

AWARD N O: 60/81-82

Name of the locality: Darya Ganj (North), Delhi
Property No. 4599 to 4604
Ward No. XII.

Nature of acquisition: Permanent.

Purpose of acquisition: Planned Development of Delhi,

INTRODUCTION:

Property No. 4599 to 4604 situated in Darya Ganj, Delhi in Kh. No. 13 min is required by the Government at the public expense for a public purpose namely for Planned Development of Delhi. It was notified u/s 4 vide notification No. F. 15(104)/68-L&H dt. 26.10.68. The report u/s 5-A of the L.A. Act was sent to Delhi Administration along with the objections in original. The Delhi Administration issued the final declaration u/s 6 of the Land Acquisition Act vide notification No. F. 15(114)/69-L&H dt. 29.1.71 for 2600 sq. yds. Notice u/s 9(i) was given due publicity and notices u/s (3) and 10 of L.A. Act were issued to the interested persons most of whom have filed claims.

TRUE AREA:

According to notification u/s 6 of the area of property under acquisition is 2600 sq. yds. but as a result of spot verification by the staff u/s 8 of the area comes to 2460 sq. yds. Details of which are given below:-

<u>Kh. No.</u>	<u>Property No.</u>	<u>Area.</u>
13 m in	4599	1608 sq. yds.
	4600 to 4603	377 sq. yds.
	4604	475 sq. yds.
Total:		2460 sq. yds.

CLAIMS:

The following claimants have filed claims:-

<u>S. No.</u>	<u>Name of the claimants.</u>	<u>Property No.</u>	<u>Amount claimed.</u>
1.	Ran Singh Mehra	Plot No. XI/4600-4603, 12 Darya Ganj, Delhi.	Alternative accommodation or market value of the land.
2.	Sh. Summen S/o. Purni.	XI/4602-4603, Darya Ganj, Delhi.	Rs. 10000/- as compensation or alternative accommodation.

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| 3. Piarey Lal S/o.
Summan Ram. | XI/460 2/460 3,
Darya Ganj,
Delhi. | Alternative accommodation
or market value or the land. |
| 4. Ram Dass S/o.
Summan Ram | -do- | -do- |
| 5. Smt. Kaushyala Devi
through Sh. Sardar
Singh, Advocate. | 460 4, Darya
Ganj, Delhi. | Alternative accommodation
Rs. 26000/- as repair charges
and also entire compensation
of the property. |
| 6. P.P. Nayyar S/o.
S.M. Nayyar. | -do- | Alternative accommodation
Rs. 5000/- as expenses. |
| 7. Sh. Asa Nand S/o. Bhola
Ram C/o. M/s. Bhola Ram
Rekhab Dass Jain. | 460 4-460 5 | Rs. 700/- per sq. yd., Rs. 432500/-
as total compensation for
the land & structure. |
| ✓ 8. Sh. Laxmi Narain Goyal,
Babars i Dass Goyal,
Karam Chand Goyal,
Brij Mohan Goyal,
Om Perikash Goyal,
all Ss/o. Sh. K.C. Goyal,
61/11, Ramjas Road, Karol
Bagh, New Delhi, through
Sh. Laxmi Narain Goyal. | XI/4600-
4603 (New) | Rs. 700/- per sq. yd. or alter-
native plot of equivalent
value. |
| 9. Sh. Kanhaya Lal S/o.
Suman Ram. | 460 4, Darya
Ganj, Delhi. | Rs. 10000/- as compensation &
alternative accommodation. |
| 10. Smt. Kirmo Devi W/o.
Sh. Sripal Jain, Saran Kaur
W/o. Sh. Amrit Singh,
Sh. Mukat Behari Lal S/o.
Jagan Nath Kanodia, through
Sh. M.L. Raval, G.L. Raval, &
S.K. Raval, Advocates. | 4599, Darya
Ganj, Delhi. | Rs. 700/- per sq. yd. with 15%
solatium & Rs. 600000/- for the
structure. |

EVIDENCE:

Sh. Summan has filed the following documents:-

- 1) A true copy of survey Report dt. 7.9.50.
- i) Copy of application dt. 16.10.50 for rent produced
in the department of Custodian.

Smt. Kaushayala Devi has filed special Power of Attorney in
favour of Sh. Prem Parkash Nayyar and copy of rent receipt
dt. 13.8.56.

Sh. Asa Nand has filed true copy of sale certificate dt. 16.6.61
and Plan of House No. 4604, 4605, Block No. 12, Ward No. 11.

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Laxmi Narain Goyal & Others have filed unattested copy of the sale certificate dt. 31.5.64 in favour of Sh.A.C.Goel.

- ii) Unattested copy of the decree sheet dt. 12.4.65 in suite No.422/1964 Sh.Balraj Datta Goyal & Others Vs.Sh.A.C.Goyal Copy of the General Power of Attorney in favour of Sh.Laxmi Narain Goyal.

Sh.R.P.Nayyar examined on behalf of Smt.Kaushalya Devi & ~~Quesada~~ himself and stated that his wife lived with her mother Smt. Kaushalya Devi who is a permanent patient. He spent Rs.2000/- on repairs in the house. In case of acquisition he may be allowed similar accommodation and paid compensation at the rate of Rs.1000/- per sq.yd. Smt. Kaushalya Devi has become owner because of adverse possession. Sh. Asa Nand has stated that he purchased the property in 1956 for Rs. 7000/- from the Custodian of Evacuee property. The area of the property is 475 sq.yds. and the market value claimed for land is Rs.700/- per sq.yd. and for Kothi is Rs.100000/-.

MARKET VALUE:

The market value of the land under acquisition is to be determined in the context of the prices prevailing at the time of issue of notification u/s 4 of the Act. 20.10.63. In the determination of the market value of the land on the material date sales of other land possessing similar advantages and similarly circumstances will enter into consideration. Awards and court decisions, if any, in respect of similarly situated land prior to the material date can also offer guidance. There is an award No. 1816 with date of notification u/s 4 of 14.8.64 relating to 92 sq.yds. of House No. XI/4599 in Darya Gaj, in which the LAC has fixed the market value of the land at Rs.60/- per sq.yds. Part of this property is now being acquired. Since the notification u/s 4 in this award is 4 years prior to the material date in the present case. This award does not form the basis of determining the market value of the land in question. Some of the claimants have also filed their proof of tenancy. Sh.Asa Nand and Sh.Laxmi Narain Goyal have filed their copy of sale certificate issued from the Managing Officer Office of the Regional Settlement Commissioner, New Delhi in respect of the land under acquisition. A perusal of the lease certificate reveals that they do not have area of the land and the fact that purchase price is the cost of the land ~~being~~ alone and also do not include the cost of the structures.

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For the reason stated above these sale certificate cannot be taken into consideration for the purpose of assessing the market value of the land in question.

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Efforts is to be made to look into the evidence nearer the date of notification in the present case. Similar sales-transaction are reported to have taken place in the year 1968 in Darya Ganj, Delhi but they either relate to built up property, where it is not possible to separate the value of the land from the value of the building/property which is this similar to the property under acquisition. There is, however, one sale transaction for Rs. 20000/- which pertains to 117.52 sq. yds. of the land in property No. 4547-A Darya Ganj, registered on 8.9.66 at Sl.No. 2241. This property ^{is} situated across the road ^{opposite} ~~opposite~~ the property under acquisition, is also being acquired separately u/s 4 with the same material date as in the present case. The perusal of the sale deed reveals that there is boundary wall on the land involved in the sale deed. The Assistant Engineer (Valuation) DDA, has assessed the cost of the boundary wall at Rs. 470/- in his valuation statement on file No. F.6(103)/71-DS relating to the property No. 11/4506 in Kh.No. 19 Darya Ganj, Delhi. If the cost of the boundary wall is deducted from the consideration money of Rs. 20000/- the value of the land comes to Rs. 19530/- for 117.52 sq. yds. and this yield an average of ~~Rx~~ Rs. 166/- per sq. yds. This sale transaction is much nearer the material date in the present case as compared to award No. 1316 and sale certificate filed by the claimant in the evidence. The sale deed registered at Sl.No. 2241 dt. 8.2.66 is most suitable and reasonable for the determining the market value of the land in the present case. Because this sale deed forms a part of acquisition in the instant case and is much ~~more~~ nearer in location. I am of the view that the above said sale deed can be a good exemplar in assessing the market value of the land in question. There is a gap of 2 years in the execution of ~~sale~~ above said sale deed and in date of notification u/s 4 ~~above~~ ^{for} the increase in the price of the land for the time ~~gap~~, the market value of the land under acquisition on the material date comes to Rs. 182 per sq. yds. I consider it fair and reasonable, and I allow the same.

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OTHER COMPENSATION:
STRUCTURES:

The Assistant Engineer (Valuation) has evaluated the structures existing in the land under acquisition as follows in his letter No. AE(V)/302/12 dt. 4.5.19/2:-

Smt. Kinno Devi & Others.	Rs. 63,000/-
-do-	Rs. 8,400/-
Sh. Asa Nand & Smt. Kaushalya Devi	Rs. 8,930/-
Sh. Laxmi Narain Goel & Others.	Rs. 2,350/-
Total:	Rs. 82,680/-

I agree with the above assessment of the Assistant Engineer (Valuation) and allow the same.

TREES:

There are trees over the land under acquisition which have been assessed by the Naib Tehsildars as follows:-

Property No.	Kind of trees & No. of trees.	Amount assessed.
XI/4599	Neem (2)	Rs. 200/-
	Pilkhan (3)	Rs. 240/-
	Kikar (2)	Rs. 40/-
XI/4600-4603	Neem (3)	Rs. 60/-
Total:		Rs. 540/-

15% SOLATUM:

15% will be paid on the market value for compulsory acquisition as provided u/s 23(2) of the L.A. Act.

INTEREST:

No interest is payable as no possession has been taken nor there is a gap of more than 3 years between the notification u/s 4 & 6.

APP OPTIONMENT:

The compensation will be paid to the interested persons on furnishing proof of ownership. In case of dispute the amount of compensation will be sent to the court of A.D.J. Delhi for adjudication of the title u/s 31 of the Land Acquisition Act, if the dispute is not amicably settled between the parties within a reasonable time.

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LAND REVENUE:

The land is not assessed to any land revenue.

SUMMARY OF THE AWARD:

Market value of land measuring 2460 sq.yds. @ Rs. 182/-per sq.yd.	Rs. 4,47,720-00
Market value of structures.	Rs. 82,680-00
Market value of trees.	Rs. 540-00
15% solatium for compulsory acquisition.	Rs. 79,641-00
Total:	Rs. 6,10,581-00

(RUPEES SIX LAKH TEN THOUSAND FIVE
HUNDRED AND EIGHTY ONE ONLY.)

*Amman the award
in the presence of
the following
interested persons.*

Shiv Raj Tyagi
21.11.87
(SHIV RAJ TYAGI)
LAND ACQUISITION COLLECTOR (DS)
DELHI.

Shiv Raj Tyagi
21.11.87

1. & Ram Singh & Ram Prasad.
2. Parvati W/o
Shri. Arman Ram
3. B. Kankya Lal &
Saman Lal.
4. B. Karay Lal & Saman Lal.
5. & Rajesh Kumar & Saman Lal.
6. Ram Dass & Saman Lal.
7. Devi Ram & Ram Singh.
8. Rajinder K. & Kripa Singh.
9. Chatter Singh & Gouri Chatter Singh.
10. Raj Singh & Chatter Singh.

Parvati W/o
21/11/87
Rajesh

Chatter Singh
Raj Singh