

Award No.

47/1971-72

Name of village : Tatarpur  
Nature of acquisition : Permanent.  
Purpose of acquisition : Planned Development of Delhi.

Award

There are proceedings for determination of compensation u/s 11 of the Land Acquisition Act. The land under acquisition is situated in village Tatarpur and was notified u/s 4 of the Land Acquisition Act vide notification No.F.15(III)/59-LSG dated 13th November, 1959 for a public purpose namely for the Planned Development of Delhi. After considering objections u/s 5-A the Delhi Administration issued a declaration u/s 6 of the Land Acquisition Act for the acquisition of an area measuring 90 bighas 11 biswas vide notification No.F.4(31)/63-L&H dated 2-1-1969. In pursuance of the aforesaid notification, notices u/s 9 & 10 of the Land Acquisition Act were issued to all the persons interested in the land under acquisition. The claims filed by the claimants are discussed hereafter under the heading 'Compensation claims'.

True and correct area:

The Land & Building department require only <sup>20</sup>12 bighas <sup>01</sup>06 biswas immediately out of 90 bighas 11 biswas notified u/s 6 vide letter No.F.4(31)/63-L&H dated 27-2-71 and letter No.F.4(31)/63-L&H dated 8-1-71. The land under acquisition was measured on the spot by the Land Acquisition Field staff and the available area found at the spot is as under:

| <u>Field No.</u> | <u>Area</u>          | <u>Kind of soil</u>        |
|------------------|----------------------|----------------------------|
|                  | <u>Big.Bis.</u>      |                            |
| 30/1/1           | 17-04                | Johar 13-01<br>School 4-03 |
| 13/25/2          | 0-14                 | G.M.Margat.                |
| 18/5/1           | <u>2-03</u><br>20-01 | G.M.Margat.                |

Compensation claims:

The following persons have filed claims for compensation:

| <u>S.No.</u> | <u>Name of claimant</u>                                      | <u>Kh.No.</u> | <u>Compensation claimed.</u>                                                                                                                                               |
|--------------|--------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.           | Manager, Land & Estate<br>Municipal Corporation of<br>Delhi. | 30/1          | Has stated that in case the land could not be released for compensation should be for land and structures at the prevailing market and alternative land should be at least |

2. Bulaqi Ram s/o 30/1  
Hanna Ram.
3. Sukhbir Singh s/o  
Ram Dass.
4. Mohinder Singh s/o  
Piarey Lal.
5. Mohan Lal s/o  
Hanna Ram.
6. Durga Parshad s/o  
Mala Ram.
7. Manmohan Singh s/o  
S. Shon Singh.
8. Pran Nath s/o  
Bal Mukand.
9. Parkash Chand s/o  
Tirlok Singh.
10. Puran Chand s/o  
Mangal Dass.
11. Mohan Singh s/o  
Dalip Singh.
12. Ram Chand s/o  
Khushi Ram.
13. Arjan Dass s/o  
Uttam Chand.
14. Hans Raj Sharma s/o  
Radha Kishan.
15. Murari Lal s/o  
Chhajju Ram.
16. Udey Raj s/o  
Ganga Dass.
17. Ram Partap s/o  
Khushi Ram.
18. Prem Lal s/o  
Khushi Ram.
19. Jhunda Singh s/o  
Hari Singh.
20. Smt. Salochna Devi w/o  
M.S.Arya.

The claimant has stated that he is a tenant and has claimed Rs.10,000/- on account of possessor of title, Rs.10,000/- for displacement and cost of structures. He has also claimed alternative plot. No proof filed.

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market value and alternative land should be allotted.

21. Tej Ram s/o Chhanga & 30/1  
others (41 in number). 13/25/2  
18/5/1

They claim compensation at the rate of Rs. 250 per sq. yd for land, Rs. 3500/- for trees hand pump etc., Rs. 2,95,000/- for structures and also 15% solatium. (Khasra No. 18/5/2 is not being acquired under the present award).

22. Delhi Housing & Construction Private Ltd. 18/5/2  
18/5/1  
13/25/2

They have claimed, <sup>stated</sup> They had no concern with these khasra number. However, they state that khasra No. 18/5/2 should not be acquired and in case it was proposed to acquire it, a reference should be made to the plot holders (Khasra No. 18/5/2 is not under acquisition in this award).

#### Documentary Evidence:

No documentary evidence has been filed by the claimants. The land under acquisition comprise of Jhor, Margat and G.M. School Margat or Cremation will not be bought by any individual for constructing residential quarters or shops. It can be used for providing common facilities like garden, road etc. The Jhor could be put to use after it has been brought on par with the surrounding land. The Jhor is large and deep. Quite a large amount would have to be spent to fill it and to be of utility. The cremation and the Jhor suffer disadvantage so they will be placed in one block.

The land in which the school building <sup>shops and Chowpal</sup> stands is very much superior to cremation ground and Jhor, Besides has the advantage of the road. The land under acquisition is divided into two blocks viz. 'A' & 'B'.

Block 'A' would comprise of the land with school building etc. Block 'B' would comprise of cremation ground and Jhor.

#### Market Value:

The market value of the land under acquisition is the value to the owner of the land in its actual condition at the time of publication of notification u/s 4 of the Land Acquisition Act and with all its advantages and with all its potentialities. The best evidence available to arrive at the correct market value of the land would be the evidence of genuine sales affected <sup>hand</sup>

the time of notification either in respect of the land under acquisition or a portion thereof, or sales of land precisely parallel in all circumstances to the land under acquisition. In cases where there have been no recent sales of the same land, the market value can be determined by sales of similar land in the neighbourhood.

The exemplars or sale deeds have not been filed by the claimants. There is no need to look into the sale transactions that have taken place during the year 1959-60 because there are judicial judgment which is the best evidence. In L.A. case No.865/66 Partap Singh & others Vs. Union of India, the A.D.J. enhanced the compensation of Block 'A' abutting the Delhi Najafgarh Road from Rs.3,000/- to Rs.6,000/- and for the land situated a little away from the road has been evaluated at Rs.5,500/- per bigha. The land of Block 'A' in the present scheme is not on the Delhi Najafgarh Road but a little away from the road. Besides the date of preliminary notification is the same i.e. 13-11-1959. ~~Further~~ As such, I fix the market value of the land of Block 'A' at Rs.5,500/- per bigha.

In the same award No.1844, the A.D.J. determined the market value of Block 'B' at Rs.3,310/- from Rs.2,500/- per bigha and of Block 'C' at Rs.3,103/- from Rs.1,800/-. The Block 'B' of the present award cannot compare favourably to the land placed in either Block 'B' and 'C' because it is inferior in all respects. As such, the market value of Block 'B' has to be less than the price of Block 'C' fixed by the A.D.J. at Rs.3,103/- in L.A. Case No.870/66. In the result, I award Rs.5,500/- for Block 'A' and Rs.2,500/- for Block 'B' per bigha kham.

Wells & Trees:

There is no well or tree in the land under acquisition.

15% SOLATIUM.

15% solatium is payable over and above the market value of the land.

contd.....

Interest:

No interest is payable as the possession of the land has not been taken over. But however, 6% interest per annum from 13.11.62 to the date of announcement of the award is payable u/s 4(3) of the Land Acquisition (Amendment & Validation) Act, 1967.

Apportionment:

As the compensation has been claimed by the owners and also other interested persons, the compensation will be remitted to the A.D.J. u/s 30 and 31 of the Land Acquisition Act for adjudication.

Land Revenue:

The land under acquisition is not assessed to land revenue. The aforesaid land will vest absolutely in the Govt. free from all encumbrances.

Structures:

Valuation statement in respect of the school building and chowpal has not been received as yet. No sooner it is received a supplementary award will be drawn up and compensation for the building awarded.

Summary:

The award is summarised as under:-

- |    |                                                                                                                  |                      |
|----|------------------------------------------------------------------------------------------------------------------|----------------------|
| 1. | Compensation of land measuring 5 bighas 19 biswas in Block 'A' at the rate of Rs.5,500/- per bigha.              | Rs.32,725.00         |
| 2. | Compensation of land measuring 14 bighas 02 biswas in Block 'B' at the rate of Rs.2,500/- per bigha.             | Rs.35,250.00         |
| 3. | 15% solatium for compulsory acquisition                                                                          | Rs.10,196.25         |
| 4. | Interest @ 6% per annum on Rs.32,725/- compensation for Block 'A' from 13.11.62 to 16.2.72 i.e. 9 years 95 days. | Rs.18,182.55         |
| 5. | Interest @ 6% per annum on Rs.35,250/- compensation for Block 'B' from 13.11.62 to 15.2.72 i.e. 9 years 95 days. | Rs.19,585.48         |
|    |                                                                                                                  | <hr/> Rs.1,15,939.28 |

(Rupees one lakh fifteen thousand nine hundred thirty-nine & paise twenty eight only).

*Announced and filed  
wdg - 16.2.72*

(Sham Karan)  
Land Acquisition Collector, (B) Delhi



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K.L. Chopra  
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G. R. Samuels  
2nd. (L.A.)

# AWARD No. 47/1971-72-4(Supplementary)

NAME OF THE VILLAGE

TATAR PUR

NATURE OF ACQUISITION

PERMANENT

PURPOSE OF ACQUISITION

PLANNED DEVELOPMENT OF DELHI

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These are the proceeding for the determination of compensation u/s 11 of the Land Acquisition Act, 1894. The land under acquisition is situated in village Tatar Pur was notified u/s 4 of the Land Acquisition Act vide notification No. F.15(111) 59-LSG dated 13.11.1959 for a Public Purpose namely for the Planned Development of Delhi. Thereafter Delhi Administration issued a declaration u/s 6 of the L.A. Act for acquisition of an area measuring 90 Bighas 11 Biswas vide notification No. F.1(31)/63-L&H dated 2.1.69. In pursuance of aforesaid notification after completing all formalities of L.A. Act, an award No. 47/71-72 was drawn for an area 20 Bighas 01 Biswas by the then L.A. ~~xxx~~ Collector(P) on 16.2.72. Land measuring 70 Bighas 10 Biswas left out from that award. Now Secretary(L&B) land & Building Department has desired to acquire the khasra No. 17/10/1 & 17/11/1/1 which are vacant at site. As per direction of the Secretary(L&B) a Supplementary award is drawn.

On receipt of the instruction from the acquiring department the field staff inspected the site and confirmed that the land measuring 4 Bighas 11 Biswas of khasra No. 17/10/1 and 17/11/1/1 is lying vacant at site. The proceeding has been initiated for acquisition of land measuring 4 Bighas 11 Biswas by this supplementary award.

Necessary notices u/s 9 & 10 of the L.A. Act have been ~~xxx~~ issued to the interested persons. In response ~~xxxxxxx~~ of the notices the interested persons have furnished the claims and evidence which will be discussed hereafter under the heading "COMPENSATION CLAIMS".

TRUE & CORRECT AREA :- The revenue field staff measured the land on the spot and found that land falling in khasra No. 17/10/1 and 17/11/1/1 of village Tatar Pur comes to 4 Bighas 11 Biswas which was left out along with other khasra Nos. in award No. 47/1971-72.

## OWNERSHIP :-

The detail of khasra Nos. and ownership, tenancy and classification of the land are as under :-

| Name of the owner                            | Name of occupants  | Kh. No.   | Area |
|----------------------------------------------|--------------------|-----------|------|
| 46 shares as below                           |                    |           |      |
| 11 1/2 shares in 58 1/2 shares               | Ram Chander, Ratti | 17/10/1   | 2-09 |
| Smt. Masyam Ulinas, Smt. Asmulins D/o Karim  | Ram Ss/o Tula Ram  | 17/11/1/1 | 2-02 |
| B-ksh in equal shares                        | R/o Vill. Tatarpur |           |      |
| 50 shares, Mohd. Hussain                     | occurency tenants  |           |      |
| Mohd. Hussain Ss/o Badruddin in equal shares | u/s 6 of the Act,  |           |      |
| 7 shares, Smt. Mohd. Ulzisa D/o Badruddin    | 16 of 1887.        |           |      |
| 1 1/2 shares.                                |                    |           |      |

Contd. . . . P/2



4 1/2 shares in 2 shares

Kharan Singh, Raghunath Singh Ss/o  
Rajit in equal share 2/3 shares.  
Shri Munge Ram S/o Smt. Bala Vati  
and Vati daughters and Smt. Durgi  
Sd/o Ram Farshad 1/3 shares in  
equal shares 1 1/2 shares. Mehar Chand  
S/o Bulley 1 1/2 shares, Tej Ram S/o Chonge  
1 1/2 shares, Munshi S/o Chonge 1 share, Balant  
Singh S/o Ram Saran 3 shares, Jagat Singh  
S/o Rathi 1 share, Ram Chander, Tara  
Chand, Hargain Singh 1 share, Attar  
Singh Ss/o Lal Singh in equal shares 1 share  
Bhawar Singh S/o Umroo 1 shares  
Rag Ram S/o Ramjas 1/2 shares, Sis  
Ram Char Singh Ss/o Thana in equal  
share 1/6 shares. Hukam Chand  
S/o Chhotu 1/9, Nand Ram, Bhagwana  
Ss/o Lakti Ram in equal shares 2/9 share.

COMPENSATION CLAIMS :-

The following persons have filed their claims for compensation.

| No. | Name of the Claimant                                                                                                        | Compensation claims.                                                                                                                                                                                                                                                                                                     |
|-----|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | Tej Ram S/o Chonge and others 14.                                                                                           | 17/10/1 (2-09) 17/11/1 (3-02) have filed jointly compensation @ Rs.200/- per bigha. 30% solatium Statutory interest @ 9% & 15% Interest u/s 4(3) of L.A. Act 12% additional market value Other share 6 Annas in a rupee occupancy tenants 10 Annas in a rupee mutually agreed.                                           |
| 2.  | Ram Chander, Ratti Ram Ss/o Tula Ram R/o Vill. Tatar Tur occupancy tenants under section 6 of the Punjab Tenancy Act, 1887. | Have filed claims jointly compensation @ 500/- per sq. yd. 30% solatium Interest under law from the date of possession till the date of payment. Interest u/s 4(3) of L.A. Act Claim only 62.5% of compensation for the land will be legal benefit under law. Photostat copy of Delhi High Courts' order dated 28.8.1981 |

DOCUMENTARY EVIDENCE

Shri Ram Chander and Ratti Ram Ss/o Tul- Ram jointly have filed the following documentary proof in support of their claims:-

1. Photostat copy of the judgment dated 28.8.1981 in which the Hon'ble High Court of Delhi in R.F.A. No. 441/79 Bhanwar Singh and others Vs. Union Of India through the secretary, Ministry of Home Affairs wherein compensation was enhanced from Rs.10,000/- to Rs.12000/- Per bigha for Block A and B only.

MARKET VALUE :-

The market value of the land under acquisition has been determined with reference to the extent prevailing at the time of purchase.

With all its advantages and potentialities transfer of property at the time of preliminary notification can give some guidance in this regard. It has been observed that the land under acquisition was left out from award No. 47/71-72 of village Tater Pur. In award No. 47/71-72 of village Tater Pur, the then Land Acquisition collector divided the land into 2 blocks namely A & B. Land calling in Block A was awarded @ Rs. 5500/- per bigha and land calling in Block B @ Rs. 2500/- per bigha. In reference in LAC No. 7/1972 Shri Tej Ram Vs. U.O.I. has enhanced the compensation for Block A @ Rs. 9000/- and B @ Rs. 4500/- per bigha on 11.6.79. In respect of village Tater Pur Award No. 47/71-72, the Hon'ble High Court of Delhi in reference No. RFA No. 478/79 Tej Ram & Others Vs. U.O.I. dated 21.2.80 enhanced the compensation of land calling in Block A @ Rs. 9000/- to Rs. 12000/- per bigha for the land calling in Block A & B.

The date of notification u/s 4 in the present proceedings and award No. 47/71-72 is the same and purpose of the acquisition is also same. Moreover the instant proceeding is a part of the award No. 47/71-72. I think it is more suitable for me to rely upon the decision of the Hon'ble High Court of Delhi. Therefore, I assessed the market value of the land @ Rs. 12000/- per bigha and accordingly awarded the same.

#### STRUCTURE :-

There is no structure on the land under acquisition.

#### TREES :-

There are no trees of the claimant on the land under acquisition.

#### SOLATIUUM :-

30% solatium is payable over or above the market value assessed.

#### INTEREST :-

The possession of the land has not been taken over as yet. The question of payment of interest, therefore, does not arise. Claimant are only entitled to get the interest U/s 4(3) of the Act.

#### ADDITIONAL MARKET VALUE U/S 23(1-A)

12% p.a. on the market value is payable to the interested persons from the date of notification u/s 4 to the date of announcement of the award.

#### MODE OF PAYMENT :-

The compensation awarded shall be paid to the persons interested according to the latest entries in the J-mabandi and according to their shares in the Particular field Nos. irrespective of the claims filed, provided the compensation is not held as disputed in the compensation claims already discussed above.

There are some occupancy and non occupancy tenants in the land under acquisition. The occupancy tenants are entitled to substantial amount out of the compensation. As regards non-occupancy tenants protection against eviction by the land lord has been secured under the Delhi Urban Area tenants Relief Act, 1961. The claim occupancy and non occupancy tenant are mutually agreed to be on other for 10 annas and 6 annas in a rupee.

SUMMARY :-

The award is summarised as under :-

1. Market value of the land measuring 4 Bighas 11 Biswas @ Rs.12000/- per bigha. Rs.54,800-00
2. 30 % solatium Rs.16,380-00
3. Interest u/s 4(3) of the L.A. Act from the date of notification u/s 4 i.e. 13.11.59 to 12.11.62 i.e. the difference of three years. & interest given from 13.11.62 to 11.4.86 (23 years 151 days) Rs.76,703-27
4. Addl. <sup>amount</sup> market value U/s 23(1-A) @ 12% from the date of notification to the date of announcement of the award. i.e. 13.11.59 to 11.4.86 (26 years 150 days) Rs.1,73,044-60

Grand total

Rs. 3,20,727-87

(Rupees Three Lacs twenty thousand seven hundred twenty seven and paise eighty seven only).

*S. A. GEMANI*

( S. A. GEMANI )  
LAND ACQUISITION COLLECTOR(P): DELHI.

*Shree*  
26 AD 17.

APPROVED

*10/4*

(SATISH CHANDRA)  
SECRETARY (REVENUE) : DELHI.

Date of Announcement 25.6.86

कापवाड़ा कब्जा आवत अर्वाइ नं 47/71-72 सपलीमन्दा

जाम तालार पुर तः महराली जिला दिल्ली !

आज तिथि 23/7/86 आदर अंशुकर L.A.C (P.N) मुलावक  
प्रेमान वद हमराई श्री रामसिंह कागू गी, चन्दोराम पत्नी L.A  
मार्क पर पट्टी मार्क पर मद्रका L+B श्री R.P अग्रवाल N.T  
व मेहरचन्द कागू गी वीरसिंह कुमार पत्नी व D.D.A  
की तरफ से भी सुरूपाल सिंह N.T व मेहरसिंह पत्नी दोगीर  
मिल ! कब्जा कादवाई शुद्ध की गई मार्क पर न. र. र. 17 व 17  
10 14

जाम तालार पुर वाली पापे गये। जिसके चारों तरफ बुजारी लगे।  
बुजारी पालतवान लगाई गई। मार्क पर किसी प्रकार की मजालत पैरा  
नहीं आई वह अगर भी मुसतदरी मुनाफा वजरीप कमसे कम वाक्यान्वय  
कुलन्द भी कोमप्रकार, अपराधी के देखा के कराई गई पत्नी दल्का  
वा वजद कर सरकार मार्क पर दोगीर नहीं मिला ! कब्जा कादवाई  
की एक माफी पत्नी दल्का की वजरीप तहसीलदार मदनलाल मेज  
दी जाने ली ! रकक तादादी 4-11 का कब्जा उपरोक्त जम्मेदार रक्कत  
जाम तालार पुर का कब्जा वाकई श्री R.P अग्रवाल N.T (L+B)  
के दवाल किया गया ! कब्जा कादवाई मुकमल हो चुकी है। तारीख 23/7/86

23/7/86  
MA. (186) 23/7/86  
24/7/86  
patwari (D.D.A) (L.A) (D.S)  
23/7/86  
KK (Pat) (Krishan Kumar) Patwari 186  
23/7/86