

Acquisition of
of Houses for

Award - 771
Under the Chief

(2) 42-548

On the 21st May, 1949 an area measuring 32.92 acres has been acquired in village Khampur. The land in question belongs to Shri Desh Bandhu Gupta and others.

The owners have claimed at varying rates compensation for their lands ranging from Rs.1/8/- per square yard to Rs.20/- per sq. yard, incorporated in statement A, showing the names of the owners, area and plots under acquisition, compensation claimed by the owners and proof produced by the land-owners in support of their claims. ~~As per~~ ^{of Section 7} provided under sub-clause E, of the Resettlement of displaced persons Land Acquisition Act, 1948, the compensation is to be assessed according to the market value of the land on the date of Notification on the 1st day of September, 1939, with an addition of 40% which-ever less.

The prices actually paid by purchasers in respect of the land under acquisition between the 1st day of September, 1939 and the 1st April, 1948 by registered sale deed are also to be kept in view in determining the compensation. There were no sale transactions after the year 1947 in this village and probably it was due to the fact that the Delhi Improvement Trust had acquired big blocks of land in this village in 1947, therefore, the private individuals were hesitant in purchasing lands in this locality, being afraid of losing their lands by acquisition.

The price as worked out on the basis of the sale transactions of 1947 comes to Rs.5050/- per bigha kham.

In 1939, there were five sale transactions vide mutations Nos. 289, 291, 292, 293 and 372. Their average price comes to Rs.446/- per bigha. The mutation No. 289 and 372 in respect of 13 bighas and 3 biswas relate to transactions of sale of field Nos. 696/655 and under acquisition. The average price of these two sale transactions is Rs.703/- per bigha and by adding 40% comes to Rs.984/3/- as the sale price of the year 1947 is five times of the year 1939, therefore, the price of 1939 is mainly to be kept in view in determining compensation to be offered to the right holders.

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Deshbandhu Gupta, L. Vidaya Dhar and L. Ram Kish. have acquired the land by purchasing it at different prices as shown in the statement 'A'. No of the sale transactions is by registered deed within the relevant dates. The sale transactions relate either to 1936 or to 1944. The average price of the sale transactions of 1936 comes to Rs.199/- per bigha and that of 1944 at Rs.2780/- per bigha. They have claimed Rs.10/- per square yard as compensation for the lands and have also produced a copy of the award of the Learned District Judge Delhi who enhanced the compensation awarded by the Land Acquisition Collector, Delhi Improvement Trust from Rs.1/4/- to Rs.2/8/- per square yard of the land acquired for the road No.34, which is passing in front of and adjoining the land involved in this case. There is only one sale transaction in favour of R.B. Kirpa Ram by Shri Desh Bandhu Gupta at Rs.2/8/- per square yard which was relied upon by the District Judge against the average sale price of Rs.446/- per bigha in respect of all the sale transactions of 1939 of this village and Rs.703/- per bigha which is the average of the two sale transactions of the land now acquired in this case. There is great difference between the price per bigha paid by R.B. Kirpa Ram and the prices paid by Mst. Qudsia Taj Begum and other purchasers in respect of other sale transactions in 1939. It will be, therefore, difficult to rely on the only sale transactions by Shri Desh Bandhu Gupta in favour of R.B. Kirpa Ram for determining the price of the land on the relevant date i.e. September, 1939 and ignoring the other sale transactions of land in this village of that year particularly that in favour of Mst. Qudsia Taj Begum whose land has also been acquired in this case and which is not at a great distance from that land of Shri Desh Bandhu Gupta and others. As shown in the attached statement 'A' the sale transactions in favour of Shri Deshbandhu Gupta and others after 1st September, 1939 were oral and un-registered. Therefore, the determining factor for assessing the price will be the market value on the 1st September, 1939 plus 40% which according to the village average is Rs.624/6/- per bigha and that of the locality Rs.984/3/- per bigha kham.

The land acquired from Deshbandhu Gupta, Vidaya Dhar and Man Dass is close to the Pusa Gate Road and is thus favourably situated than the rest of the land under acquisition except that of Kirpa Ram. The market value of the land at the time of acquisition had greatly appreciated when compared with that of 1939. The land owners will not, therefore, probably accept the average market value of land in 1939 plus 40%. Keeping in view the nearness of the land to the Pusa Gate which was already developed area, they may be offered Rs. 118/- per square yard as compensation.

2. Shri A.S.Reddayar.

He has claimed compensation for 6 bighas and 10 biswas of land, while according to the patwari's record, the area comes to 6 bighas and $5\frac{1}{2}$ biswas. The difference in area is due to the fact that a small portion of the area has come under the road adjoining this field ~~xxx~~ number. The land was purchased by Shri Reddayar at the rate of Rs. 1/2 per square yard paying Rs. 9828/- as disclosed from the copy of the registered sale deed produced by him. He has also claimed Rs. 461/8/- on account of brokerage and registration charges and also interest at the rate of ~~Rx~~ 6% from the date of purchase to date of payment of compensation. The transaction took place on 17.8.46 and the price paid by him seems reasonable. He may, therefore, be offered Rs. 10,289/8/- by way of compensation.

3. Shri Sham Narain.

He had purchased the land under acquisition measuring 2 bighas and 14 biswas by a registered sale deed dated 30.7.45 for Rs. 2850/-. He has claimed Rs. 12,000/- as compensation without leading any evidence in support of his claim. The price paid by him by the registered sale deed plus the registration and other incidental charges may be offered to him.

4. Shri Daljit Singh.

According to the claimant he had purchased 6 bighas and $9\frac{1}{2}$ biswas of land, which has now been acquired. According to the revenue ~~department~~ record, the area comes to 6 bighas and $5\frac{1}{2}$ biswas and the remaining land has come under the road. He has paid Rs. 6500/- as the price of the land vide registered sale deed dated 6.9.45. The price paid by him is reasonable and this may be offered to the claimant by way of compensation.

5. Shri Sucha Singh.

An area measuring 3 bighas and 3 biswas out of 4 bighas and 15 biswas of land purchased by Shri Sucha Singh at the cost of Rs.4788/- vide a registered sale deed dated 18.5.45 has been acquired in this case. The price paid works out at Re.1/- per square yard, which is a fair price and may be offered to the land-owners, who has not submitted any claim so far.

6. R.B.Kirpa Ram.

An area measuring 2 bighas and 10 biswas, which he had purchased from Shri Desh Bandhu Gupta, at the rate of Rs.2/8/- per square yard as recorded in the registered sale deed dated 12.4.39, has been acquired. He has claimed Rs.10/- per square yard as compensation money plus 15% compulsory acquisition price. This piece of land is situated near the Pusa Gate on the main Pucca Road. Subsequently the claimant made a statement that he was prepared to accept Rs.2/8/- per square yard plus 40%. The average sale price of the land in this locality in 1939 was Rs.984/3/- per bigha including 40% surcharge and as such the price as recorded in the registered sale deed which has also been taken into consideration while striking the average, is highly in excess of the average price. However keeping in view its situation near Pusa Gate and adjoining Pucca Road, he may be offered Rs.2/8/- per square yard.

7. ~~Shri Charan Dass~~, Shrimati Radha Rani, Shrimati Shakuntala Kapoor and L.Shiv Charan Dass.

They have purchased 4 bighas and 17 biswas of land for Rs.4850/- by a registered sale deed dated 2.6.45, which has been acquired. They have claimed a compensation at the rate of Rs.8/- per square yard. In addition to Rs.4850/- paid as the price of the land, they are stated to have spent Rs.300/- by way of cost of registration and Rs.600/- on levelling. Thus the total amount spent by them comes to Rs.5750/- which seems to me a reasonable amount and may be offered to the claimants.

8. Delhi Land & Finance Ltd.

The firm has claimed compensation at the rate of Rs.10/- per square yard for an area measuring 19 bighas and 10 biswas. While according to the measurement conducted by the

Further the area under acquisition comes to 19 bighas and 9 biswas which should be taken as correct. They have claimed a compensation on the basis of the prices recorded in the registered sale deed in which the firm had purchased this area along with certain other land in 1947. The claim of the firm is not supported by average sale price of the land in this village in the preceding year 1946, which is Rs.1/10/- per square yard. The representative of the firm has stated that the firm had actually paid the price of the land as recorded in the sale deed and therefore, they are entitled to the compensation at the rate of Rs.5/- per square yard as laid down in clause (B) of section 7 of the act. In view of the preceding years' average sale price of the land in this locality, the price alleged to have been paid by the firm is not free from doubt because the sudden, steep increase in price remains un-explained, ~~within a period of few months~~, and such the claim of the firm at Rs.5/- per square yard seems very excessive. The maximum rate of compensation which I have suggested to the claimant to be paid in this case is Rs.2/8/- per square yard and compensation at this rate may also be offered to the firm.

9. Shri Ajit Pershad Jain.

He had purchased two bighas and 14 biswas of land by a registered sale deed dated 11.11.47 for Rs.14000/- and the land has now been acquired. He claims the price alleged to have been paid by him plus a sum of Rs.385/4/- on account of the registration charges etc. This piece of land is far removed from the road in existence at the time of acquisition and as such can not be considered for differential treatment. However, ^{as} the price of land had increased in 1947 ~~when~~ compared with 1939 and for the reasons given in the Act of Delhi Land and Finance, the land owner may be offered compensation at the rate of Rs.2/8/- per square yard.

10. Shri Gurmukh Ram Tandon.

The land-owner had purchased 9 bighas and 14 biswas of land for Rs.9600/- on 1.6.45 by a registered sale deed, out of which 5 bighas and 5 biswas has been acquired. He has claimed compensation at the rate of Rs.10/- per square yard, which is the price actually paid by him. The price paid by him is reasonable in view of section 7 (B) of the Act, he may be offered Rs.10/- per square yard plus the registration charges, incurred by him.

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11. Shri Gurdas Kapur.

He had purchased 4 bighas of land, which has been acquired, by a registered sale deed dated 17.7.45 for Rs.4000/- He has claimed to have spent Rs.250/- on registration charges and Rs.500/- on levelling. Including these two items, the total cost incurred comes to Rs.4750/- which may be offered to the claimants.

12. Nathu, Chajjan, Ramjilal, Dalip, Bhekhan, Chanderbhan Hans Ram, Mst. Sukhdevi, Phool Singh, Shanker, Piarey Ram Kishan Dass, Mst. Kishan Devi, Kabul and Data Ram.

They have claimed Rs.20/- per square yard plus surchar. They have not produced any evidence in support of their claims. The average sale price of the land in this locality in 1939 plus 40% comes to Rs.984/3/- per bigha and keeping in view this average price the claimants may be offered Re.1/- per square yard by way of compensation.

13. Mst. Qudsia Taj Begum wife of Rashid Ahmed, Saraj-ud-din s/o Qamar-ud-din, Mohd Ahmed s/o Mohd Nazir, Saraj-ud-din s/o Qamar-ud-din, Abdu Rehman Beg s/o Zahoor Beg and Mst. Roshanara Begum d/o Abdul Wahid Khan.

An area measuring 9 bighas and 7 biswas of Muslim evacuees land has also been acquired. In this case compensation at the rate of Re.1/- per square yard may be offered to the claimants, for the reasons given in the case of Nathu and others.

14. Shamlat Deh.

Out of the Shamlat Land 3 bighas seven biswas has been acquired, which may also be assessed at the rate of Re.1/- per square yard.

~~If the Collector~~

It is not provided in the Act that interest will be paid to the land-owners on the amount of compensation from the date of taking over the possession of the land. It appears equitable that interest at 6% per annum may also be paid to the land-owners from the date of taking over of the land till the date of payment of compensation money, as is the case of land acquired under the land acquisition act, there is no specific provision under this Act.

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(89)

Collector approves the assessment of the compensation proposed by the rate and amount of the compensation to be offered in each case, may be communicated to the Rehabilitation Department for confirmation and the offer of the compensation be made after the Rehabilitation Department has payment at the rates approved by the Collector.

Collector

Appd
14/5/51
26.5.51

Surinjal
R.A.
14/5/51

Recd today and
from the Supdt.
De. for
RA.

The Commissioner's office has now sent a copy of a letter from the Government of India, Ministry of Rehabilitation, New Delhi, to the Government of Delhi State Government, Delhi wherein the Ministry has recommended the recommendation of my predecessor at serial Nos.

P. N. Bhargava
(P. N. Bhargava)
Land Acquisition Collector, Delhi.
10.6.52.

Land Acquisition Collector, Delhi.
10.6.52.

The sales mentioned
for Rafi Ahmad's said to me
in interview that possession
be given if the question
of that estate is pending in
court. He said his