

A W A R D NO. 28/1975-76
 NAME OF THE VILLAGE : MANDAWLI FAZULPUR
 NATURE OF ACQUISITION : PERMANENT
 PURPOSE OF ACQUISITION : PLANNED DEV.OF DELHI.

Land measuring 64 bighas 4 biswas in village Mandawli Fazulpur was notified u/s 4 L.A. Act vide notification No.F.15(117)/60-LSG dated 3.3.64 as it was required by the Govt. for a public purpose at the public expense namely for the Planned Development of Delhi. Declaration u/s 6 of the Act was issued vide notification No.F.15(117)/60-LSG(II) dated 16.6.66.

Notices u/s 9 & 10 of the L.A. Act were issued to the interested persons. Claims filed in response to the notices will be discussed under the appropriate heading 'Claims & Evidence.'

MEASUREMENT & CORRECT AREA

The field staff carried out necessary measurement of the land at the spot, the true and correct area found was 46 bighas 3 biswas. It appears there has been a typographical mistake for the figures 46 bighas as 64 bighas in the notifications. Further the difference of 1 big. appears to be due to the difference in the area of the 'Titamas.'

Therefore the present acquisition confines to only 46 bighas 3 biswas. The details of the land under acquisition are as below:-

.....2/-

<u>Kh.No.</u>	<u>Area</u>	<u>Classification of land.</u>
818/1	5.16	G.Abpash(4.16) G.M.Khudan(1.0)
819/1	0.18	-do-
1263/820/2	6.09	-do-
1264/820/2	6.11	B.Jadid
821/1	3.09	-do-
823/1	1.14	G.Abpash(1.6) B.Jadid(0.3)
820	<u>21.06</u>	G.M.Khudan.
	<u>46.03</u>	Big.Bis. G.Abpash 13.09 B.Jadid 10.08 G.M.Khudan <u>22.06</u> <u>46.03</u>

OWNERSHIP & OCCUPANCY

<u>S.No.</u>	<u>Name of the owner</u>	<u>Name of occupant.</u>	<u>Kh.No.</u>	<u>Area</u>	<u>Kind of soil.</u>
1.	Gianda s/o Hukum Singh Caste Gujar.	Self	825	21.06	G.M.Khudan
2.	Prem Singh s/o Shiv Charan & Mst.Bakhtawri wd/o Shiv Charan Caste Gujar in equal shares.	Self	821/1	3.09	B.Jadid.
3.	Khacheru s/o Ramsarup Caste Gujar	Radha Mohan s/o Permanand 1/2 share) Kanwar Singh s/o Khacheru 1/2 share. (	1263/820/2 1264/820/2	6.09 6.11	G.Abpash B.Jadid
4.	Kishan Lal, Mam Chand ss/o Nathua in equal shares Caste Gujar.	Self	818/1 819/1 823/1	5.16 0.18 1.14	{G.Abpash (4.16) G.M.Khudan(1.0) G.-do-Abbas G.Abpash(1.6) B.Jadid(0.3).
	G.Total		46.03		

CLAIMS & EVIDENCE

- 3 -

S.No. Name of the claimant.

Kh.No.

Area in sq.yd.

Rate claimed

Evidence

1. Ramji Lal Jain
s/o Chhaju Mal

821

300

Nil

Copy of re
sale deed
27.1.66 in
r/o plot No
481(300 sq.
Kh.No.821 fo
ownership.

2. Smt. Rukmani Sharma
w/o H.C. Sharma

820

400

Alternative
plot or proper
compensation.

Nil

3. Smt. Shakuntla Rani
w/o Sh. Manik Chand
Verma.

820

200

Alternative
plot or proper
compensation.

Nil

4. Smt. Shakuntla Devi
Verma w/o Sh. Sagar
Mal Verma.

820

200

-do-

Nil

5. Smt. Anhla Devi
w/o Raghuir
Pershad Gupta

Plot No.

135-A

Kh.No. 1263/820

200

Alternative
plot or
compensation
according to
market value
prevailing.

Copy of
sale deed
dt. 6.1.66
for ownership

6. Smt. Bhage w/o
Bhagat Ram.

Plot No.

395-A

Kh.No. 820

200

Nil

7. Smt. Kailash
Kumari w/o
Sh. Prem Parkash.

820

(1) 200
(ii) Boundary
wall.

200

Copy of
sale deed
dt. 29.1.66
for ownership

8. Ram Chander Singh

820

Copy of
sale deed
dt. 12.11.1965
for ownership.

Nil

9. Jarnail Singh
s/o Hardit Singh

820

Plot No. (1) 200
26-A. (2) Boundary Wall.

(1) 200

(2) One room.

Copy of
sale deed
dt. 31.1.66
for ownership.

10. W.H. Joseph

820

.....4/-

11. Lal Singh s/o Het Ram.	820 Plot No. 161-A	200	Rs. 10/- per sq. yd.	Copy of sale 29.1.66 for ow
12. Chiranjī s/o Sh. Devi Ram	821 Plot No. 497-A	300	Alternative plot	Copy of registr 29.8.19 ownersh
13. Ram Nath s/o Tendu Ram.	Plot No. 161-A	200	-do-	Nil
14. Smt. Parwati Devi.	820 Kh. No. 821.	(1) 200 (2) One room	-	Copy of deed dt. 29.12.1966 for owners
15. S. B. Sinha	1263/820	(1) 200 (2) one room	-	Copy of s deed dt. 6.1.1966 ownership.
16. Smt. Sobha Rani	820	(1) 300 (2) one room	-	Copy of sale deed dt. 29.12.1965 for ownersh
17. Smt. Shanti Devi	820	(1) 200 (2) one room	-	Copy of reg sale deed dt. 3-1.1966 for ownership
18. Smt. Vidhya Devi	820	(1) 300 (2) Boundary Wall	-	Copy of sale deed dt. 29.12. 66 for ownership
19. Sh. Fazal Masih Plot No. s/o Sh. Labhu Mal 237-A		300	Rs. 40/- per sq. yd.	Copy of sale deed dt. 9.1.67 for ownership.
20. -do-	Plot No. 236-A.	300	-do-	-do-
21. Sh. Nathu Ram s/o Ram Sukh	Plot No. 489-A Kh. No. 821.	300	Alternative plot.	Nil
22. Smt. Maya Devi	820	(1) 200 (2) boundary wall	-	Copy of sale deed dt. 22.1.1966 for ownership.
23. Inderjit Singh Plot No. Nirmal Singh ss/o 384-A Bhagat Ram.	Kh. No. 820.	200	-	Nil

24. Kanhaya s/o Chhittar	822 Plot No. 182/A 821 Plot No. 488-A.	500	Alternative plot.	Nil
25. Smt. Bakhtawri w/o Shiv Charan.	821	-	Rs. 30/- per sq. yd.	Nil
26. (i) Khacheru s/o Ram Sarup. (ii) Kanwar Sen s/o Khacheru.	1263/820/2 1264/820/2	-	- do -	Nil
27. Yunus Parshad s/o Kamta Parshad.	821	555	Rs. 50/- per sq. yd. Rs. 27,750/-	Copy of sale deed dt. 30.5.66 for ownership.
28. Gairda s/o Hukam Singh.	825/1 825/2	-	(i) Rs. 30/- per sq. yd. (ii) Rs. 50/- per sq. yd. for severance.	Nil
29. Madan Mohan Suri	820	200	Alternative- plot or com- pensation accord- ing to the value- in the neighbour- ing locality.	Copy of sale deed dt. 31.1.66- for owner- ship.
30. Tilak Rao s/o Sh. Sohna Mal on behalf of Smt. Tara Wanti.	820 Plot No. 68-A	4 bis.	-	Copy of regd. sale deed dt. 1.2.66 for ownership.
31. Sudershan Kumar Sherma	820	200	Alternative- plot or com- pensation accord- ing to value in neighbouring locality.	Copy of sale deed dt. 12.4.66- for owner- ship
32. Pritpal Singh	821	200	-	Copy of regd. & sale deed dt. 17.5.66 for ownership.
33. Anthony Gomes s/o Herones Gomes.	820 Plot No. 57-A.	200	-	Copy of sale deed dated 28.1.66 for ownership.
34. Smt. Bhago w/o Bhagat Ram.	820	200	-	Nil
35. Inderjit Singh Nirmal Singh ss/o Bhagat Ram.	820	200	-	Nil

36. Smt. Kailash Kumari w/o Sh. Prem Parkash Mehta.	820	200	Copy Nil of regd. sale deed dt. 20.1.66 for ownership.
37. Smt. Maya Devi w/o Ratan Lal	820	200	Copy of regd. sale deed dt. 20.1.66 for ownership.
38. Kanhaya s/o Chhittar	821 - Plot No. 478-A 822 - Plot No. 182-A.	500	Copy of regd. sale dt. 17.1.66 for ownership.
39. Sagar Mal Verma	820	200	Copy of sale deed dt. 4.2.66 in f/o Smt. Shakuntla Verma for ownership.
40. Balwant Singh s/o Hernam Singh.	820	200	Copy of sale deed dt. 15.1.66 for ownership.
41. Sh. Nathoo Ram s/o Ram Saroop	821	300	Copy of sale deed dt. 17.1.66 for ownership.
42. Uday Raj Singh	1263/824 Plot No. 424-A 1263/320 Plot No. 101-A	200 200	Copy of regd. sale deed dt. 22.11.65 for ownership. Copy of regd. sale deed dt. 14.12.65 for ownership.
(K _h . No. 824 does not form part of acquisition)			
43. Ramji Lal Jain s/o Chhajju Mal	821	300	Copy of sale deed dt. 17.1.66 for ownership.
44. Smt. Shanti Devi w/o Nirbhey Lal	1263/820	200	Copy of regd. sale deed dt. 10.1.66 for ownership.
45. Nathi Ram Sharma	820	200	Copy of regd. sale deed dt. 15.1.66 for ownership.
46. W.H. Joseph	820	200	Copy of sale deed dt. 31.1.66 for ownership.
47. Rajpal Mahindearatta s/o Dalip Chand.	821	200	Copy of regd. sale deed dt. 30.3.66 for ownership.

48. Amrik Singh	820	500	Copy of regd. sale deed
Daulat Singh	322	300	dt.31.1.66 for owner-
2. Jagir Singh			ship. Copy of regd. sale
Joginder Singh			deed dt.28.4.66 for
Daulat Singh			ownership.
49. Sangram Singh	821		
		200 Rs.7/-	Copy of regd. sale deed
		per sq. yd.	dt.19.1.66 for ownership
50. Hari Singh s/o	820	200	Copy of sale deed dt.
Bhulla Singh			15.1.66 for ownership.
Gian Singh s/o			
Baru Singh.			
51. Smt. Vidyawati	1263/820	300	Copy of regd. sale deed
Devi.			dt.31.12.65 for owner-
			ship.
52. Jagdamba Parshad	821	200	Copy of sale deed dt.
Tiwari.			30.4.66 for ownership.
53. M.C. Verma	820	200	Copy of sale deed dt.
			6.4.66 in f/o Smt.
			Shakuntla Rani w/o M.C.
			Verma for ownership.
54. Darshan Singh	Plot No.	200	Copy of regd. sale deed
s/o Biant Singh.	25-A.		dt.31.1.66 in f/o Tara
			Singh s/o Surjan Singh
			& Darshan Singh s/o
			Biant Singh for Kh.No.
			820(200 sq.yds) for
			ownership.
55. Smt. Amar Devi	821	300	Copy of sale deed dt.
w/o Faquir Chand	Plot No.		17.1.66 for ownership.
	485-A.		
56. Shyam Behari	1263/820	200	Copy of sale deed dt.
Sinha.			6.1.66 for ownership.
57. Smt. Parwati Devi	1263/820	200	Copy of sale deed dt.
			29.12.65 for ownership.
58. Sh.K.G. Gang	821	200	Copy of regd. sale deed
			dt.19.1.66 for owner-
			ship.
59. Secretary Vinod N	1263/820		
Nagar Colony Plot	821, 822,		
Holders Association	824 Mandawli		
(Mandawli Fazulpur)			
	26, 29, 27,		
	154, 156		
	Khichripur		
	721/219, 221		
	Gazipur.		

Note: - Only Kh. NOs. 1263/820, 821 are the subject matter of present acquisition.

60. Smt. Shoba Rani	1263/820	300	-	Copy of sale deed dt. 29.1.65 for ownership.
61. Harish Chander Singhal	824	600	-	Copy of sale deed dt. 10.1.66 for 300 sq.yd for ownership.

Note:- This Kh.No. is not under present acquisition.

62. Ram Chander Singh	820	200	-	Copy of sale deed dt. 10.1.66 for 300 sq.yd in f/o Smt. Sita Rani w/o Harish Chander Singh for ownership.
63. Harish Chander Sharma.	820	400	-	Copy of regd. sale deed dt. 12.11.65 for ownership.
64. Yunus Pershad	821	300+225	-	Copy of sale deed dt. 30.4.66 in f/o Smt. Rukmani Sharma w/o Har Chander Sharma for ownership.
64-A Baldev Raj Sharma.	824	200	-	Copy of sale deed dt. 30.5.66 for 300 sq.yds. for ownership.
65. Hukum Chand Rath	820	4 big.	-	copy of sale deed dt. 30.5.66 for 225 sq.yds. for ownership.
66. Smt. Vidya Wanti w/o Jai Ram Dass Sethi.	821	200	Rs. 20/- per sq. yd.	Copy of sale deed dt. 12.11.65 in f/o Smt. Nani Rani w/o Baldev Raj Sharma for ownership.
67. Smt. Prem Lata w/o Kewal Kishan.	820	200	-	Copy of regd. sale deed dt. 8.2.67 for ownership.
68. Joginder Singh Harbans Singh Ka rtar Singh.	820	200	-	Copy of regd. sale deed dt. 29.12.65 for ownership.
69. Smt. Jogwati w/o Nathi Ram.	822	-	-	Copy of sale deed dt. 16.11.63 for ownership.
70. Vidya Devi w/o Jai Ram.	1263/820	200	-	Copy of titamma sale deed dt. 27.12.65 giving correct Kh.No. 820.
				Copy of regd. sale deed dt. 30.8.65 for ownership.
				Copy of regd. sale deed dt. 30.1.66 for ownership.

Note:- Kh.No. 822 is not under present acquisition.

Copy of regd. sale deed dt. 6.12.65 for ownership.
.....9/-

71. Smt. Bimla Devi w/o Giani Ram.	820	200	-	Nil
72. Smt. Laichi Devi w/o Jagan Nath.	1263/820	200	-	Copy of sale deed 25.11.65 for own- ship.
73. Sarjit Singh Hari Singh s/o Kishan Singh.	820	200	-	Copy of sale deed dt. 31.1.66 for ownership.
74. Iqbal Singh	820	200	-	Copy of sale deed 30.4.66 for owners
75. Ram Deva s/o Jai Ram.	821 822	300	-	Copy of regd. sale dt. 31.1.66 for own- ship & titanna reg- dt. 29.9.66 for correction of Kh. No.
Note:- Kh. No. 822 is not under present acquisition.				
76. Sahib Singh	820	200	-	Copy of sale deed dt. 15.12.65 in f/o S n Pritam Kaur w/o Sahi Singh for ownership.
77. Kishan Lal s/o Nathwa.	818 819 823.	8 big. Rs. 15/- 14 bis. per sq. yd.	-	Na.

MARKET VALUE

While assessing compensation for land to be acquired not only provisions of section 23 (1) of the L.A. Act, are to be kept in view, but several other factors like nearness of the land to the land which has been the subject matter of sale transactions nearabout the date of notification u/s 4 (in the present case it is 3.3.64) the situation of the land, the potential value of the land, rise & fall of demand of land in the area and so also the price assessed, if any, of the land acquired in the area has to be considered. The best evidence available would be evidence of genuine sales effected about the time of preliminary notification, either respect of land under acquisition or a part thereof or the sales of lands parallel in

Circumstances to the land under acquisition.

Claims filed by the interested persons are also to be considered.

There have been the following awards in the village:-

S.No.	Award No.	Date of notification under section 4.	Rate awarded per bigha by L.A.C.	
1.	687	18.1.49	Rs. 400/-	Chahi
2.	983	2.5.59	Rs. 200/- Rs. 100/- Rs. 700/- Rs. 450/-	Rosli Dakar B. Qadim & G.M. Chahi & G.M. Plot Rosli, Dakar, Matlar etc. B. Qadim. G.M.
3.	1695	13.11.59	Rs. 250/- Rs. 100/- Rs. 450/- Rs. 200/-	Mazrua cultivated Gair Mazrua un- cultivated.
4.	1881	13.11.59	Rs. 600/-	
5.	1896	3.3.64	Rs. 750/-	
6.	2179	13.11.59	Rs. 1500/-	'A'
7.	2179-A/Supp.	13.11.59	Rs. 1000/-	'B'
8.	2179-B/Supp.	-do-	Rs. 700/-	'C'
9.	2179-C/Supp.	-do-	Rs. 1000/-	
10.	75/70-71	-do-	Rs. 2100/- Rs. 1400/- Rs. 2100/- Rs. 1400/- Rs. 2000/- Rs. 1500/-	
11.	75-A/71-72	-do-	Rs. 1000/-	
12.	75-B/71-72	-do-	Rs. 2000/-	
13.	49/70-71	-do-	Rs. 2100/-	
14.	49-A/70-71	-do-	Rs. 2000/-	
15.	16/71-72	-do-	Rs. 2000/-	
16.	17/71-72	-do-	Rs. 1400/- Rs. 1400/-	

Out of the above, Award No. 1896 could be relevant in the present case as the date of preliminary notification in the award is the same and also the land acquired is quite close to the land under acquisition.

It would also be necessary to scrutinise the sale transactions having taken place in the village as relevant to the date of preliminary notification.

The following sale transactions came to notice:-

S.No.	Mutation No.	Date of Regn.	Kh.No.	Area	Amount	Average
1.	1136 4.3.63.	3006	867	4.16	4000.00	833.33

2.	1143	908 30.1.64.	753/1	1.00	3500.00	3500.00
3.	1194	1027 1.1.64	780/1	1.00	700.00	700.00
4.	1195	1023 28.12.63	780/2	1.00	700.00	700.00
5.	1196	1023 20.12.63	780/3	1.00	700.00	700.00
6.	1197	1027 1.1.64	780/4	1.00	700.00	700.00
7.	1198	1027 7.1.64	780/5	1.00	700.00	700.00
8.	1199	1021 23.10.63	780/6	2.06	1400.00	608.70
9.	1200	1302 26.12.63.	1057/477	3.00	4500.00	1500.00

The land in the transaction at S.No.1 is located at a distance on the Western side of the village Abadi towards patparganj Road and as such it does not compare with the land under acquisition which is on the Southern end of the revenue estate of village Mandawli Fazulpur. In transaction at S.No.2 the land is on the Mandawli Fazulpur Road emerging out of Patparganj Road and is also near village Abadi. The land in transaction at S.No.9 is situated at a distance of some 2 miles from the land under acquisition. ~~Further being near to the residential areas of Shakarpur Khas & Sector. Though these are unauthorised colonies, but the land involved in the transaction enjoys better~~

potentiality. Therefore, this transaction also could not be of guidance to us in the case. The transactions at S.No. 3 to 8 form part of Kh.No.780, compare favourably with the land under acquisition being near and also that the dates of these transactions are also near the date of preliminary notification in the present case. The average sale price in these six transactions range from Rs.600/- per big. to Rs.700/- per big.

The claimants in the case have demanded very high rate of compensation, but no evidence has been furnished in support of the same.

As already said the land acquired through Award No.1896 is quite close to the land under acquisition and the date of preliminary notification being the same, is the best guide. The rate awarded is Rs.750/- per big. for the land acquired in the said award.

Decisions of the court are the best guide in assessing the market value of the land similarly circumstanced. In L.A. Case No.424/68 Harbans Lal & Others Versus U.O.I. relating to the above Award, the learned Addl.Distt. Judge enhanced the compensation from Rs.750/- per big. to Rs.850/- per big.

This case is the best example in assessing the fair market value in the present case. The entire land under acquisition is almost of one quality as regards its productivity & fertility

except Kh.No.818/1 min (1.0) and 825 (21.06) which is G.M. Khudan. There are two Khasra Nos. recorded as Banjar Jadid and which could be easily put back to cultivation. I, therefore, consider that a rate of Rs.850/- per bigha would be a fair market value of the land 23 bighas 17 biswas recorded as Gair Abpash and Banjar Jadid which I award accordingly.

For land measuring 22 bighas 6 biswas found to be dug up on the spot to the extent of about 4 ft. I consider the rate of Rs.500/- per bigha fair and reasonable and award the same.

OTHER COMPENSATION

There are no trees, wells, on the land under acquisition, hence no compensation is assessed under this heading.

STRUCTURES

There are some structures on the land under acquisition. They appear to have come up after the date of preliminary notification i.e. 3.3.64 and as such no compensation is awarded for the structures. The owners are at liberty to remove the malba within 15 days from the date of announcement of award.

INTEREST

The case does not fall within purview of the Land Acquisition (Amendment & Validation) Act, 1967. There ^{is} no interest is accruable in the present case.

SOLATUM

15% solatium will be payable towards compulsory nature of acquisition over the market

value of the land.

LAND REVENUE

The land is assessed to Rs. 4.63 ps. as Land Revenue which may be struck off from the Khalsa Rent Roll of the village w.e.f. the date of taking over the possession.

APPORTIONMENT

Compensation of the land will be paid according to the latest entries in the revenue record except in cases where persons other than the recorded owners are either in possession or have filed claims.

It has been reported that several sale transactions have taken place in the shape of plots out of the land under acquisition. These plots have been made out for residential constructions. There is no approved plan of the residential colony. The compensation of entire land will be kept disputed. The recorded owners before payment will be asked to file affidavits to give details of the transactions through which plots of land were sold by them.

SUMMARY

1.	Market value of land measuring 23 big. 17 bis. @ Rs. 850/- per bigha.	Rs. 20,272.50
2.	Market value of land measuring 22 big. 6 bis. @ Rs. 500/- per bigha.	Rs. 11,150.00
3.	Add 15% solatium.	Rs. 4,713.37
	G. TOTAL:	Rs. 36,135.87

(Rs. thirty six thousand one hundred thirty five & Paise eighty seven only).

Announced & filed today

Bhullaram Singh
17.2.76
LAC

Bhullaram Singh
(B.M.L. GAUMAT)
LAND ACQUISITION COLLECTOR (MSW)
DELHI.