

Award No. .... 1942

NAME OF VILLAGE.....TEHAR.

NATURE OF ACQUISITION..... PERMANENT.

PURPOSE OF ACQUISITION..... PLANNED DEVELOPMENT OF DELHI.

In pursuance of Delhi Administration notification F.4(106)/63-L&H dated 13th February 1964 issued under the provision of section 4 of the Land Acquisition Act 1894 area measuring 1103 big. 3 bis. situated in village Tehar was notified for acquisition for Planned Development of Delhi. After hearing objection u/s 5A of the Act declaration u/s 6 of the said act for 4 big. 16 bis was made vide notification No.F.4(106)/63-L&H dated 8th July 1966. Thereof the notice u/s 9 & 10 of the said Act were issued to the interested persons to submit their claim. The claims will be discussed at the proper places.

MEASUREMENT :

The area given in the notification u/s 6 of the Land Acquisition Act 1894 is 4 big. 16 bis. Measurement has been made by the field staff at the spot. There is no difference in area given in the notification and on the spot.

OWNERSHIP :

The details of land ownership, tenancy Khasra Nos and classification of land is as under:-

S.No.	Name of owner	Name of occupant	Kh.No.	Area big.bis	Kind of land
1.	Perma Nand s/o Hari Chand.	Auction purchaser.	1507	4-16	Dakar.

Classification of the land at the time of notification u/s 4 is as under.

Dakar 4 bigha 16 bis.

CLAIMS & EVIDENCE:

In response to the notices 9 & 10 of the land Acquisition Act, Shri Parma Nand has submitted claim. He has produced following documents in support of his claim.

- 1) He has filed an attested copy of prepatual lease of an industrial plot execution by D.D.A.of village Naraina.
- 2) Has produced attested copies of three sale-deeds dated 4.2.60, 29.9.59 and 3.12.63 relating to plots in village Nanagal Raya.

Contd.....2

MARKET VALUE :

4 big. 16 bis are under acquisition in the present scheme.

In calculating the compensation to be awarded the criteria mentioned in section 23(1) of the Land Acquisition Act are to be taken into account. Other relevant factors in this behalf would be the sale transactions in the village during the five years preceding the date of notification under section 4 which in this case is 13.2.64. nearness of the land under acquisition to the recent sale transaction its situation, the use to which it is put, its potential value rise and fall of demand of land in the market and the compensation paid for the land acquired previously in the village. Also the claims of the interested persons have to be kept in view, while doing so some assumption would be inevitable but this would have to be rational.

Statement of average sale price for the 5 years preceeding the date of notification u/s 4 is as under:-

<u>S.No.</u>	<u>Year</u>	<u>Area sold</u> big.bis	<u>Amount consideration.</u>	<u>Average per bigha.</u>
1.	1959-60	44--6	Rs. 109215-00	Rs. 2465-35
2.	1960-61	68-13	Rs. 184587-00	Rs. 2688-81
3.	1961-62	27--5	Rs. 97007-00	Rs. 3559-89
4.	1962-63	18-11	Rs. 83408-00	Rs. 4496-39
5.	1963-64	28--4	Rs. 141847-11	Rs. 5030-00
Total		186-19	Rs. 616064-11	

The average sale price works out to Rs. 3295-40P per bigha and the above table reveals that the price has been rising from year to year. The increase in 1960-61 as against 19 59-60 was Rs. 223-64P, in 1961-62 as against 1960-61 is Rs. 871-08, in 1962-63 as against 1961-62 as against 1961-62 is Rs. 936-50 and in 1963-64 as against 1962-63 is Rs. 533-61P.

A review of these sales during these 5 years will shed light on the increase in prices.

1959-60: During the year 1959-60 there were 42 transactions of small plots except for 3 transactions which were of 25 big 16 bis.

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7 big. 11 bis and 5 bis 18 bis. Out of these Khasra Nos. 2112, 2124, to 2127, 2148 to 2150 and 2097, 2098, 2110, 2113 ~~are~~ about 5 furlongs away from the land under acquisition. The small plots fall in M.S.A. Block on un-approved colony and the big. three plots are at a distance of 1 mile from the land under acquisition.

1961-62

During the year 1961-62 there were 50 transactions of small plots except for 3 transactions of 9 bighas 12 bis, 2 big 9 bis and 1 big 2 bis. Out of these Kh.Nos 1904 to 1911, 1913, 1914, 1917, 1918, 1920 to 1935, 1926/2 are about six furlongs from the land under acquisition and fall in B.E. Block of Hari Nagar an unapproved colony and big plots are at a distance of about six furlongs from the land under acquisition. The other transactions are about a mile from the land to be acquired and can not be considered.

1960-61

In 1960-61, 103 transactions were registered. Out of it three transactions were of 20 big 12 bis, 6 bis 4 bis and 4 big, 16 bis and other of small plots. Kh.Nos 2112, 2124 to 2127, 2148 to 2150 and 2097, 2098, 2110, 2111, 2112 are about 5 furlongs away from the land under acquisition. The small plots fall in M.S.A. Block an un-approved colony and big plots are at a distance of about a mile from the land under acquisition.

1962-63-

Out of 46 transactions, 4 transactions are close to land under acquisition. The Kh.Nos are 1466, 1477/2, 1477/3 and 1479 and price per bigha works out to Rs. 2208.40P, Rs. 2790-60P, Rs. 3333.20P and Rs. 2000/- respectively and can be considered for determining market price.

1963-64

In the year 1963-64 the average price per bigha for this year is Rs. 5030-00 and it is the highest in the 5 years. Out of 103 transactions 3 transactions relate to the land under acquisition. The

Contd.....4

Kh.Nos are 1390min, 1390min and 1477/4 sold on 28.3.63, 25.3.63 and 8.7.63. The price per bigha works out to Rs. 3230.80P, Rs. 3409-20P and Rs. 5000/- respectively. About six furlongs from the land under acquisition are Kh.Nos. 1904 to 1911, 1913, 1914, 1917, 1918, 1920 to 1925, 1926 which fall in the unapproved colony of BE Block of Hari Nagar and price per bigha comes to Rs. 7395.80P. This reveals that the highest price per bigha in unapproved colony of BE Block of Hari Nagar is Rs. 7395.80 P and that of mutated land under acquisition is Rs. 5000/-, which is indeed, on higher side.

The reason attributed to this is that it is less than 100 yards from the approved colony of Hari Nagar L Block. The area was also only 16 bis and it is common knowledge that small plot fetch higher price as compared to big blocks of plots. For assessing market price lone transactions cannot reflect a true picture.

The above discussion in regard to the sale transactions during the preceeding five years brings out the following facts.

1. Plots in and around approved and un-approved colonies have fetched higher price.
2. Small plots have earned better price than big plots.
3. The trend of prices has been upwards.
4. Highest price in 1963-64 was Rs. 5000/- for a plot measuring 16 bis.

The claimant has filed a perpetual lease and copies of sale deed of village Nangal Raya. These are not material because hundreds of transactions have taken place in village Tehar. Besides village Nangal Raya is beyond Tehar.

Some of the awards in respect of land acquired on different dates in this village are as under:-

S.No.	No. of award	Date of notification.u/s 4	Quality of land.	Rate awarded per bi
1.	694	31.12.51	Rosli B.Qadim G.Mumkin	Rs. 300/- Rs. 100/- Rs. 80/-
2.	746	3-7-54	Rosli & Dakar B.Qadim	Rs. 970/- Rs. 485/-

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3.	988	4.7.57	Rosli & Dakar B. Qadim.	Rs. 1000/-
4.	920	4-7.57	Flat rate	Rs. 5/- per Sq. Yds
5.	1163	19.1.57	--	Rs. 1500/-
6.	1223	13.11.59	B. Qadim	Rs. 2500/-
7.	1452	13.11.59	B. Qadim & Dakar	Rs. 6.75 per Sq. Yd
8.	1567	13.11.59	B. Qadim	Rs. 2500/-
9.	1689	24.10.61	Rosli B. Qadim G. Mumkin	Rs. 1000/- Rs. 500/-
10.	1696	13.11.59	G. Mumkin & B. Qadim	Rs. 3000/-
11.	1758	11.3.64	A Block B. Block	Rs. 3500/- Rs. 3000/-
12.	1766	13.11.59	Flat rate	Rs. 3500/-
13.	1794	13.11.59	A Block B Block C Block	Rs. 3500/- Rs. 3000/- Rs. 500/-
14.	1843	13.11.59	A Block B Block	Rs. 4500/- Rs. 3000/-
15.	1867	13.11.59	--	Rs. 3500/-
16.	1869	7.3.63	A Block B Block C Block	Rs. 3000/- Rs. 2000/- Rs. 1200/-
17.	1916	13.2.64	A Block B. Block	Rs. 5000/- Rs. 3500/-

Reference u/s 18 of the Land Acquisition Act 1894 have been forwarded to the additional District Judge, some have been decided and some are still pending. Though compensation has been enhanced in some cases yet it will not serve any useful purpose for the date of notification u/s 4 in these cases except one as already stated is much earlier than 13.2.64. Reference u/s 18 of notification of which is 7.3.63 have not been decided by the Additional District Judge so far.

In the light of what has been stated above we may now proceed to determine the market value. As already seen the ~~price~~ price had maintained an upward trend particularly of plots in and around the approved and un-approved colonies., plots No. 1477/4 was

sold on 8.7.63 @ Rs. 5000/- per bigha. This was, ~~th~~however, a small plot measuring 16 bis only and any upward trend during the remaining seven months till 13.2.64 when the notification u/s 4 of L.A. Act issued in this case would be off set by the area under acquisition being large which would necessarily bring down the prices. In award No. 1916 the aforesaid Khasra No. <sup>tax</sup> and also the land under acquisition and the highest price awarded per bigha is Rs. 5000/- and taking into account the various factors like the situation, area involved, undeveloped nature of land and the price of the land sold earlier. I consider that fair and reasonable market price is Rs. 5000/- per bigha kham and I award the same.

TREES STRUCTURES AND WELLS:

There are no trees, wells and structures in the land under acquisition. No compensation is payable towards this head.

WAQF PROPERTIES:

There is no temple, mosque, grave yard or any other religious place in the land under acquisition.

INTEREST

The possession of the land under acquisition has not so far been taken over. The question of allowing any interest does not arise.

SOLITUM

15% solitum will be allowed as required by the Act.

MODE OF PAYMENT

Of 4 big. 16 bis under acquisition Sh. Perma Nand is the owner and is also in his occupation. There is not other interested person in the land under acquisition. The compensation according to the latest entries in the revenue record will be paid.

DEDUCTION OF LAND REVENUE :

The land under acquisition is assessed to Rs. 1-09P as land revenue and the same will be deducted from the Khalsa Rent Roll at this village from the harvest of taking over possession of the land under acquisition.

The summary of the award is summarised as under:-

Compensation for 4 bigha 15 bis.	Rs. 24000-00
@ Rs. 5000/- per bigha.	
Solatium @ 15%	Rs. 3600-00
Total	Rs. 27600-00

(Rupees Twenty seven thousand six hundred only)

*Sham Karan*  
8.2.67.

(SHAM KARAN)  
LAND ACQUISITION COLLECTOR (P)  
DELHI.

Forwarded to the Deputy Commissioner (District Collector)  
for information and filling the award.

*Sham Karan*

(SHAM KARAN)  
LAND ACQUISITION COLLECTOR (P)  
DELHI.

seen. filed.  
NSwarma  
10.2.67

COLLECTOR DELHI

*Re: HC Complaint.*

*Pl prepare and submit statement  
A and Nabsha Kumari.*

*Award announced today in the  
presence of interested persons.*

*17/*  
28/

کامو داری تبیین فیلسوفی اور رعب ۱۹۴۲ء خضوع تیار

[illegible]

دشمنی برای بین بینا کسبه  
3-4-67

دنی نوری خورشید

23-4-05

دینی زندگی کے لیے

پہلے سے لکھا ہے۔

دستخط و مهر و امضاء و تاریخ

Outpost ash B. L. H.

3/4/67

دستور جامع فقهی

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درشته یکی مع کج و ص ۶

बन्धु राम मो नारायण  
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دوستی بنیاد بر حسن است

مارس ۱۹۶۷ - ۳۱

( To be published in Part IV of Delhi Gazette )

DELHI ADMINISTRATION: DELHI.

NOTIFICATION.

Dated the \_\_\_\_\_ July, 1966.

No.F.4(106)/63-L&H- Whereas it appears to the Chief Commissioner of Delhi that land is required to be taken by Government at the public expense for a public purpose, namely, for the planned development of Delhi, 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.		Field No. or Boundaries.
	Sig.	Sig.	
Wihar.	4	10	1507.

By order,

Sd/-

( JAGMOHAN )

DEPUTY HOUSING COMMISSIONER,  
DELHI ADMINISTRATION,  
DELHI.

1966

No.F.4(106)/63-L&H.

Dated the 8 July, 1966.

Copy forwarded to the:-

1. Appointments(B) Department, Delhi Adm.( in duplicate) for favour of publication in Part IV of Delhi Gazette.
2. Addl. District Magistrate(Land Acquisition), Delhi.
3. Land Acquisition Collector(Palau), Delhi.
4. Legal Adviser, Land & Housing Department, Delhi Administration, Delhi.
5. Tensildar, Land & Housing Department, Delhi Administration, Delhi.

( JAGMOHAN )

DEPUTY HOUSING COMMISSIONER,  
DELHI ADMINISTRATION,  
DELHI.

REMARKS.

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F4 (106) 163 L & H D7

13-2-64

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