

AWARD NO. 5/1972-73

Name of the Locality :

Dev Nagar

Nature of acquisition:

Permanent.

I_N_T_R_O_D_U_C_T_I_O_N :

The land situated in Dev Nagar bounded on four sides by, Service Lane on the north, Tank Road on the south, School Site on the east and Service Lane on the west is needed by the Government at the public expense for a public purpose, namely, for the construction of a Govt. Higher Secondary School Building. A notification u/s 4 of the Land Acquisition Act No.F.15(96)/64-LSG/L&H dated 2.1.1967 was issued in respect of the said land showing its area as 750 sq.yds. The report under section 5-A of the Land Acquisition Act was sent to the Delhi Admn. along with the objection petition after hearing the objection. The Delhi Administration issued a final declaration under section 6 of the L.A.Act vide notification of even number dated 30.5.1967. A notice u/s 9(1) of the L.A.Act was given due publicity and notices u/s 9(3) and 10(1) of the L.A.Act were issued to the interested persons, Some of whom filed claims.

During the course of acquisition proceedings, it transpired that, although the boundaries of the land proposed to be acquired were shown correct in the notifications under sections 4 & 6 of the L.A.Act, the area was not correct. Hence a joint inspection was made and the area measured at the site in presence of the Asstt. Director of Education, and the actual area of the land under acquisition was found to be one bigha & two biswas. Accordingly, the Delhi Admn. has issued the Corrigendum bearing No.F.15(96)/64-LSG/L&H dated 12.5.1969 which has been duly published in the part IV of the Delhi Gazette dated 22.5.69.

'MEASUREMENT & OWNERSHIP'

As stated above, the exact area of the land under acquisition is 1 big. 02 bis. On further verification from the revenue record of village Sadhora Khurd and the site plan furnished by the Education Directorate, it is seen that out of khasra No. 1200/1095/365 total measuring 1 bigha 05 biswas, an area of 1-2 biswas is under acquisition. I, therefore, hold the area to be acquired to be true at 1- 2 biswas. This land is given a separate khasra No. 1200/1095/365/1. Against the land bearing ¹²⁰⁰ Khasra No./1095/365 the names of S/Shri Alladiya, Suleman Khan s/o Bhoore Khan have been recorded as owners in the Revenue Record and in the Remarks Column it is stated that according to the file No.1538, the land bearing khasra No.1196/1095,1199/1095 and 1200/1095 measuring 3 bighas 11 biswas was auctioned by the Custodian Department on 16.12.1958 in the name of Shri Kasturi Lal.

'CLAIM & EVIDENCE'

^{Kasturi}
Shri ~~Kishori~~ Lal did not file claim inspite of service of notice. The following persons have however filed claims.

Sr. No.	Name of the claimant.	Amount claimed.
1.	Sh.Pyare Singh s/o Khanna Singh r/o 6241/2 Tank Road, Bapa Nagar, Delhi-5.	Rs.40000/- as total compensation.
2.	Sh. Ali Hussain s/o Rahmat Ullah r/o 6241/2, Tank Road Bapa Nagar, Delhi-5.	-do-
3.	Sh.Ram Lal Gupta s/o Shri Gauri Shanker Gupta r/o 6241/2 Tank Road, Bapa Nagar.	-do-
4.	Sh.Shambu Dutt s/o Sh.Devi Dutt r/o 6241/2, Tank Road Bapa Nagar, Delhi-5.	-do-

The claimants have not filed any evidence.

MARKET VALUE.

The land under acquisition is situated in the revenue estate of village Sadhora Khurd and in the locality of Dev Nagar which ^{is} within the Municipal limits of Delhi.

Several ^{the} sale transactions have taken place and awards have been drawn for the land acquired in the revenue estate of village Sadhora Khurd, but they mostly relate to agricultural land. The land under acquisition is situated in the Urban Limits and in a thickly populated area. As such they do not provide a correct guide-line in arriving at the true market value of land under acquisition.

The land under present acquisition was purchased by Shri Kasturi Lal on 16-12-58 in open auction from the Custodian Department as will appear from the entry in the revenue record. Though the sale of the same land is the best evidence for determining the market value of the land, in this case it cannot be an exemplar in fixing the market value on the date of notification u/s 4 i.e. 2.1.67 as the sale took place in 1958, 8 years before the relevant date.

Several mutations have been recorded in the revenue record of village Sadhora Khurd in 1966 and 1965 the details of which are given below:-

Mutation No.	No. & date of registry.	Khasra No.	Area.	Amount.
1750	3710 31.8.65.	437/176	0-01	Rs. 1,000/-
1786	404/1-198 5.11.65	875/146	0-06	Rs. 1,100/-
1763	12464 31.8.66.	1389/526/508/ 340	0-2	Rs. 4,000/-
1806	14799 10-11-66	859/146	0-1	Rs. 6,000/-

All these sale transactions relate to pieces of land ^{far far} removed from the land under present acquisition and being dissimilar from the stand point of situation cannot afford

a reasonable basis for determining the market value of the land in question.

However, there are following mutations in respect of sale transactions regarding land in Khasra No.365 from which land is being acquired at present.

Mutation No.	No. & date of registry.	Khasra No.	Area	Amount	Rate P.B.
1733	5542 12.3.44	¹⁰⁹⁵ 1191/1295/365, 1192/1095/365, 1193/1095/365.	0-2	Rs.1600/-	Rs.16000/-
1799	2674 21.4.64	-do-	0-2	Rs.1800/-	Rs.18000/-
1800	5542 12.8.64.	-do-	0-2	Rs.1600/-	Rs.16000/-

All these sale transactions have taken place in 1964. These sale transactions relating to the same Khasra No. are relevant for the consideration of market value of land under present acquisition. The average sale price p.b. comes to Rs. 16666/- but the sale deed relate to small pieces of land which fetch high and lucrative prices as compared to the plots of big dimensions because of the larger number of buyers for small plots. The land under acquisition is bigger in size as compared to the plots involved in the sale deeds mentioned above and cannot fetch the same price without being parcelled into small residential sites of 1 or 2 biswas each. This would necessitate the execution of lay-out plan and also the expenses involved and the loss of interest on the capital spent till the date when the development may be completed will have to be taken into account. The net area available for sale will obviously be less than the total area of the entire land, because the area of land taken up by road, paths and other public amenities will have to be deducted. There cannot be any hard and fast rule of percentage for these deductions; each case will have to be decided on its own merits. In Bombay Improvement Trust Vs. Merwanji Manekji (A.I.R.1926 Bombay) it was held that this might be between 33% to 50%. Keeping in

view the area of land under present acquisition I consider it reasonable to make a deduction of 33% for the execution of lay-out plan. Allowing 33% deduction from Rs. 16666/- the rate works out to Rs. 11166/- P.B. as in 1964. There has been some increase in price of land during the period 1965-1966. The A.D.J. has allowed 5% increase in the market value of land in several cases where there was not available specific data showing increase in the price of similar land. Allowing increase in the value of land at the rate of 5% for the period 1965-66 on the market value of land at the rate of Rs. 11166/- P.B. in 1964, I consider it fair and reasonable to fix the market value of land under acquisition at Rs. 12,282/- per bigha and assess the same.

OTHER COMPENSATION.

There are some structures on the land under acquisition which appear to have existed prior to the date of notification u/s 4 i.e. 2.1.67. The Asstt. Engineer(Valuation) C.P.W.D. was requested to evaluate such structures. He has sent his valuation report vide letter No.A.E.(Val)/LAC/39/68 dated 30.1.69. He has assessed Rs.1360/- for the boundary wall and the brick flooring. I find the assessment fair and reasonable and allow the same. There are shops over the land under acquisition which are reported to have come into existence after the date of notification u/s 4. No compensation has therefore been assessed for them. The owners will be at liberty to remove the material immediately after announcement of the award.

COMPENSATION FOR TREES.

The N.T. has assessed the valuation of tree as follows.

Kind of tree	Number of tree.	Weight in quintal	Rate per quintal	Total.
Peepal	1	6	Rs.10/-	Rs.60/-

The assessment appears to be reasonable and is allowed.

15% solatium.

15% of the market value of land will be paid on account of compulsory acquisition of land as provided in Section 23(2) of the Land Acquisition Act, 1894.

APPORTIONMENT.

The compensation will be paid according to latest entries in the revenue record. In case there is a dispute which is not resolved through a compromise between the parties within a reasonable time, it will be referred to A.D.J. Delhi for adjudication.

'SUMMARY OF THE AWARD'

Market value for the land measuring 1 bigha 2 biswas @ Rs. 12282/- per bigha.	Rs. 13510-20
Market value for structure.	Rs. 1360-00
Market value for trees.	Rs. 60-00
15% of the above as solatium for compulsory nature of acquisition.	Rs. 2239-53

GRAND TOTAL Rs. 17169-⁷³~~53~~

The land is assessed to no land revenue.

Completed
Shree
M.T.

Balesamurti
(B.M.L. GAUMAT) 9.5.72
LAND ACQUISITION COLLECTOR(DS):DELHI.

Announced & filed today

Balesamurti
9.5.72
LAc (Ds)

9/5/1972

मात्र मिलान प्रश्न है। आदि धर्म
आदि अंग के लिए हो। यह नहीं है।
आदि धर्म अंग के लिए हो। यह नहीं है।
मात्र न-व-ह-साल-द्वारा (२) के मा-ह-य
अधिकाधिक धर्मों के मा-ह-य में
जारी करें।

२/११/१२