

17 AWARD NO. 1828
Award No. ~~1828~~ for the year 1965-66 by Shri Prabh Dyal Khurana
Land Acquisition Collector, (Marola), Delhi.

Case No. 17

Acquisition of land for the Planned Development of Delhi;
Village: P O S A N G I P U R.

A W A R D

In pursuance of Delhi Administration notification under Section 4, No. F.15(245)/60-LSG/L&H dated the 24th October, 1961 made under the provision of Land Acquisition Act, 1894 and as declared by notification F.4(92)/62-L&H, dated the 20th November, 1964 made under the provisions of Section 6 of the Act, the Delhi Administration has acquired 229 bighas and 16 biswas of land in village Posangipur, Tehsil and District Delhi at a public expense for public purposes namely for the "Planned Development of Delhi."

MEASUREMENT;

The land under acquisition as given in the notification under section 6 of the Act is 229 bighas 16 biswas while the total area of fields given in the notification comes to 236 bighas and 14 biswas. There is thus an increase of 6 bighas 18 biswas of land in totalling the field Nos. Out of this area 206 Bighas is being acquired through this Award due to following reasons:-

1. Field No. 9/18 (2-3) has been excluded vide letter No. F.4(92)/62-L&H dated the 15th March, 1965.
2. Field No. 8/22/4 (0-4) has been included in acquisition although it has not been notified under section 6 but it is within the area under acquisition. The owner of this field No. has also filed claim for this field No. from which it is clear that he has no objection to the acquisition of this field.
3. Field Nos. 10/3/2(0-7) and 10/3/1/1 (0-14) measuring 1 bigha 1 biswa has been excluded from Award present being public Piao and Mandir with other structures.
4. Field Nos. 11 and 20 of rectangle No. 4/16 and 25 of rectangle No. 5, and 4 of the rectangle No. 4/16.

contd.

27 bighas 13 biswas have also been excluded from the Award, since these field Nos. form a part of an approved colony viz. Krishna Park and are not covered by notification under section 4 mentioned above. This colony has been notified through notification No.F.19(93A)/63-L&H(i) dated the 22nd March, 1964 under section 4 of the Land Acquisition Act. The land under acquisition lies in 65 field Nos. in village Posangipur as detailed in form 7(LA) as prepared under paragraph 55 of the Financial Commissioner's order No. 28.

The details of Khasra Numbers and ownership is as under:-

S1 No.	Name of the owner	Name of the Tenant.	Khasra No. Sect. Killa	Area Big. Bis.	Kind of land
1.	2.	3.	4.	5.	6.
1.	Raghubir Singh s/o Teka		8 4/2	1 3	G.M.Plot.
			- 5/1	2 9	-do-
2.			9 1	4 16	-do-
			10 4	16	-do-
			11 4	16	-do-
			8 4/1	2 10	-do-
			4/3	1 3	-do-
			5/2	2 8	-do-
			6/1	4 11	-do-
			7/2	2 10	-do-
			14/2	2 7	-do-
			15 4	16	-do-
			6/2	0 6	G.M.Chah
2.	Shri Chet Ram, Munshi Ram, Tulsi Ram ss/o Banvari Lal.		21 10/2	0 18	Banjar Jaid
3.	Raghubir Singh s/o Teka		8 3	3 7	G.M.Plot
			7/1	2 7	-do-
			8 4	3	-do-
			9 2	4 16	-do-
			9 4	16	-do-
			12/2	4 4	-do-
			8 14/1	2 10	-do-
			17/2	1 9	-do-

contd.....3

*1.	2.	3.	4.	5.	6.
4. Dropti Devi d/o Bhola w/o Akshma Datt.	10	3/1/2 3	3	Chahi Sar Drakhti	
(In this land there is no abadi hence kind of whole land is taken as Chahi as per record of previous years)					
	5	23	2	3	Chahi Sardra 1-2 1-1
5. Baghbir Singh s/o Teka	8	22/23	1	8	G.M. Plot
		23	4	16	-do-
		24/2	2	10	-do-
		25	4	0	-do-
		13	5	13	-do-
		18	4	16	-do-
		19	3	3	-do-
		24/1	2	7	-do-
6. Baghbir Singh s/o Teka	8	16	4	16	-do-
	9	12/2	0	12	-do-
	8	17/1	3	8	-do-
	9	19	4	6	-do-
		20/1	4	9	-do-
7. Sh. Chet Ram, Munshi Smt. Bahuti Ram, Tulsi Ram ss/o wd/o Ruran, Banwari - 1/2 share, Ram Datt s/o Smt. Champa wd/o Ghisa. Bhola - 1/2 share.	9	20/2	2	5	B. Jadid
8. Balbir Singh, Ram Kala, ss/o Jit Singh, Smt. Mehro, Sujani d/o Jit Singh - 1/4 each equal shares.	1	23/1	1	5	Rosli
		24	4	7	-do-
	4	5	4	16	-do-
9. Sh. Jeet Ram s/o Bhola	4	3	6	11	Chahi
		4/1	4	11	-do-
		4/2	0	5	G.M. Chah jari
		6	3	19	Rosli
		7	4	16	Chahi
		8	4	16	-do-
		9	4	15	-do-
		12	4	16	Rosli
		13	4	17	-do-
		14	2	19	-do-
		19	4	3	-do-

contd.....4

1.	2.	3.	4.	5.	6.
		3	1	2	4 Rosli
			10	2	13 -do-
10. Raghbir Singh s/o Teka		1	23 1/2	0	16 -do-
		8	2 1/2	1	2 3 G.M.Plot
			22 1/2	1	9 -do-
		21	1	2	5 -do-
			2	4	16 -do-
			3	6	0 -do-
			10/1	2	19 -do-
		21	9/1	1	19 -do-
			9/2	0	2 G.M.Chah
		8	22/4	0	4 -do-
11. Net Ram, Jagran, Ram Singh, Lakhi Ram ss/o Bhiken.		2	21	0	14 Rosli
		TOTAL	206-1		

The measurement and classification of land has not been objected by the land owners. No objection was received from the department either I, therefore, agree with the classification of land as proposed by the Maib-Teksildar(EA), on the basis of the entries in Khasra Girdawari as it stood on 24-10-1961 which is as under:-

<u>KIND OF LAND</u>	<u>AREA</u>
Chahi & Sandrakhti	30-15
Rosli	37-09
G.M.Plot	133-17
G.M.Chah	0-17
B.Jadid	3-3
Total:	206-1

P O S S E S S I O N

Possession of the land has not been taken over so far.

MARKET VALUE

Some of the owners and the 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 assessment of the compensation.

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CLAIMS:

1. Charna Rani Sethi.

Has filed claim for Rs. 725/- being advance money paid to Raghubir Singh in lieu of the purchase of a plot from him. In support of the same she has produced a copy of receipt.

2. Raghubir Singh s/o Teka Chand.

Has filed claim @ Rs. 15/- per sq. yds., Rs. 20,000/- for wells numbering 4, Rs. 500/- for the room, Rs. 500/- for the trees. In support of his claim he has produced following documents:-

- (a) A copy of registered sale-deed dt. 19.4.1961 in respect of Khasra No. 21/2/1, 21/3 measuring 3 bighas 19 biswas for Rs. 5500/- with regard to occupancy tenancy rights.
- (b) A copy of registered sale-deed dated the 18th Sept., 1961 in respect of Kh. No. 24/24 measuring 3 bighas 12 biswas for Rs. 18,500/-.
- (c) A copy of the sale-deed dated 13.9.1961 in respect of Khasra No. 26/2 measuring 2 bighas and 16 biswas for Rs. 9100/- sold by Shri Hader Singh, Non Chand to Ambika Coop. House Building Society.
- (d) A copy of sale-deed dated 17.8.1961 in respect of Kh. No. 11/17, 11/1, 11/7 and 11/8 measuring 19 Bighas and 4 biswas for Rs. 58,060/- sold by Neki, Jai Lal, Bhina to Harang Cooperative Housing Building Society.
- (e) A copy of registered sale-deed dated the 31st December, 1960 in respect of Khasra No. 24/12 measuring 4 bighas 4 biswas for Rs. 15,000/- from Banhati, Ram Dutt to Tika. He has also submitted a plan of the Shanker Garden Estate.

3. Jit Ram s/o Bhola.

Has filed claim @ Rs. 18/- per sq. yd. No proof has been given.

4. Rama Hand, Panna, Raghubir Singh, Chhattar, Bhina, Asha, Partap, Bharti, Mohar Singh, Roopan, Jhandu, Easturi, Phool Vati, Jugti Ram, Kishore, Neki Ram, Mansa Ram, Ram, Sarun and Fateh Singh.

Have filed joint claim @ Rs. 20/- per sq. yd. No proof has been given.

5. Champa w/o Bhola, through Akshra Datt, Chet Ram, Munshi and Tulsi Ram.

Have filed claim for Khasra No. 9/20/2 @ Rs. 19/- per square yard. No proof has been given.

6. Chet Ram, Tulsi Ram, Munshi Ram ss/o Barwari Lal.

Have filed claims for Kh. No. 21/10/2 @ Rs. 19/- per sq. yd. No proof has been given.

7. Net Ram, Jagan, Ram Singh, Lakhi Ram.

Have filed claims for Khasra No. 2/21, 9/12 and requested compensation in accordance with the Award. No proof has been given.

8. Balbir Singh, Ram Kala, Mehro, Saini.

Have filed claims for Kh. No. 1/23, 1/24, 4/5 and requested compensation according to Award No. 1698. They have further pointed out that land in the adjoining colony of Krishan Park is being sold out at Rs. 20/- per sq. yd. which should be taken into consideration for the fixation of compensation. No proof has been given.

9. Junna Dass, Sunder Lal ss/o Kanhiya.

Have filed claim for Khasra No. 8/22/1, 8/22/2, 8/22/4, 21/1, 21/2, 21/3, 21/10/1, 21/9/2, 21/9/1 for occupancy tenancy rights of this land @ Rs. 15/- per sq. yd. and Rs. 2000/- for compensation of the well. No proof has been given. Further they have stated that Shri Baghbir Singh has got a decree order against them and mutation in his favour has been sanctioned which is ultra vires and they have filed an appeal against the orders of the Civil Court. The land stands in the name of Shri Baghbir Singh in the revenue record. Since they have not produced any proof in support of their title and the land stands in the name of Baghbir Singh and is in his occupation, the amount will, however, be kept disputed and paid after satisfaction.

10. Hari Chand s/o Fatch Chand through Hukan Chand,

11. Hukan Chand s/o Fatch Chand.

12. Usha Beni d/o Brij Bhan.

13. Sushma Singhal d/o Brij Bhan

14. Jagan Nath s/o Bai Lal Dass
15. Jagdish, Bihari Lal ss/o Prem Bihari Lal
16. Gian Devi w/o Ganesh Dass.
17. Chandermohan s/o Motan Dass.
18. Kailash Vati w/o Madan Lal .
19. Charpa Bani w/o S.P. Sethi.
20. Lalpat Bai Gora
21. Topan Dass.

Claimants No. 10 to 21 have filed claim individually. They have stated that they advanced money to Shri Baghbir Singh for the purchase of plots and according to their agreement they have requested for refund of the money advanced by them along with interest @ 6% per annum. They have submitted copies of receipts through which the money was advanced.

Shri Baghbir Singh has submitted an application where he has stated that he has refunded the amount to the purchasers of plots from S.No. 1 to 21. He has also enclosed original receipts of these applicants. In view of this, it is clear that they have been satisfied and no interest has been left in the land, hence their claims are not maintainable and rejected. The payment of Rs. 8000/- will, however, be made after Indemnity Bond from Shri Baghbir Singh.

The department was not represented. The demand of the land owners and interested persons varies from Rs. 15/- to Rs. 20/- per sq. yard. None of the claimants has produced any proof in support of his claim except Shri Baghbir Singh, claimant No. 2 and these have been discussed above.

The demand of the land owners is abnormally high and exaggerated. It cannot be made a basis for the calculation of the market value. The copies of sale-deed produced by Baghbir Singh, claimant No. 2 also cannot be taken as true index of the market value as these are private sales and generally the vendees show high price for fear of pre-emption suits. The year-wise statement of average sale price for the

quinquennium immediately preceding the date of notification under section 4 of the Land Acquisition Act has been worked out as under:-

S.No.	Year	Area Big. Bis.	Amount	Average per bigha.
1.	1956-57	57 10	Rs. 45,270.00	Rs. 787.30
2.	1957-58	77 3	Rs. 1,20,431.00	Rs. 1561.00
3.	1958-59	216 10	Rs. 2,30,558.00	Rs. 1070.41
4.	1959-60	20 19	Rs. 83,526.00	Rs. 3986.92
5.	1960-61	107. 03	Rs. 3,22,502.00	Rs. 3014.43
Total:		479. 5	Rs. 8,02,287.00	

Average price per bigha for the five years comes to Rs. 1674.05 paise,. However average for the year 1960-61 comes to Rs. 3014.43 paise.

Out of the land under acquisition some transactions have taken place during the five years preceding the date of notification under section 4. The details of these transactions are as under:-

S. No.	No. of Mutation	Date of Regn.	Field Nos.	Area sold	Amount	Average per bigha
1.	352	2.7.56	4/11, 4/20,	10-07	Rs. 10,000/-	Rs. 966/1
2.	361	17.9.57	4/16, 17, 24, 25, 10/4.	6-18	Rs. 7,500/-	Rs. 1286/1
3.	360	15.10.57	-do-	10-08	Rs. 8,070/-	Rs. 775/0
4.	372	23.8.58	-do-	10-08	Rs. 8,700/-	Rs. 836/1
5.	387	30.5.59	4/11-20	10-07	Rs. 24,000/-	Rs. 2318.
6.	383	17.10.59	8 14/1, 17/2.	3-19	Rs. 7,000/-	Rs. 1777

In this village previously only one award No. 1698 against Notification under section 4, dated 24.10.1961 was announced in which rates were given in block as under:--

Block	Rate per bigha.
A	1400/-
B	1200/-
C	1000/-

Contd.,.....9

The land under acquisition is in the Urban Area and it would be fair to assess the market value of land according to quality-situation of the land. I have inspected the land at site. I have to assess the market value of land as it stood on 24.10.19 the date of notification.

All the land under acquisition is situated adjacent to the Najafgarh-Delhi Road towards the norther-western side except Kh. No. 2/21 (14 biswas) which is towards the other side of the road and is quite at some distance. All the land is either agriculture or G.M. Plots. A portion of land at the boundary of village Hastaal is little inferior as compared to other land, being at low level. There is an approved colony namely Shanker Garden adjoining the area under acquisition. According to situation and quality of land, I divide the land into two Blocks for assessment of compensation.

Block 'A' would be levelled land either agricultural plots and it would be following field Nos.

Block 'A'

<u>Rect. No.</u>	<u>Killa Nos.</u>
1	23, 24,
3	1 - 10
4	3-4/1-4/2-5-6-7-8-9-12-13-14-19
5.	23
8	4/1-4/2-4/3-5/1-5/2-6/1-6/2-7/1, 7/2-14/1-14/2-15-16-17-17/1-17/2-23-24/1-24/2-25.
9.	1-2-9-10-11-12/1-12/2-19-20/1-20/2.
10	3/1/2
21	1-2-3-9/1-2/2-10/1-10/2

Total area= 178 bighas 16 biswas.

Block 'B'

Land of this block situated along the boundary of Hastaal including field No. 2/21 which is of a little inferior quality would consist of the following field Nos.

<u>Rect.</u>	<u>Killa No.</u>
2	21
3	3-8-13-13-19-22/1-22/2-22/3-22/4
Area	27 bighas and 5 biswas.

After giving full consideration to the demand of the land owners and interested persons, the situation and quality of land, average ^{sale} transactions of the five years and sale within the acquired area preceding the date of notification under sec. 4 I assess compensation @ Rs. 1,800.00 per bigha for Block "A" and @ Rs. 1,400.00 per bigha for Block "B".

This would be reasonable and fair market price in this case.

TREES, WELLS & OTHER STRUCTURES.

TREES: There are trees in some of the field numbers. Details of these and the amount of compensation assessed is as under:-

S. No.	Field Nos.	Kind of tree	Weight	Amount.
1.	10/3/1/2, 5/23	Amud - 80 Anar - 51		Rs. 320/- @ Rs. 4/- Rs. 205/- @ Rs. 5/-
2.		Shahtut - 2 Aru - 1 Nimbu - 14 Shanjan - 4	5 Qn.	Rs. 25/- @ Rs. 5/- Rs. 5/- @ Rs. 5/- Rs. 42/- @ Rs. 3/- Rs. 20/- @ Rs. 5/-

There are also some small plants which have little value and also seem to have been planted after the date of notification under sec. 4, hence no compensation has been assessed for them.

2.	4/3	Kikar - 1	1 Qn.	@ Rs. 5/- per quint
3.	4/8	Kikar - 2	4 Qn.	@ Rs. 20/- @ Rs. 5/-

Total: Rs. 692/-

WELLS: There are five wells in the land under acquisition. Details of these are as under :-

S.No.	Khasra No.	Condition of well	Amount.
1.	4/4/2	Old pucca well in working order	Rs. 800/-
2.	8/6/2	One pucca well in good condition but not being used.	Rs. 800/-
3.	8/8	One pucca well in good condition not being used not entered in the record, however, it is an old one.	Rs. 800/-
4.	8/22/4	One pucca well in good condition but not being used.	Rs. 800/-
5.	21/9/2	Small well being used as drinking well and is very old.	Rs. 400/-

There is a persian wheel on well in field No. 4/4/2. No compensation for this has been assessed. The party is at liberty to remove it.

STRUCTURES:- There is a small room in field No. 21/9/1 which is an old one. I assess Rs. 300/- for this room.

There is boundary to the north of field No. 5/23, 10/3/1/2 and to the east of field No. 10/3/1/2 about 40000 bricks appear to have been used on this fore-wall. I assess Rs. 1200/- @ Rs. 30/perthousand including other labour charges.

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

Block	Area	Rate per bicha	Price of land.
A	178 - 16	Rs. 1800.00	Rs. 321840.00
B	27big. 5 bis.	Rs. 1400.00	Rs. 37800.00
Total	206 - 1		Rs. 359640.00

COMPULSORY ACQUISITION CHARGES:

The owners and the interested persons will be entitled to 15% in consideration of compulsory nature of acquisition on the market value of land, wells and structure which comes to Rs. 54748.50.

INTEREST:

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

MODE OF PAYMENT:

The owners and interested persons shall be paid compensation according to the entries in the Jamabandi of the village. There are non-occupancy tenants in field No. 9/2/2. Protection to non-occupancy tenants against eviction by the land lord has been secured under the Delhi (Urban) Areas Tenancy Relief Act, 1961. Since these tenants can not be ejected unless they violate any of the conditions enumerated in the clauses A. to D. They would be entitled to a Substantial amount of compensation. In view of this, compensation for this field number will remain in dispute

and be paid to the owners and tenants if they come to some amicable settlement, otherwise, the amount will be referred to competent Court.

Field No. 21/10/1 is hypothecated with the Government for Rs. 400/- and field No. 2/21 is also hypothecated with the Government for Rs. 1500/- alongwith a few other field Nos. A sum of Rs. 600/- to satisfy government dues plus interest in respect of field No. 21/10/1 will remain in dispute till the owner gets a clearance certificate from the Taccavi Section. Compensation in-respect of field No. 2/21 will also remain in dispute till a clearance certificate is obtained from the Branch. Field No. 2/14/1, 2/17/2 are also hypothecated with government against loan amount of Rs. 1500/- out of the compensation payable against these field Nos. A sum of Rs. 2000/- shall be kept in dispute to satisfy the government dues. In case the owners produce a clearance certificate from Taccavi Branch, the amount shall be paid.

LAND REVENUE DEDUCTIONS:

Khalsa amount of reduction from the land revenue due on account of land acquired works to Rs. 18.72 paise. There will be a reduction of Rs. 18.72 paise from the Khalsa Rent Roll of the village with effect from taking over possession of the land.

The land aforesaid will vest absolutely in the government free from all encumbrances from the date of taking over possession.

Subject to the above, the Award stands as follows:-

Compensation of land	Rs. 35,99,90.00
Compensation of wells	Rs. 3,600/-
Compensation of structure	Rs. 1,400.00
15% towards compulsory acquisition charges	Rs. 54,748.50
Compensation of trees	Rs. 692.00
TOTAL	Rs. 4,20,430.50

(Prabh Dyal Khurana)
Land Acquisition Collector, Delhi

Forwarded to the Collector, Delhi for favour of information

(Prabh Dyal Khurana)
Land Acquisition Collector, Delhi

See
with power of
A. S. LA.
please.
Collector, Delhi
21.6.1965

کامرودی عقیقه در این فصل نویسی نورالدود ۱۸۲۸

تجارت بمصر خا. جل. ر. س. کا عائد بہ عرق النہ و شہر منہل قاضی میا. شہرہ فاضل علی

کتابخانه قبیله الی و دفعه فیض الی و غیر ذلک ۱۵۲۵

فوقه الخمر مشهوره نانی کعبه در کافه غافره کادوسه و بسیار کافه مشهوره در کافه مشهوره

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حکام اور ان کے رفقاء کی احوال نہیں ملتی مگر ان کا مکان سے کچھ دور نہیں ہے۔ یہ مکان

ماہ محل کوئے میں ایک عید منیجا / نہ رخصتی صبحہ بھلا ہے

میں کوئی غور نہیں / دیکھ لوئی نواخت نہیں نہیں / ہاں نہ رخصتی نہ رخصتی نہ رخصتی

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