

47/81-82

ACQUISITION :- Permanent.
 OF ACQUISITION :- Widening of Lodhi Road from Arvindo Marg to 4th Avenue.
 LOCALITY :- Kothi No. 1, Anrita Sher Gill Marg, N. Delhi.
 Kothi No. 2 -do-
 Kothi No. 47, Arvindo Marg, Prithvi Raj Road, New Delhi.

These proceedings relate to acquisition of land u/s 11 of the Act. Premises known as Kothi No. 1, Anrita Sher Gill Marg, New Delhi (582.66 Sq. Yards), Kothi No. 2, Anrita Sher Gill Marg, N. Delhi (582.66 Sq. Yards) & Kothi No. 47, Arvindo Marg, New Delhi (354.64 Sq. Yards) were notified u/s LA Act vide notification No. F.7(47)/80 L&B dated 7.7.1981 for a purpose, namely for widening of Lodhi Road from Arvindo Marg to 4th Avenue. After considering the report u/s 5-A, Delhi Adm. issued a declaration u/s LA Act vide notification No. F.7(47)/80 L&B dated 22.10.1981 for acquisition of land measuring 1646.63 Sq. Yards out of Kothi No. 1, Anrita Sher Gill Marg, New Delhi, No. 2 Anrita Sher Gill Marg, New Delhi & Kothi No. 47, Arvindo Marg, Prithvi Raj Road, New Delhi. Notices u/s 9 and 10 were issued and objections filed by interested persons, therein are discussed hereinafter regarding compensation claims.

The land under acquisition was measured by the LA Field Staff and area to be acquired on the spot is as under:-

No. 1, Anrita Sher Gill Marg, New Delhi.	709.33	Sq. Yards.
No. 2 -do-	582.66	" "
No. 47, Arvindo Marg, Prithvi Raj Road, New Delhi.	354.64	" "
	<u>1646.63</u>	<u>" "</u>

Objection Claims:-

The following persons have filed their claims as under:-

Name of person	Claims
By Land & Development Officer, Nirmal Mahan, New Delhi.	Has claimed Rs. 2000/- per sq. meter for the land. Out of it, 25% of the compensation may be paid to them. They have also pointed out that Kothi 1, Anrita Sher Gill Marg is reentered one and litigation is pending before High Court of Delhi.

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M/s. Hindustan Charity Trust,
Tenant in Kothi No.1, Amrita
Sher Gill Marg, New Delhi.

Has claimed Rs. 6000/- per sq.yards for
land Rs. 17500/- for boundary wall,
Rs. 7000/- for new wall Rs. 20,000/- for
demolition on Rs. 40,000/- for electric
cases, Rs. 30,000/- for water connection,
Rs. 70,000/- for sewage Rs. 35,000/- for
Telephone case. Has claimed 75% in
compensation payable i.e. Rs. 42,48,860/-.
The claims so filed is exhorbited &
excessive & will be dealt with on the
basis of record available.

Sh. J.N.Chatterjee S/o R.P.
Chatterjee, Tenant in Kothi
No. 1, Amrita Sher Gill Marg,
New Delhi.

Has claimed 75% in compensation payable
and claimed Rs. 39,98,235/- for shifting
charges, damages, telephone, electric, water
connection structure & cost of land etc.
The claims so filed is exhorbited &
excessive & will be dealt with on the
basis of record available.

Mrs. Amar Kumari Prasad D/o Lt.
Col. B. Prasad R/o 10/436-A, Khalasi
Lane, Kanpur.

Has claimed Rs. 6000/- per yards for land,
boundary wall to be constructed &
demolished to Rs. 1,12,500/- Rs. 95,000/-
for gates Rs. 50,000/- for electric lines,
Rs. 33,000/- for water connection
Rs. 1,50,000/- for sewer Rs. 5500/- for
telephone lines, Cost of servant quarters
etc. Total compensation Rs. 95,37,612/-.
The claims so filed is exhorbited & excessiv
& will be dealt with on the basis of
record available.

R.B.Jodha Mal & Co., Pvt.Ltd.,
B-52, Connaught Place, N.Delhi.

Has claimed Rs. 3,500/- per sq.meter for
the land Rs. 4,73,342/- for two annexes
etc. Rs. 20,000/- for fruit bearing trees
& Plants/Trees and Seltium & two MIG
Flats etc. The claims so filed is
exhorbited & excessive & will be dealt
with on the basis of record available.

Sh. V.P.Nanda, Advocate for Miss
Vasanta Menon, Miss Veena Verma
Mr. Rajan Nar Singh, Mr. Tej Pal
Singh & Vishwa Nath, Tenant of
No.2, Arbindo Sher Gill Marg,
New Delhi.

Have stated that no portion of premises
be acquired as same would not be in
the public interest.

DOCUMENTARY EVIDENCE.

M/s. R.B.Jodha Mal & Co.Pvt.Ltd. filed a letter from Narinder
Singh Bajaj & Co., Real Estate Agent showing market rate @ Rs. 3,000/- to Rs. 3,300/-
in the locality and Govt. of India schedule of Rates vide letter No.J-22011/3/
D(DOI) dated 21.10.1981 showing rate of Ratendon Road, properties @ Rs. 2000/-
per sq.meters.

Smt. A.K.Prasad & Sh. J.N.Chatterjee & M/s. Hindustan Charity Trust
have filed a letter from Chaman Lal & Co. Property dealers showing the market rate
Rs. 6000/- per sq. yards.

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3. Sh. D.S.Tyagi, Asstt. of office of L & D.O. Nirman Bhawan, Delhi has stated that according to list of rate Rs. 2,000/- per sq. meters is market rate in the locality vide letter No. J-22011/3/80-ID(DOI) dated 21.10.1981.

MARKET VALUE.

Market value of the land under acquisition is to be determined having in view of the provision of Sec.23(i)(ii) of the LA Act 1894. According to it, the fair & reasonable value of the land is to be assessed on the basis of prevailing market rate of the land at the time of notification u/s 4 of the LA Act. In the instant case, the date of notification u/s 4 is 7.7.1981. To arrive at the correct and fair market value of the land, help of location, site, quality & other user of the land ought to be considered. The help of sale transaction with in or in the vicinity of the land or Award/Court adjudication announced in the near past from the date of notification u/s 4 can be taken in assessing the correct and reasonable market value of the land under acquisition. But no authentic sale transaction or award of homogeneous nature was taken place on or before the date of notification u/s 4 of the LA Act.

The Dy. Land & Development Officer, Nirman Bhawan, New Delhi vide letter No. L1/9/1(37)/64/971 dated 17.11.1981 has informed that the lesser has an equal interest with the lessee in the lease hold site when the lease hold rights are acquired and the lessee gets compensation on the basis of notification of the land whereas his interest is limited to lease hold rights and as such the lesser should share the compensation with the lessee. Accordingly, the lesser will prefer his claim before LAC to 25% of the compensation in the cases. Sh. D.S.Tyagi, Asstt. of L & D.O., Nirman Bhawan has stated that the market rate of land in the retendon Road (Anrita Sher Gill Marg) is Rs. 2000/- per sq meters as communicated vide letter No. J-22011/3/80-ID(DOI) dated 21.10.1981.

The letter of M/s. Narinder Singh Bajaj & Co. & Chaman Lal & Co. Property dealer, will not be helpful in assessing the market value of land under acquisition because, they did not specify the basis of arriving at this rate and I discard it. One of the claimant has also filed Photo State Copy of market rate circulated by Govt. of India vide letter No. J-22011/3/80-ID(DOI) dated 21.10.1981. A perusal of schedule of market rate of land in different areas of Delhi/N. Delhi dated 21.10.1981 shows that Rs. 2000/- per sq. meters is fixed for the retendon Road property used in residential purpose. As such the properties under acquisition is used in residential

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purpose, and the aforesaid rate are applicable from 1.4.81 to 31.3.1983.

The land under ~~requiring~~ acquisition is situated opposite to ~~er~~ Bagh, one of the prestigious colony of New Delhi. Even the location where this land exist, comes under this ambit. It is on the main road called Lodhi Road connected with the main Road known as Arvindo Marg, opposite to Madras, Safdarjung, New Delhi. So the potentialities of the land becomes very much high on account of the situation. So having all in view and keeping all the factors in mind, I am of the opinion that Rs. 1100/- per sq. yards could be reasonable and fair market value of the land under acquisition and thus I hold accordingly.

STRUCTURE.

As discussed earlier, the Land under acquisition is required for the widening of Lodhi Road from Arvindo Marg to 4th Avenue. The structures falling in the alignment of widening of Lodhi Road out of property No. 1 & 2 of Amrita Sher Gill Marg and 47 Arvindo Marg. The valuation estimate of the structure of the aforesaid property falling in the alignments stated above was got from Survey of Works No. 1, P.W.D. Department, Delhi Administration and valuation estimate was conveyed to this office vide their letter No. SSW-II/DA/SW-I/81/61/1688 dated 10.12.81.

The details of structures ~~existing~~ ^{existing} on property No. 1 & 2 of Amrita Sher Gill Marg and 47 Arvindo Marg is as under:-

1. Kothi No. 1, Amrita Sher Gill Marg.

1. Annexe No. 1 with plinth area 39 fit x 27 fit 3 inch = 1025 Sq. fit.
2. Annexe No. 2 the plinth area 103 fit x 23 fit 3 inch = 2217 Sq. fit.
3. Boundary wall to the length of 285 fit.

These two annexes consist of electric installation (meters and cut out) telephone line, water line, sewer line with W.C. & bath room but on actual measurement in accordance with the alignment given by the ~~requiring~~ requiring department, the following area of two annexes comes as under:-

1. Annexe No. (1) 468 Sq. fit out of 1025 Sq. fit.
2. Annexe No. (2) 361.13 Sq. fit out of 2217 Sq. fit.
3. Boundary wall to the length of 285 fit alongwith above installation discussed.

The Survey of Works has assessed Rs. 59852/- for the actual area of structures of about 2 annexes and boundary wall ~~as~~ as well as above installation after considering the nature of structure with reference to date of construction. In view of above fact the remaining ~~xxx~~ area of both the annexes falling in property No. 1 Amrita Sher Gill Marg will become impervable

living utility of these two annexes will be lost and it will not be in accordance with the standard living who are residing in it. In view of this, sverance allowance as envisaged u/s 23 and 49 of the L.A. Act will be allowed to them in order to compensate. Beside this, the entire system of electricication, sewer, telephone, W.C. & Bath room will require complete change. So having these things in mind, sverance allowance to the extent of Rs. 40/- per sq. ft. in respect of annexe No. 1 for the remaining plinth area 557 Sq. ft. and Rs. 25/- in respect to annexes No. 2 for the remaining plinth area 1856 Sq. ft. for the purpose of reclamation and renovation of these two annexes is allowed. The valuation of these structure is as under:-

Valuation assessed by the Survey of Works falling in the alignment, in respect to annexes and boundary wall.	Rs. 59852.00
Sverance Sverance charges in respect to annexes annexes No. 1	Rs. 22280.00
Sverance Sverance charges in respect to annexes No. 2	Rs. 46400.00

Kothi No. 2, Anrita Sher Gill Marg.

In this Kothi, portion of garage block and boundary wall to the length of 204 fit is affected by way of said acquisition and survey of works has assessed Rs. 9852/- in respect of above structure which I agree with the Survey of Works and allow the same.

47 Arvindo Marg.

In this Kothi, only boundary wall to the length 256 fit is affected by way of acquisition for which Survey of Works has assessed Rs. 3116 for the above structures and I also agree and allow the same.

TREES AND NURSERY ITEMS.

No. 1 Anrita Sher Gill Marg, N. Delhi.

The ~~plank~~ plant and trees of Bamboos, Mango, Gul Mohar, Banans, Jeer, Pans, Amrood, Lemon, Orange, Lokat, Rubber, Shesham, Kathal, Begun village hedge etc. are affected by way of acquisition of land. These plants are properly maintained by the claimant. I assessee Rs. 10000/- for the trees & plants.

No. II, Anrita Sher Gill Marg, N. Delhi.

There are trees of Mangoes etc. and nursery plants are affected by way of acquisition of land. I assessee Rs. 2000/- for these trees.

47. Arvindo Marg.

There are ~~xxx~~ three trees and other nursery plants which are affected by way of acquisition I assessee Rs. 2000/- for these trees and nursery

Damages & Shifting Charges.

On the acquisition of the land, the claimant, have to shift and refix the electric line, sewer lines, telephone line, water line etc. I allow Rs. 1000/- as damages and shifting charges in case of property No. 1, Amrita Sher Gill Marg, N Delhi as the owner will have to change the above enters systems where as the damages for property No. 2, Amrita Sher Gill Marg, and 47 Arvindo Marg is assessed to Rs. 500/- each.

15% SOLAT IUM.

15% as solatium will be paid to claimant over and above the market value of the land so assessed.

APPORT IONMENT.

The compensation of the land will be paid on the production of valid documents of the ownership as well as clearance from the office of Land & Development Officer, Nirmal Bawani, New Delhi. The share of the lessor L & D.O. will be deducted from the compensation so assessed and discussed under the heading market value.

SUMMARY OF THE AWARD.

Land measuring 1646.63 Sq.Yards @ Rs.1100/- per Sq.Yards.	Rs. 18,11,293.00
Cost of Structure.	Rs. 72,820.00
15% Solatium	Rs. 2,82,616.95
Cost of trees & Nursery Plants.	Rs. 14,000.00
Damages & shifting charges.	Rs. 2,000.00
Severance Charges.	Rs. 68,680.00
GRAND TOTAL	Rs. 22,51,409.95

(Rs. Twenty two lacs fifty one thousand four hundred nine & paise ninety five only)

(SHIV RAJ TYAGI)
LAND ACQUISITION COLLECTOR (DS)
DELHI.

Approved and

the presence of
the Director of Person
and in the
Shiv Raj
21.12.87