 Biswas. By private negotiations, the tenants left their rights of tenancy after realising a sum of Rs.15000/- from the owner. The average of the rights of tenancy per bigha from this transaction comes to about Rs.600/- per bigha. The compensation to the tenant Shri Mam Chand and his mother should be paid @ Rs.600/- per bigha and the remaining compensation should be paid to Shri Hari Shankar. In the land of the Custodian, sale-certificate has been issued in favour of Shrimati Jamna Devi only. Compensation for land of Shrimati Jamna Devi will be paid to various partners when they get the mutation attested in their favour. Compensation regarding the

other land of the Custodian will be paid only on the producing of sale-certificates. The tenants are entitled only to the price of mulba for the jhuggies constructed by them. The Municipal Corporation, however, should try to provide alternative accommodation to them.

THE AWARD IS SUMMARISED AS BELOW.

Compensation for 19 Bighas 1 Biswas of land @ Rs.7000/- per bigha.	Rs.1,33,350.00
Compensation for the well.	Rs. 4,500.00
Compensation for structures.	Rs. 14,657.00
	<hr/> Rs.1,52,507.00
15% on the above as solatium.	Rs. 22,876.05
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Grand Total.....	Rs.1,75,383.05
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The land is assessed to a land revenue of Rs.44.76 which will be deducted from the Revenue Roll from Rabi 1963.

( Nand Kishore )  
Land Acquisition Collector I,  
DELHI.  
20.2.1963.

Submitted to the Collector of District for  
information and filing.

( Nand Kishore )  
Land Acquisition Collector I,  
DELHI.  
20.2.1963.

Seen  
H. Kumar  
COLLECTOR  
27/2