

AWARD No. 1776 / 128

Name of the property:

Chandani Mahal Building,  
Swee Walan, Jama Masjid  
Area, Delhi.

Nature of acquisition:

Permanent.

INTRODUCTION:

The land bearing municipal House No.679 Ward No.X, is known as Chandani Mahal measuring 4972 sq.yds. is required by the Government at the public expense for a public purpose namely for the construction of a New Police Station, Jama Masjid. A notification under section 4 of the Land Acquisition Act was made vide notification No.F.15(73)/62-LSG dated 23.7.1963. The substance of the notification was given due publicity and objections were invited from the interested persons. The objections were heard and a report was made to the Delhi Administration along with the objections in original. A declaration under section 6 of the Land Acquisition Act was made vide notification of even number dated 27.11.1963. Notice under section 9(1) was given due publicity and notices under section 9(3) and 10(1) of the Land Acquisition Act were served upon the known interested persons. Almost all the interested persons have responded to the notices.

'MEASUREMENT & OWNERSHIP'

According to the notification under section 6 of the the Land Acquisition Act, the total area to be acquired was 4972 sq.yds. The boundaries of the property under acquisition are as follows:-

|        |                                           |
|--------|-------------------------------------------|
| East:  | Gali Doom Wali and House Nos.680 and 681. |
| West:  | Gali Hafiz Abdula & building Rang Mahal.  |
| North: | Gali Chandani Mahal and House No.677.     |
| South: | Building Sheesh Mahal, House No.631.      |

From further verification made on the spot under section 8 of the Land Acquisition Act, the total area to be

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acquired was found to be 4674 sq.yds. The difference of 298 sq.yds. is due to the fact that according to the site plan of the acquiring department, the length of the property under acquisition has been shown as 240'-6" whereas at the site on actual measurement the length is 246'-6". Similarly the breadth according to the said site plan is 186'-6" whereas on actual measurement it is 170'-6". The area thus works out to be 4674 sq.yds. The Municipal Corporation has only shown the Municipal number of the property under acquisition and not the actual area to be acquired. The mistake in the site plan thus appears to be due to some oversight. Hence I hold the area to be acquired at 4674 sq.yds.

According to the Municipal Corporation letter No. Taxes/3175/2.I dated 21.11.1963, Shmt. Qaiser Jahan Begum and Shmt. Taimur Jahan Begum wd/o Mohd. Shah are the owners of the property under acquisition.

Shmt. Qaiser Jahan Begum is reported to be dead and no body has claimed on her behalf.

The names of the occupants and tenants as per the site inspection as well as the list furnished by the Police Station Jama Masjid and as per the claims received are as follows:-

| <u>Sl.No.</u> | <u>Name of the occupants.</u>                   |
|---------------|-------------------------------------------------|
| 1.            | Zikrul Rehman s/o Fazal-ul-Rehman.              |
| 2.            | Abdul Kadar s/o Abdul Wafar.                    |
| 3.            | Kabir Ahmed s/o Master Shalim-u-din.            |
| 4.            | Nazir Ahmed and Zahir Ahmed ss/o Bashir Ahmed.  |
| 5.            | Shmt. Moin-ul-nisa wd/o Shokat Ali Abasi.       |
| 6.            | Mukhatyar Ahmed alias Nathu Khan s/o Pir Baksh. |

Note: At the site one Shri Fazul Hassan s/o Ali Hassan is the tenant.

|     |                                    |
|-----|------------------------------------|
| 7.  | Shamiudin s/o Masih-u-din Ghishti. |
| 8.  | Mohd. Iqbal s/o Abdul Hamid.       |
| 9.  | Mohd. Hanif s/o Abdul Hamid.       |
| 10. | Begum Taimur Jahan (land lady).    |

Note: At the site there is a sign-board in the name of one Shri Syed Hussain Delhvi s/o Syed Mohd. Ibrahim, but actually one Shri Ausaf Hussain s/o Syed Tafa Hussain is the tenant on behalf of Shri Syed Huss.

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Nur Mohammad s/o Amir Baksh.  
Mohd. Yasin s/o Abdul Wahid.

'CLAIMS AND EVIDENCE'

The following persons have filed their claims:-

Shmt. Begum Taimur Jahan in her claim petition has stated that she is the owner of the said property. She has further stated that the main building which has been requisitioned for the Police Station and out houses on the land in her actual possession fetch a monthly rent of Rs.785/- per month. She has stated that the compensation may not be paid on the rental value of the property but on the market value of the land. She claimed the total compensation for the land, structure and trees at Rs.6,07,600/-.

Shmt. Begum Taimur Jahan subsequently on 1.8.1964 has submitted an additional claim stating that there is a property namely Jhot measuring 348 sq.yds. as shown and marked on the site plan submitted by her by letters A,B,C,& D, which is not being acquired. She has therefore, further claimed the damages for severance of the said property @ Rs.100/- per sq.yd. The said claimant further filing a copy of the estimates of the structures prepared by Shri Onkar Nath Saxena, Sanitary Engineers, has claimed for revised total compensation of Rs.6,63,838.64 ps.

Note: On persual of the estimate prepared by Shri Onkar Nath Saxena as stated above it is seen that out of total compensation claimed by Shmt. Taimur Jahan Begum, the amount of Rs.1,31,838.64ps. is shown as the value of the structures and the remaining amount has been calculated as the cost of the land including the so-called Jhot @ Rs.100/- per sq.yd. In this regard according to the letter of the C.P.W.D. Delhi No.23(128)/SEDAI/64/DS.2/697 dated 20.1.65, the value of the structure has been assessed at Rs.29,636/- only. At the site inspection it was found that the so-called

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as shown by the letters A,B,C,& D on the site plan submitted by the said claimant is a lane which is adjoined towards south of the property under acquisition. There is no entrance whatsoever leading to the property under acquisition through this lane and the said lane is not a part and parcel of the said building. The claim of Begum Taimur Jahan is not supported by any evidence. As stated above under the head 'Measurement & ownership' the claimant Begum Taimur Jahan has not made any mention about Begum Qaiser Jahan who is reported to be dead.

Besides the above owner the following tenants have also filed their claims:-

| Sl.No. | Name of the tenant.                                      | Claim made.                                                                                                                                       | Qr.No. | Remarks. |
|--------|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|--------|----------|
| 1.     | 2.                                                       | 3.                                                                                                                                                | 4.     | 5.       |
| 1.     | Zikrul Rehman s/o Fazal-ul-Rehman.                       | He is a tenant since last 3 yrs. paying a monthly rent of Rs.15/- per month and has claimed alternative accommodation.                            | 1.     |          |
| 2.     | Abdul Kadar s/o Abdul Gafar.                             | As above.                                                                                                                                         | 2.     |          |
| 3.     | Kabir Ahmed s/o Master Shalima-din.                      | That he is running a 'Attachee' manufacturing shop and is paying a monthly rent of Rs.15/-. He has demanded the alternative accommodation.        | 3.     |          |
| 4.     | Nazir Ahmed & Zahir Ahmed ss/o Bashir Ahmed.             | They are the tenants staying in the quarter No.4 and are paying the rent of Rs.15/- per month. They both claim alternative site for two families. | 4.     |          |
| 5.     | Shmt.Moin-ul-nisa wd/o Shokat Ali Abasi.                 | She is a tenant since last 3 years and is paying a monthly rent of Rs.15/- and she claims the alternative site.                                   | 5.     |          |
| 6.     | Mukhatyar Ahmed alias Nathu Khan s/o Pir Baksh(Bailiff). | Claimed as above. At present Shri Fazul Hassan s/o Ali Hassan is living in this house and has claimed as above.                                   | 6.     |          |

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7. Sham-u-din s/o Masih-u-din Chishti.

He is a tenant since 7. last 6 years and is paying a monthly rent of Rs.15/- and demanded the alternative accommodation.

8. Mohd. Ikbal s/o Abdul Hamid.

8. He is running furniture manufacturing shop and paying monthly rent of Rs.15/- for the last 3 years.

9. Mohd. Hanif s/o Abdul Hamid.

9. He is residing for the last 3 years and is paying a monthly rent of Rs.15/-.

10. Taimur Jahan Begum-owner.

She has claimed that the quarter No.10 is in her possession. On the contrary Shri Syed Hussain Delhvi has also claimed that he is residing in the said quarter since 6-7 years and is paying a monthly rent of Rs.15/-. He has also claimed for alternative accommodation.

Note:- At the site one Shri Syed Ausaf Hussain s/o Tafazal Hussain was found residing as a tenant of Shri Syed Hussain.

11. Nur Mohammad s/o Amir Baksh.

11. He is a tenant for the last three years and is paying a monthly rent of Rs.15/- and has claimed alternative accommodation.

12. Mohd. Yasin s/o Abdul Hamid.

12. claimed as at sl.No. 12.

Note: In this regard Shri Daryo Singh has admitted the possession of Shri Mohd. Yasin s/o Abdul Hamid.

The above claimants have not filed any evidence beyond their claims. The compensation claimed by the owner is thus exorbitant and without any basis in view of the Market value discussed below.

'MARKET VALUE'

The property under acquisition is situated in Mohalla Swee Wala in Jama Masjid Area. It consists of a huge courtyard having one entrance gate. This property is situated in a corner of a congested area and the approach to the main building is through narrow lanes. In this area, i.e. Ward No. X no sales transactions had taken place during the last three years.

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prior to the date of notification u/s 4 of the Land Acq Act, namely 23.7.1963. This is mostly residential area has no commercial value, but it has got its own importance because the said area is in close proximity with the commercial area of Darya Ganj, Jama Masjid, and Chitli Kabar Street which are at a distance of 1-2 furlongs from the land under acquisition.

The property under acquisition has been requisitioned on 17.11.1960 by the Collector(Req.), and the rent compensation excluding servant quarters was fixed at Rs.455/-. In addition to this, there are 12 other quarters attached to the property under acquisition which yield an additional monthly rent of Rs.180/-. The total rent of the property thus comes to Rs.635/- per month which works out to Rs.7620/- per annum. After deducting house tax to the extent of 10% of the rental value of Rs.5011/- as fixed by the Delhi Municipal Corporation vide its letter No.Tax/3175/2.I dated 21.11.1963, the remaining amount comes to Rs.7119/-. Again after deducting 10% towards the repairing charges, the capitalised value for 20 years comes to Rs.1,28,140/-. But this amount cannot be a fair and reasonable market value of the property under acquisition because of the actual prevailing values of the properties surrounding the property under acquisition. These are evacuee properties, the values of which have been assessed by the Rehabilitation department and allotted to refugees. The list of the properties as obtained from the Rehabilitation Deptt. is as given below:-

| Sl.No. | House No.   | Ward No. | Area in sq.yds. | Total value assessed. |
|--------|-------------|----------|-----------------|-----------------------|
| 1.     | 669 to 672. | X        | 83.             | Rs.6975/-.            |
| 2.     | 673 to 674. | X        | 99.             | Rs.6314/-.            |
| 3.     | 675.        | X        | 68.             | Rs.4632/-.            |
| 4.     | 685 to 686. | X        | 236.            | Rs.21548/-.           |
| 5.     | 688.        | X        | 83.             | Rs.5135/-.            |
| 6.     | 690.        | X        | 79.             | Rs.5000/-.            |
| 7.     | 695.        | X        | 186.            | Rs.10109/-.           |
| 8.     | 696 to 699. | X        | 358.            | Rs.25966/-.           |
| 9.     | 703.        | X        | 142.            | Rs.14126/-.           |
| 10.    | 712 to 713. | X        | 275.            | Rs.20,000/-.          |
| 11.    | 789 to 795. | X        | 161.            | Rs.40,000/-.          |

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|-----|-------------|----|-------------|----------------|
| 12. | 802 to 819. | X  | 1749.       | Rs.75000/-.    |
| 13. | 820 to 824. | X  | 66.         | Rs.17729/-.    |
| 14. | 852.        | X  | 261.        | Rs.16289/-.    |
| 15. | 850.        | X, | 112.        | Rs.5000/-.     |
|     |             |    | 3958 sq.yd. | Rs.2,73,823/-. |

Thus the average value of these properties is calculated at Rs.69,18ps. per sq.yd. These properties include small houses constructed on small areas whereas the property under acquisition consists of a huge area which is generally sold on much less average than the properties of smaller areas. Hence out of the above mentioned list the average of fairly big properties as stated at sl.Nos. 4,8,10, 12 and 14 has been worked out, which comes to Rs.55.15ps. per sq. yd. This price includes the value of the land as well as the value of the structures existing on it. The houses generally are of old type and not in a very good condition. The property under acquisition is also an old one which has been assessed by the C.P.W.D. at Rs.29,636/-. As stated above the property under acquisition is situated in a narrow lane whereas the properties stated above are close to the main Chitli Kabar Street. Hence the above rate of Rs.55.15ps. cannot be made applicable to the property under acquisition.

During my site inspection it was found that three sales transactions have taken place after the date of notification under section 4 of the Land Acquisition Act, which are as given below:-

| House No.   | Ward No. | Area in sq.yds. | Total sale price. |
|-------------|----------|-----------------|-------------------|
| 685 to 686. | X        | 236             | Rs.21548/-.       |
| 677.        | X        | 350.            | Rs.23000/-.       |
| 2330.       | XI.      | -600.           | Rs.24000/-.       |
|             |          | 1186.           | Rs.68,548/-.      |

The average of these transactions which is inclusive of the value of the land and the structure comes to Rs.58/- per sq.yd. But this rate cannot be applied to the property under acquisition for the obvious reason that these sales were effected after the crucial date.

Thus, after considering all the relevant factors as stated above, and looking into the location of the property under acquisition and growing trend in the market value of the land in the vicinity, I consider the rate of Rs.50/- per sq.yd. to be fair and reasonable market value of the property under acquisition and I award accordingly. As the prices discussed above are inclusive of the price of the land as well as of the building, this rate of Rs.50/- per sq.yd. also covers the same.

### 'OTHER COMPENSATIONS'

As discussed above that there are about 12 tenants in the quarters situated in the property under acquisition. These tenants are in occupation of the quarters since 1957 onwards paying the rent to the land lady Shmt. Begum Taimur Jahan, and these quarters are excluded from the requisition made for the Police Station. There is no question and no provision for giving any alternative site to these tenants, however, they are only entitled for damages for shifting from the present occupations. I, therefore, award the compensation @ Rs.300/- each for the tenants residing in the quarters (10) and Rs.500/- each for the persons who are manufacturing 'furniture & Attachments' in quarter Nos. 8 and 3 respectively towards the compensation for displacements. This is to be paid in addition to the compensation awarded to the land lady Shmt. Taimur Jahan & Begum Qaiser Jahan.

### Compensation for trees:

There are four people, four neem and one Balsari tree on land under acquisition. The values of all these trees have been assessed by the Naib Tehsildar(LA) at Rs.360/-.

### Compensation for Well:

There is no well in the land of the property under acquisition. Therefore no compensation has been assessed.

### Compensation for Hand Pump:

There is one hand pump on the land of the property under acquisition, the value of which has been assessed.

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the Naib Tehsildar(LA).

During my site inspection I found that the values assessed by the Naib Tehsildar(LA) for the trees and hand pump are quite reasonable and I award accordingly.

Interest

As the possession of the property under acquisition has not been taken, therefore, the question of payment of interest does not arise.

'APPORTIONMENT'

As discussed above, according to the Municipal Corporation Record, the land owners are Begum Taimur Jahan and Begum Qaiser Jahan, but the claim has been received only from Shmt. Begum Taimur Jahan. Under the circumstances Shmt. Begum Taimur Jahan should produce evidence in respect of individual's share in the property under acquisition before any compensation is paid to her. In default, the compensation for the share of Begum Qaiser Jahan will be treated as disputed and sent to the Addl. District Judge, Delhi for adjudication.

There is a controversy in the claims between Mukhatayar Ahmed and Fazal Hassan, and Syed Hussain and Between Syed Ausaf Hussain regarding the tenancy. As such the compensation will be treated as disputed and sent to the Addl. District Judge, Delhi for disbursement.

'THE AWARD IS SUMMARISED AS BELOW'

|                                                                                                                                  |                    |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Compensation for the land measuring 4674 sq.yds. @ Rs.50/- per sq.yd. ( inclusive of the value of the structure situated on it). | Rs.2,33,700.00     |
| Compensation for Hand Pump.                                                                                                      | Rs. 150.00         |
|                                                                                                                                  | Rs.2,33,850.00     |
| 15% of the above as solatium for compulsory acquisition charges.                                                                 | Rs. 35,077.50      |
| Compensation for displacement(12 tenants).                                                                                       | Rs. 4,000.00       |
| Compensation for trees.                                                                                                          | Rs. 360.00         |
| G.Total....                                                                                                                      | Rs.2,73,287.50 ps. |

The land is assessed to no land revenue.

(Zal Nowsheerwanji)  
Land Acquisition Collector(DS)  
DELHI/26.7.1966.  
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Submitted to the Collector, Delhi for information  
and filing.

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*[Signature]*  
(Zal Nowsherwanji)  
Land Acquisition Collector (DS)  
DELHI/26.7.1966