

Awarded No 1223

No. 1223

Award No. 7 for the year 1961-62 by
M.L.Mongia, P.C.S., Land Acquisition Collector,
C A S E No. 7.

Acquisition of land for the construction of
Staff Quarters of Delhi Transport Undertaking, Delhi.

Village:- Tehar.

A W A R D.

In pursuance of Delhi Administration
Notification under section 4 No. F.15(III)/59-LSG dated
the 13th November, 1959 made under the provisions of the
Land Acquisition Act of 1894 and as declared vide Notifi-
cation No. F.15(228)/60-LSG(iii) dated the 1st. August,
1961 under section 6 of the Act, the Delhi Administration
acquired 50 Bighas 19 Biswas of land in Village Tehar,
Tahsil and District Delhi at ^{an} expense of the Municipal
Corporation, Delhi for a public purpose, namely, for the
construction of Staff Quarters of Delhi Transport Undertak-
ing, Delhi.

2. MEASUREMENT.

The area under acquisition as given in the
Notification under section 6 of the Act is 50 Bighas
19 Biswas, while that found on measurement by the Field
Staff at the spot is 50 Bighas 19 Biswas. The land under
acquisition lies in 11 fields in Village Tehar as detailed
in Form 7 L.A prepared under paragraph 55 of the Financial
Commissioner's Standing Order No. 28. The detail of Khasra
Nos. is:-

| <u>Khasra No.</u> | <u>Area.</u> | |
|-------------------|--------------|-------------|
| | <u>Big.</u> | <u>Bis.</u> |
| 886 | 4 | 16 |
| 887 | 4 | 16 |
| 888 | 4 | 16 |
| 889/1 | 2 | 8 |
| 890 | 4 | 16 |

Contd.....2

| | | |
|----------|-----------|-----------|
| 891 | 4 | 16 |
| 892 | 4 | 16 |
| 893 | 4 | 16 |
| 894 min. | 7 | 0 |
| 895 | 4 | 16 |
| 896 | 3 | 3 |
| Total | <u>50</u> | <u>19</u> |

The measurement and classification of the land have been accepted by the land owners concerned. No objection was received from the Department either. I, therefore, agree with the classification of the land as proposed by the Naib-Tahsildar (Land Acquisition) on the basis of the entries of the latest Khasra Girdawari which is as under:-

| <u>Class of land</u> | <u>Area.</u> | |
|----------------------|--------------|------|
| | Big. | Bis. |
| Banjar Qadim. | 50 | - 19 |
| Total :- | 50 | - 19 |

3. P O S S E S S I O N .

The possession of the land has not been taken over as yet.

4. M A R K E T V A L U E .

Some of the owners and interested persons, who appeared in pursuance of the notices issued under sections 9 & 10 of the Act, were examined for the measurement of the area, quality of the land and the assessment of compensation:-

1. Shri Krishan Lal :- Demanded compensation @ Rs. 25/- per Sq. yard besides Rs. 20792/- for the roads, Rs. 4800/- for the sewer and Rs. 2800/- for the well. In all he claims Rs. 13,72,242/- . He has produced four copies of the registered-deed in support of his claim.

Two of the registered-deeds were executed on 14.1.60 and 18.1.60 i.e after the date of Notification

under section 4 and so cannot be taken into consideration for the assessment of compensation. Two deeds No. 605 & 606 registered on 20.2.59 and 19.2.59 respectively involved transactions of land which was sold as developed plots @ Rs. 14/- / Rs- 15/- per Sq. yard with certain conditions to be fulfilled by the vendors; such as development of metalled roads, street lights, sewers and water pipes etc. within a period of 1½ years from the date of sale. It naturally appears that the land was sold in the form of developed plots. The demand of the land owner concerned is abnormally high. The land Acquisition Staff has prepared year-wise average of sales. The average sale price for the year 1958-59 has been worked out @ Rs. 1356.60 nP per Bigha.

The following Awards were announced in the neighbourhood against the Notifications written against each:-

| S.No. | No. of Award with date. | Date of Notification u/s 4 | Rate. | Scheme. |
|-------|-------------------------|----------------------------|------------|--|
| 1. | 2. | 3. | 4. | 5. |
| 1. | 1164/20.6.61 | 5.12.60 | Rs. 1000/- | For the Dairy Farming of the New Central Jail |
| 2. | 920/8.4.59 | 14.10.57 | Rs. 5000/- | D.T.U Bus Stand. |
| 3. | 988/21.3.60 | 19.1.59 | Rs. 1000/- | Construction of Farming for the New Central Jail at Tehar |
| | | | | Diversion of Road for the said jail at Tehar. |
| 4. | 1163/30-6-61 | 19.1.57 | Rs. 1500/- | Construction of a diversion road in front of the Tehar Central Jail. |

I inspected the site. The land under acquisition, is no doubt, low lying and would require a good bit of expense for levelling it to the road level. Owner has marked out some plots in it and has also constructed some roads which are
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in a very dilapidated condition at the moment. It was probably done when the D.T.U established a Bus Stand nearby. The land for this stand was acquired @ Rs. 5/- per Sq. yard. I do not know under what circumstances such a high rate was given for this land, especially when the land in the neighbourhood was acquired @ Rs. 1000/- @ Rs. 1500/- per Bigha, which related to the Notifications dated 5.12.60, 19.1.59 and 19.1.57. I would, therefore, not agree with such a high rate. The land under acquisition is of a very inferior quality, is low lying and is some-what off the road. The average sale price for the year 1958-59 is Rs. 1356/60 nP only. Awards No. 1169 and 988 for the land acquired for the Farms of the New Central Jail, not very far from the land under acquisition, were given on 29.6.61 & 21.3.60 against Notifications under section 4 dated 5.12.60 & 19.1.59 @ Rs. 1000/- per Bigha and Award No. 1163 was given on 30.6.61 against the Notification dated 19.1.57 @ Rs. 1500/- per Bigha for the construction of Diversion of Road. In the present case I have to take the price as they were on 13.11.59. It appears to me that the prices in the locality were not more than Rs. 1356.60 nP per Bighas in any case in the year 1959.

Taking into consideration the trend of the rising prices, marking out of the plots and roads by the owner, the quality of the land (Low lying), the average sale price for the year 1958-59, Award No. 1169 and 988 in the neighbourhood and all other factors, I am of the opinion that a flat rate of Rs. 2500/- per Bigha would be fair and reasonable market price in this case.

5. TREES, WELLS & OTHER STRUCTURES.

TREES

There is no tree in the land under

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acquisition. Hence no compensation is due on that account.

WELLS

There is a small well (Khoi) in the land under acquisition. The water of the well can be seen at a distance of 4/5 feet from the surface of the land. The owner has claimed Rs. 2800/-. The demand is highly exorbitant since the water level is so near the surface of the land. Even a new well of this type should not cost more than Rs. 400/- / Rs. 500/-. Since this well appears to have been dug for quite some time and has out lived its utility because it is out of use at the moment, I therefore, agree with the Naib-Tahsildar (Land Acquisition) that Rs. 250/- should be given as the price of this small well (Khoi).

ROADS

There are 5 small roads in the land under acquisition with the following specifications:-

| S.No. | Area. | No. of Roads. |
|-------|------------|---------------|
| 1. | 2. | 3. |
| 1. | 200' x 15' | 3 Roads. |
| 2. | 594' x 20' | 1 Road. |
| 3. | 440' x 24' | 1 Road. |

4 of these portions are in a very dilapidated condition, so much so that even cycle cannot pass on them smoothly. I agree with the Naib-Tahsildar (Land Acquisition) and allow Rs. 1/- per Ft. in length of the roads i.e. Rs. 1194/- in all and for the better portion of the road measuring 440 feet ^{I would allow} @ Rs. 2/- per ft. i.e. Rs. 880/- for this portion. The total amount of compensation for the roads would come to Rs. 2074.00 nP.

OTHER STRUCTURES.

There appears to be no sign of any sewer in the land under acquisition. Hence no compensation is due on that account.

6. By applying the rates mentioned above, the price of the land works out to be:-

| <u>Class of land</u> | <u>Area.</u> Big. | <u>Y</u> Bis. | <u>Price.</u> | <u>Total.</u> |
|----------------------|----------------------|------------------|---------------|--------------------|
| Banjar Qadim | 50 | 19 | Rs. 2500/- | Rs. 1,27,375.00 nP |
| <hr/> | | | | |
| Total :- | 50 | 19 | | Rs. 1,27,375.00 nP |
| <hr/> | | | | |

7. COMPULSORY ACQUISITION CHARGES.

The owners and ^{Re}interested persons will be entitled to 15% in consideration of the compulsory nature of acquisition on the market value which comes to Rs. 19,106.25 nP.

8. INTEREST.

The owners and interested persons are not entitled to get any interest on the amount awarded as compensation, since the possession has not so far been taken.

9. MODE OF PAYMENT.

The owners and interested persons will be paid compensation according to their shares as entered in the Jamabandi of the village. ~~There~~ In case of dispute the amount of compensation due to the owners will be kept in deposit till they come to an amicable settlement or the dispute is decided by the Competent Court. In respect of the land

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Received
6.

mortgage with possession the amount of compensation due will go towards the amount of debt on the land and the balance, if any, will go to the owner unless otherwise agreed upon.

10. LAND REVENUE REDUCTION.

The question of reduction of land revenue from the Khalsa Rent Roll of the village does not arise as the land is all Banjar Qadim and is not assessed to land revenue.

11. The land aforesaid, will vest absolutely in the Government, free from all encumbrances, from the date of ^{taking over} possession.

12. Subject to the above remarks the award stands as follows:-

| | | |
|----|---------------------------------|--------------------|
| 1. | Price of land | Rs. 1,27,375.00 nP |
| 2. | 15% for compulsory acquisition. | Rs. 19,106.25 nP |
| 3. | Compensation for wells. | Rs. 250.00 nP |
| 4. | Compensation for Roads. | Rs. 2,074.00 nP |

Total :-

Rs. 1,48,805.25 nP

M.L. Mongia
(M.L. Mongia) 4.11.61.
Land Acquisition Collector,
Delhi.

M.L. Mongia
8.
M.L. Mongia
8.
Forwarded to the Collector, Delhi for

Contd.....8.

(M.L.Mongia) 4.11.61.
Land Acquisition Collector,
Delhi.

COLLECTOR DEI HI

23.11.61

Parties interested be summoned
for 28th. Nov. 1861. for the announce-
ment of the award.

Σuv
27.11.61

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29.11.61

Kishan Das

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DELHI ADMINISTRATION, DELHI.

NOTIFICATION.

Dated 1.8.61.

No. F.15(223)/60-136(111):- Whereas it appears to the Chief Commissioner of Delhi that land is required to be taken by Government at the expense of the Municipal Corporation of Delhi, for a public purpose, namely, for staff quarter of the Delhi Transport Undertaking, it is hereby declared that the land described in the specification below is required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected at the office of the Collector of Delhi.

SPECIFICATION.

Village or
Locality.

Total area.

Khasra Nos.

Iohar
(Delhi)

50 Bighas and
19 Bighas .

(51, 374 Sq. yds.)

886, 887, 888,
889/1, 890, 891,
892, 893, 894, 895,
896.

By order.

(Jagmohan)
DEPUTY HOUSING COMMISSIONER,
DELHI ADMINISTRATION, DELHI.

No. F.15(223)/60-136(111)

dated 1.8.61.

Copy forwarded to the :-

- 1) Recruitment & Services Deptt. (in duplicate) for publication in Delhi Gazette.
- 2) Land Acquisition Collector, Delhi.
- 3) General Manager, Delhi Transport Undertaking, New Delhi.

sd/-

(Jagmohan)
DEPUTY HOUSING COMMISSIONER,
DELHI ADMINISTRATION, DELHI.

सि.प्र.नि. अं. गू. ठ. वि. ता. व. र. त. क. र. क.