

A W A R D

No.

1783

Name of the Property:

Mathu Mal Building,
Haider Quli, Chandni Chowk,
Delhi.

Nature of Acquisition:

Permanent.

INTRODUCTION:

The property bearing Municipal No. VI/331 to 345 known as Mathu Mal Building, Haiderquli, Chandni Chowk, Delhi measuring 945 sq.yds. is needed by the Delhi Municipal Corporation at the Municipal Corporation expenses for a public purpose namely for the construction of a Municipal School. A notification u/s 4 of the Land Acquisition Act, 1894 was made vide notification No.F.15(81)/61-LSG dated 23.6.1961. 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 17.7.1963. 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 AND OWNERSHIP'

According to the notification under section 6 of the Land Acquisition Act the total area to be acquired was 945 sq.yds. The boundaries of the property under acquisition are as follows:-

North	House No.VI/312 to 329
South	House No.VI/356 to 358 & 346
East	Gali Haiderquli, House No.330
West	House No:- VI/362 to 367

From further verifications made on the spot under section 8 of the Land Acquisition Act the total area to be acquired was found to be correct at 945 sq.yds.

I, therefore, hold the area under acquisition to be correct at 945 sq.yds.

According to the Municipal Corporation's letter No.Tax/CZN/P/133 dated 16.5.1964 Shmt. Prabati Devi w/o Shri Shiv Narain C/o M/S Shiv Narain Chuttar Bhuj, Naya Bazar, Delhi is the owner of the property under acquisition. There are various tenants occupying the property under acquisition, the details have been discussed under the head 'Claims and Evidence'.

'CLAIMS AND EVIDENCE'

The following claims have been received in respect of the property under acquisition :-

1. The owner Shmt. Prabati Devi has filed the claim petition in which she has demanded the compensation for the property under acquisition @ Rs.1000/- per sq.yds.
2. Sarvshri Mahali Ram, Lachhman Dass through Shri Amba Prashad manager have stated that they are the tenants of the Shop/House No.334/335 in the ground and third floor and demanded the compensation of Rs.36,000/- which includes Rs.6000/- towards shifting charges and premiums equivalent to 5 years rent for obtaining other accomodation.

Note:- In the list^{of the tenants}/furnished by the land lady Shmt.

Prabati Devi, the names of Sarvshri Mahali Ram, Lachhman Dass have not been included, even at the site inspection Sarvshri Mahali Ram Lachhman Dass tenants were^{not} found to be existing.

3. Shri Kanch Lal s/o Shri Ganga Sahai tenants of House No.334 has in his claim petition demanded the total compensation of Rs.5600/-

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4. Shri Om Prakash s/o Shri Mohan Lal the tenant of House No. 334, 3rd floor has claimed Rs.5600/- as^{total} compensation,

5. M/S Banwari Lal Ram Chander tenants in House No.334 2nd floor through Shri Phool Chand have claimed the total compensation of Rs.12,000/-.
6. Sarvshri Hira Lal s/o Mool Chand, Munshi Lal and Siri Kishan ss/o Shri Chhotey Lal, Din Dayal son of Shambu Dayal, Ram Avtar Bhawani Prashad ss/o Shri Parey Lal, Shri Jagdish Prashad ad.s/o of Girwar Prashad (deceased) ss/o Johri Mal-tenants and partners of M/S Jaskaran Dass Mul Chand have jointly filed the claim petition regarding House No.339 (Godown) of the property under acquisition and they stated that the value of the godown and its super structure is about Rs.40,000/-. They also claimed Rs.10,000/- as compensation for dislodging.

Note: The land lady Shmt. Prabati Devi has recognised M/S Shambu Dayal Shri Kishan to be her tenants. However at the site M/s Jaskaran Dass Mool Chand were found to be existing.

7. Chander (Barbar) s/o Yad Ram the tenant of House/Shop No. 345 through Shri M.M.Rao, Advocate has stated that total compensation of Rs.6000/-. He further prayed that he is entitled to get the compensation @ 90 paise per rupee on the basis of occupancy tenant and that the land lady is entitled to get 10 paise per rupee out of the compensation which will be awarded.
8. Phool Singh alias Phool Chand s/o Kali Charan the tenant of shop No.335 has claimed the compensation of Rs.5000/- and has further prayed that the compensation which will be awarded should be paid to him in the ratio 9 : 1 being a occupancy tenant.

Note: In the list furnished by the land lady one shri Ram Swarup s/o Shib Dayal is the tenant, but at the site the claimant Shri Phool Singh was found to be existing.

9. Shri Kanshi Ram s/o Phool Chand the tenant of House No. 334 (2nd floor) has claimed the alternative site and Rs.1000/- as compensation on account of loss of change of residence.
10. Mela Ram s/o Bikhu Ram the tenant of House No.338/343

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has claimed the alternative accommodation and Rs.1000/- as compensation on account of loss of change of residence.

Note: As per the list furnished by the land lady Shri Mela Ram is the tenant but at the site he was not found to be existing.

11. Shri Sat Narain s/o Radha Krishan the tenant of House No. 337 (1st Floor) has claimed as above.

12. Shri Bej Nath Bansal s/o Shri L. Hamant Rai the tenant of House No. 345 has claimed Rs.1000/- as compensation on account of loss of change of residence and alternative accommodation.

Note: Although the name of Shri Bej Nath Bansal is included in the list furnished by the land lady yet he was not found to be existing at the site and M/S Rajendra Garments are occupying this house.

13. Ram Krishan s/o Kachhu Mal the tenant of House No. 345 2nd floor has claimed Rs.1000/- as compensation on account of loss for change of residence and alternative accommodation.

14. Kunj Behari Lal the tenant of House No. 343/344 (2nd floor) has claimed as above.

15. Shri Mangat Ram s/o Devat Ram the tenant of House/Shop No. 343 has demanded Rs.5000/- as compensation for the change of residence and alternative site.

Note: According to the list furnished by the land lady Shri Devat is occupying the House.

16. Shri Bale Ram s/o Dhani Ram the tenant of Shop No. 342 has claimed compensation of Rs.5000/- and alternative accommodation.

Note: According to the list furnished by the land lady Shri Dhani Ram is her tenant.

17. Des Raj s/o Bajju Ram has demanded the compensation of Rs.1000/- and alternative accommodation.

Note: According to the list furnished by the land lady Shri Lekh Raj and Des Raj are the tenants, but on the spot Shri Des Raj is residing.

18. Shri Singh Ram s/o Goverdhan Dass had demanded the compensation of Rs.1000/- for change of residence and alternative accommodation.

19. Shri Nanak Chand s/o L.Palli Ram has claimed as above.

20. Shri Kishori Lal Goyal has claimed Rs.7200/- as total compensation including premium of rent, additional rent, and charges for shifting the residence and alternative accommodation.

21. Shri Bhim Singh has demanded the total compensation of Rs. 16,200/- for the House No.337.

Note:- The land lady Shmt. Prabati Devi has not recognised him to be her tenant. But on the spot he is occupying this house.

22. Shri Kishan Singh, the tenant of shop No.333 has demanded the total compensation of Rs.11,200/-.

Note: According to the list furnished by the land lady Shmt. Prabati Devi, Peero Mal F/o Shri Kishan Singh is the tenant of shop No.333. But at the site inspection Shri Kishan Singh was found to be existing.

23. Shri Kanwar Sain, the tenant of Shop No.341 has demanded the total compensation of Rs.6200/- and alternative accommodation

Note: According to the list furnished by the land lady, Shri Ganga Sahai Kanwar Sain are the tenants but at site inspection Shri Kanwar Sain was found to be existing.

24. Shri Gopi Ram has demanded the total compensation of Rs.18,500/- and alternative accommodation. ² ~~But on~~ The spot enquiry revealed that Shri Gopi Ram has left the place, but Shmt. Prabati Devi, the land owner has shown him in her list to be her tenant.

25. Shri Ram Swarup, the tenant of Shop No.336 and 338 has demanded the total compensation of Rs.7200/- and alternative accommodation.

Note: ^{enquiry} The spot revealed that Shop No.336 has been sub-letted to Shri Phool Chand. But according to the list ~~is~~ furnished by the land lady Shri Ram Swarup is the tenant, of Shops No.336 & 338.

26. Shri Ram Jiwan Bharadwaj the tenant of House Nos.340 & 343 has demanded the total compensation of Rs.8700/- & alternative

accommodation.

27. Shri Babu Ram s/o Parbu Dayal the tenant of House 337 has demanded the total compensation of Rs.4200/- and alternative accommodation.

28. Shri Prabat s/o Dhani Ram the tenant of shop No.340 has claimed Rs.10,000 as compensation and suitable alternative accommodation.

Note:1. According to the list furnished by the land lady Sarvshri Shiv Prashad Prabati Lal are the tenants.

2. On the spot Shri Pokhar Dass Meg Raj were found to be in possession of Godown No.335 but they have not filed any claim regarding this godown.

3. The names of Sarvshri Girdhari Lal and Jeeta are entered as tenants in Statement A & B of the Revenue Record, but neither they were found to be existing at the site nor did they submit any claim.

Support of

In evidence the land lady has not produced any documentary proof in her claim petition. However Shri ^{Harbhajan Singh} has produced one Sardar ^{Harbhajan Singh} who in his statement has deposed that he along with his brother had purchased the property bearing House Nos.314 to 324 in an Government Auction held on 4.10.1959 for Rs.3,49,500/-. The said property is adjacent to the property under acquisition. However no document in this regard has been produced by Shri ^{Harbhajan Singh} Harbhajan Singh. Besides the property in question is situated in the Main Chandani Chowk Market and the property was purchased in an auction held by the Custodian Department. Hence the value involved in this transaction is not relevant for the value of the property under acquisition.

'MARKET VALUE'

The property under acquisition is situated in the Mohalla Havaili Haiderquli, Chandni Chowk area. The entrance to this building is open through narrow street. It is a very old building and is in delapidated condition and nearly half of the portion of the building is already demolished. The present condition of the building is that it is not fit for human habitation.7

Certain extracts of sale transactions taken in this area have been obtained from the office of the Sub Registrar. The average of these transactions is worked out as follows :-

<u>Year</u>	<u>Average price per sq.yd.</u>
1957	Rs.89.97
1958	Rs.113.29 Np
1959	Rs. 254.66 Np
1960	Rs.482.76 Np
1960	<u>Rs. 61.60</u> Np
	<u>Rs.1002.28</u> i.e. average Rs.200.46 persq yd.

All these transactions do not indicate the actual value of the land as well as the structure and besides the said transactions relate to the properties which are situated at a far distance from the property under acquisition. Hence the rates involved in these transactions cannot be made relevant to the property under acquisition. Under the circumstances the market value of the property under acquisition can be fixed at any available sale instances.

However according to the Municipal Corporation's letter No. Tax/CZN/P/133 dated 16.5.1964 as referred above the rental value of the property under acquisition is Rs.9000/- per annum and its rateable value is Rs.8100/- per annum. Out of this rateable value the land owner has to pay House Tax, Water Tax, and other charges for this property. After deducting 10% from this rateable value the net income of the land owner comes to Rs.7290/-. If this value is capitalised for 20 years the value of the property under acquisition works out to Rs.1,45,800/-. Vide the Municipal Corporation's letter No. 11(105)/61-Acq/L&E/1779 dated 20.10.1964 the value of the super structure in the property under acquisition is Rs.7600/- as valued by the Executive Engineer(P)/III. It is a fact that the properties of big area are sold on much less average than the properties of smaller area. The capitalised value as worked above also includes the value of the super structure. I, therefore, consider that the

amount of Rs.1,45,800/- as worked out on the basis of the present rental value as worked out by the Municipal Corporation will be the fair and reasonable market value of the property under acquisition and I award accordingly.

'OTHER COMPENSATIONS'

There is neither any tree nor any well in the property under acquisition, therefore no compensation has been assessed.

'APPORTIONMENT'

There is no dispute regarding the ownership of the property under acquisition. But the tenants have also claimed the compensation on the basis of their occupancy tenancy rights. Hence the whole compensation will be treated as disputed and deposited with the Addl. District Judge for disbursement.

'THE AWARD IS SUMMARISED AS BELOW'

Compensation for the property measuring 945 sq.yds., including the structure.	Rs.1,45,800.00
Compensation for trees & wells.	Rs. - nil -
	<u>Rs.1,45,800.00</u>
15% of the above as solatium for compulsory nature of acquisition.	Rs. 21,870.00 NP
Grand Total	<u>Rs.1,67,670.00 NP</u>

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

The land is assessed to no land revenue.

(Zal Nowsherwanji)
Land Acquisition Collector,
Delhi Shahdara Circle,
DELHI.
24.2.1965

Submitted to District Collector, Delhi for information and filing.

Seen and filed -
Mahind Singh
Addl. Collector, Delhi
6.3.1965

COLLECTOR, DELHI

(Zal Nowsherwanji)
Land Acquisition Collector,
Delhi Shahdara Circle,
DELHI
24.2.1965