

A W A R D No. 2116

Name of the village: Pusangipur.  
Nature of acquisition: Permanent.

INTRODUCTION:

*Pusangipur 2*

The land situate in village ~~Debra~~ is required by the Government at the public expense for a public purpose namely for the Planned Development of Delhi. A notification under section 4 of the Land Acquisition Act was made vide the notification No.F.4(92)/62-L&H(I) dated 20.6.1966. The provisions of section 5-A for hearing and inviting the objections from the interested persons were dispensed with and section 17 was applied for taking possession of the land under acquisition vide the Notification No.F.4(92)/62-L&H(iii) dated 20.6.1966. Simultaneously a declaration under section 6 of the Land Acquisition Act was made vide the notification No.4(92)/62-L&H(ii) dated 20.6.1966. A notice under section 9(1) was given due publicity and notices under sections 9(3) and 10(1) of the Land Acquisition Act were served upon the interested persons. Almost all the interested persons have responded to the notices given to them.

'MEASUREMENT & OWNERSHIP'

According to the notification under section 6 of the Land Acquisition Act the total area to be acquired was 9 bighas and 10 biswas. From further verification made on the spot under section 8 of the Land Acquisition Act, the total area to be acquired comes to 9 bighas and 08 biswas. The difference of 02 biswas is due to the mistake in the totalling of the area. I, therefore, hold the area under acquisition to be true at 9 bighas and 08 biswas, the detail of which according to the revenue record is as given below:-

Khasra No.	Area.		Kind of land
	Big.	Bis.	
24/17/1/1.	0	05	Rosli.
37/10/1.	3	10	Rosli.
38/5/1.	4	01	Rosli.
48/1.	1	12	Gm. Nala.
	9	08	
			Rosli = 7-16
			Gm.Nala = 1-12
			9-08

'CLAIMS AND EVIDENCES'

The following claimants have submitted their claim petitions for compensation:-

Sl.No.	Name of the claimant.	Compensation Demanded.
✓1.	Ram Datt etc.	Rs.20/- persq.yd. for the land.
✓2.	Sumitra Devi w/o Ram Lubhia Basin.	Rs.50/- per sq.yd. for the land, and Rs.2000/- for the boundary wa
✓3.	Raj Rani w/o Bhim Sain.	Rs.50/- per sq.yd. for the land,
✓4.	Sawagwati w/o Kasturi Lal, Suraj Prakash s/o Ishar Lal.	Rs.50/- per sq.yd. for the land, and Rs.1000/- for the boundary wa
5.	Ram Datt etc.	Stated that the compensation for the khasra No.48 be paid every s holder, being common land.
✓6.	Bhagwani wd/o Sube Singh, etc.	Rs.10/- per sq.yd. for the land, and also stated that some land has sold to the plot holder-s, and the compensation as such may be to them.
✓7.	Gurbachan Shah Singh s/o Gobind Shah Singh.	Requested for the compensation of the land bearing khasra No.38.

The claimants have<sup>not</sup> produced any evidence in support of their claim for compensation. As such, they will be only entitled for the compensation as discussed under the head 'Market Value'.


'MARKET VALUE'

The land under acquisition is situated towards the southern side of the Najafgrah to Cantonment (Pankha) Road. The Delhi to Najafgrah Road passes towards the western side and crosses the Pankha Road. The land under acquisition is

urban and lies within the municipal limits of Delhi. The colonies of Shankar Garden and Krishna Park exist at a distance of about one mile from the land under acquisition. There are some other developed colonies also, but they are situated at a sufficiently long distance.

The land under acquisition can be divided into two categories according to the situation and level of the land. The khasra No.24/17/1/1 measuring 05 biswas only, which is situated towards the western side is at a high level and is in shape of a plot surrounded by wall. Hence this land is classified as Category I. The remaining land bearing khasra Nos.37/10/1 (3 - 10), 38/5(4-01) and 48/1 (1-12) total measuring 9 bighas and 3 biswas which is situated towards the eastern side is low lying and adjacent to the Gm. Nala. Hence this land is classified as Category II.

The following sale instances have taken place in village Pusangi Pur during the period of last five years prior to the date of the notification under section 4 of the L.A.Act viz, 20.6.1966:-

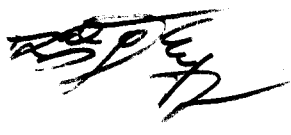


Year.	Total area. Big. Bis.	Total consideration money.	Average per bigha
1961-62.	135 - 12	Rs.3,94,745/-.	Rs.2911.10
1962-63.	55 = 08	Rs.1,71,466/-	Rs.3,095-05
1963-64.	1 - 08	Rs.20,504/-.	Rs.14,645.71
1964-65.	--	--	--
1965-66.	0 - 05	Rs. 6,264/-.	Rs.25,056/-

From the above statement it will be seen that no sale was recorded during the year 1964-65. During the year 1962-63 the average price of land as worked out comes to Rs.3,095.05 ps. per bigha. But in the year 1963-64 the average price had shot up to Rs.14,645.71 ps. per bigha. Similarly, during the year 1965-66 the average price had further increase

to Rs.25,056/- per bigha. The reason for such steep rises in the prices is due to the fact that the sale transactions that had taken place during the years 1963-64 and 1965-66 relate to the land Rect. No.9. This Rect. No.9 is situated on the main Delhi to Najafgrah Road and is very close to the developed colony of Tilak Nagar. Besides, this land was sold by the Colonizers S/Shri Raghbir Singh & Net Ram to various plot holders. Thus, the situation of the land Rect. No.9 is far more superior to that of the land under acquisition. Hence, the rates involved in the above said transactions cannot be taken as true guide for arriving at the correct market value of the land under acquisition.

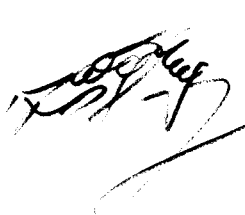
Some land was acquired in village Pusangi Pur vide the award No.1698. In the said award, the Land Acquisition Collector had allowed the compensation @ Rs.1400/- per bigha for the land classified as Block 'A' and Rs.1200/- per bigha for the land classified as Block 'B'. The compensation at Rs.1400/- per bigha for block 'A' was subsequently enhanced to Rs.2550/- and Rs.3550/- per bigha by the Additional District Judge, Delhi in the L.A. Case No.64 of 1966 styled as Shri Sampuran Singh Vs. U.O.I and in the L.A. Case No.54 of 1967 styled as Shahzad Bahadur Vs. Union of India respectively. A close scrutiny of these two cases reveals that the land involved relates to the Rect. No.1 which is situated on the Delhi to Najafgrah and near the Tilak Nagar Colony.

 The compensation of Rs.1200/- per bigha for Block 'B' was also enhanced by the Additional District Judge, Delhi to Rs.3200/- per bigha in the L.A. Case No.48 of 1966 styled as Shmt. Shanti Devi Vs. Union of India and in the L.A. Case No. 80 of 1966 styled as Bhartoo and others Vs. Union of India. The lands involved in both these above said cases relate to the Rect. Nos. 26 and 16 respectively, which are situated near the abadi of village Pusangi Pur.

The date of the notification under section 4 of the L.A. Act, 1894 is hereby notified.

Act of the award No.1698 was 24.10.1961, whereas in the present award it is 20.6.1966. But, as it will be seen from above, the land in respect of which the compensation has been enhanced by the Addl. District Judge, Delhi is comparatively, better situated than the land under acquisition. Hence, the rates allowed by the learned Addl. District Judge, Delhi cannot be applied for assessing the market value of the land under acquisition.

On an examination of the sale instances for the year 1962-63, it will be seen that during the said year the total land measuring 55 bighas 08 biswas was sold for a consideration of Rs.1,71,466/-. Out of this an area of 09 biswas was sold in shape of small plots for a sum of Rs. <sup>147,021/-</sup> ~~2616/-~~, thus yielding an average of Rs. <sup>16,335.67</sup> ~~12486/-~~ per bigha. The remaining area of 54 bighas 19 biswas was sold on 29.3.1963 for Rs.1,64,850/-, thus yielding an average of Rs. <sup>3000.00</sup> ~~3000.00~~ per bigha. This rate seems to be a fair basis for calculating the market value of the land under acquisition, as no such a big compact area was sold since that date, but small areas in shape of plots have been sold which are better situated than the land under acquisition.

 In view of the facts discussed above, I am of the opinion that the rate of Rs.3000/- per bigha for the land classified as Category I, and Rs.2500/- per bigha for the land classified as category II, which is slightly inferior to category I should be a fair and reasonable market value of the land under acquisition, and I award accordingly.

'OTHER COMPENSATIONS'

Compensation for structures: There is wall in khasra No.24/17/1/1, for ~~thw~~ which the Naib Tehsildar (LA) has proposed Rs.528/- for the same, with which I agree and I allow accordingly.

Compensation for trees, wells etc. There is neither any tree nor any well in the land under acquisition. Therefore, the question of payment of compensation does not arise.

15% solatium: As provided under section 23(2) of the L.A. Act the owners will also be paid 15% solatium for compulsory nature of acquisition.

'APPORTIONMENT'

The compensation of the land under acquisition will be paid according to the latest entries in the revenue records. The compensation for the khasra Nos. 24/17/1, 37/10/1 and 38/5/1 will be paid on the mutual agreement of the plot holders and the owners and in case of dispute it will be sent to the Addl. Distt. Judge, Delhi for adjudication.

Interest: Due to the application of section 17 of the L.A. Act the interest @ 6% p.a. will be paid from the date of taking over the possession of the land measuring 9 bighas and 03 biswas i.e. 27.3.1968 to 26.6.1968 as the award is likely to be announced on 27.6.1968.

'SUMMARY OF THE AWARD'

Compensation for the land measuring 05 biswas only of Category I @ Rs.3000/- per bigha.	Rs.750.00
Compensation for the land measuring 9 bighas and 03 biswas of Category II, @ Rs.2500/- per bigha.	Rs.22,875.00
structure Compensation for the (wall).	Rs. 528.00
	Rs.24,153.00
15% of the above as solatium for compulsory nature of acquisition.	Rs. 3,622.95
Interest @ 6% p.a. from 27.3.1968 to 26.6.1968 (Rs.26,306.25= the compensation of the land measuring 9 bighas 03 biswas).	Rs. 2,394.59
	Rs. 268.06
	G.T. Rs. 28,000.00
	Rs. 28,170.55

The land is assessed to a land revenue of Rs.2.28ps. which will be deducted from the khalsa rent roll of the village from Kharif, 1968.

(Zal Nowsnerwanji)  
Land Acquisition Collector  
Delhi.

*Sham Lal*  
*27/6/68*

*Filed and announced by*

*Sham Lal*  
*27/6/68*

*27/6/68*

(To be published in Part IV of Delhi Gazette.)

DELHI ADMINISTRATION, DELHI

NOTIFICATION

Dated the \_\_\_\_ June, 1968.

No.F.4(92)/62-L&E(1):- Whereas it appears to the Chief Commissioner Delhi that land is likely to be required to be taken by Government at the public expense for a public purpose, namely, for the Planned Development of Delhi, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Chief Commissioner is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

The Chief Commissioner being of the opinion that provisions of sub-section (I) of section 17 of the said act are applicable to this land, is further pleased <sup>sub-</sup> ~~under~~ section(4) of the said section, to direct that the provisions of section 5-A shall not apply.

NOTIFICATION

Sl.No.	Name of village or Locality	Total Area	Field Nos or boundaries
1	2	3	4
1.	Nangal Raya	FIG. 14 PIG. 10	414/348min, 487/342, 488/342, 341, 343min, 345-min, 347min,
2.	Dabri	99 10	Rect. Killas No.

1	2	3	4
			Rect. Killa Nos. No.
			21 10min, 11min, 12min, 13min, 16min, 17min.
			22 6/1min, 6/2min, 7min, 8min, 9min, 10/1min, 10/2min,
			23 2/1min, 2/2min, 3min, 4min, 6min, 7min,
			17 21min, 22.
			16 10min, 11min, 12/1min, 12/2min, 13min, 16/1min, 16/2min, 25 min, 17min, 18min,
			15 2/1min, 3min, 4/1min, 4/2min, 4/3min, 7/4min, 7/5min, 6min,
			10 21min, 22min, 23min,
			11 12min, 13/2min, 14min, 16min, 1
			Rect. No. 28min.
3		9 10	37 10min,
	PasangiPur		38 5min,
			24 17min,
			Rect. No. 48 min,
4			
	Asalat-pur 24	24 12	20 4min, 7min,
	purKhadar		14 20min, 21min, 22/1, 22/2min, 23
			15 1min, 10/9min, 8, 14min,
			16 5min
			11 17



1	2	3	4
			Rect. Killa Nos. No.
			2x 10 I min, 2min, 2-8min 7 min, 14min, 15min
			7 21px
			8 24min, 25min,

By order,

sd/-

(JAGMOHAN)  
Deputy Housing Commissioner,  
Delhi Administration, Delhi

No. F.4(92)/62-L&H (I)

Dated the 20th June, 1966

Copy forwarded to the :-

1. Recruitment & Service Deptt. ( in duplicate) for favour publication in Delhi Gazette.
2. A.D.M. (Land Acquisition) Delhi.
3. Land Acquisition Collector (Palam Circle,) Delhi.
4. Asstt. Financial Adviser, L&H Deptt, Delhi Admn.
5. Legal Adviser, L&H Deptt. Delhi Admn.
6. Shri K. Rama Verma Additional Chief Engineer, (Delhi-Admn) C.P.W.D. Vikas Bhawan, New Delhi.
7. Tehsildar (L&H) Deptt.) Delhi Admn.

sd/-

(JAGMOHAN)  
Deputy Housing Commissioner,  
Delhi Administration, Delhi.

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( To be published in Part IV of Delhi Gazette)

DELHI ADMINISTRATION DELHI.

NOTIFICATION

Dated the \_\_\_\_ June, 1966

No. F.4(92)/62-L&I(11);- Whereas it appears to the Chief Commissioner of Delhi that land is required to be taken by the 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

S1. No.	Name of village or locality	Total Area	Field Nos or boundaries.
1	2	3	4
		Fig. Bis.	
✓ 1.	Nangal Raya	14 10	414/348 min, 487/342, 488/342, 341, 343min, 345 min, 347 min.
✓ 2.	Dabri	99 10	Rect. Killa Nos No. 21 10min, 11min, 12min, 13min, 16min, 17min, 22 6/1min, 6/2min, 7min, 8min, 9min, 10/1min, 10/2 min. 23 2/1min, 2/2min, 3min, 4min, 6min, 7min, 17 21min, 22. Contd;-2.

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				Rect. Nos	Killa Nos
				16	10min, 11min, 12/1min, 12/2min, 13min, 16/1, 16/2min, 25min, 17min, 18min,
				15	2/1min, 3min, 4/1min, 4/2, 4/7/4min, 7/5min, 6min.,
				10	21min, 22min, 23min.,
				11.	12min, 13/2min, 13/1min, 14min, 16min, 17/1 min.
					Rect No. 38min.
3.	Posangipur	9	18	37	10min,
				38	5min.
				24	17 min,
					Rect.No.48 min.
4.	Asalat pur Khadar.	24	12	20	4 min, 3min,
				14	30min, 21min, 22/1min, 22/2mi 23min.
				15	1min, 10/2min, 10/1min, 9min, 8min, 14min, 15-18min, 17mi
				16.	5min, 4min.
				11	11min, 18-19min, 20/1min, 20/23min, 24min, 25min.
				10	1min, 2min, 3, 8min, 7min, 14 15min.
				7	21.
				8	24min, 25min,

By order,

sd/-

(JAGMOHAN)

Deputy Housing Commissioner,  
Delhi Administration, Delhi.

No. F.4(92)/62-LAH (11)

Dated the 20th June, 1966.

Contd;-

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2. A.D.M. (Land Acquisition), Delhi.
3. Land Acquisition Collector (Palam Circle ), Delhi.
4. Asstt. Financial Adviser, L&H Deptt. Delhi Admn.
5. Leg 1 Adviser, L&H Department , Delhi Admn.
6. Shri K. Ram Verman, Additional Chief Engineer, (Delhi Admin) C.P.W.D. Vikas Bhavan New Delhi.
7. Tehsildar, L&H Department, Delhi Administration.

Sd/-  
(JAGMOHAN )

DEPUTY HOUSING COMMISSIONER,  
Delhi Administration, Delhi.

Compared  
Sunder Singh  
11.7.66  
24.6.66.

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