

AWARD NO. 848

Village: Khampur Riya

Nature of acquisition: Permanent

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data

By virtue of the Chief Commissioner's notification No.F.15(86)/55-LSG(i), dated 4.1.1956 under section 4 of the Acquisition Act, 1894, 43 bighas 16 biswas or 9.03 acres were notified to be acquired at the public expense for a public purpose namely for the Delhi Transport Service Staff quarters about which declaration u/s 6 was made vide notification No.F.15(86)/55-I of dated 21.3.1956 under the same authority. Notification No.F.15-LSG(iv) dated 21.3.1956 was issued under section 17(i) of the Act by the same authority to take possession of the land specified in the notification issued under section 6 of the Act. .58

AREA

43 bighas 16 biswas were shown in the notifications under sections 4 and 6 but by actual measurement at the spot the area was found to be 40 bighas 16 biswas which has been accepted by the department vide their letter No.ME/L/10/5100, dated 26.7.51. Some of the persons interested also raised objections about the correction of the area but satisfaction about its correctness has been made. The land under acquisition is given classwise below:-

<u>Kind of soil.</u>	<u>Area</u>		Details of field number with kind of soil and area are given in Appendices
	Bigha	Biswa	
Chahi	0	5	
Rosli	0	17	
Sailab	34	2	
Banjar Qadim	4	5	
Ghair Mumkin	1	7	
TOTAL:	40	16	

COMPENSATION:

(i) CLAIMS:

The following persons filed their claims:-

<u>Date</u>	<u>By whom filed</u>	<u>Amount claimed</u>	<u>Remarks</u>
4.56.	Kabul Singh, Chander Sain etc.	Rs.32/- per	Written
1956.	Kabul Singh, Jhanjhar Singh, Lal Singh, Dalip	-do-	Stated

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Date	By whom filed	Amount claimed	Writ or data
27.8.1956.	Hans Raj Chadha	Rs.50/- per sq. yard. (25,000) levelling & Flinth - 2,000/-	Writ data
17.7.1956	Dewat Ram Bhalke Ram	Rs.20/- per sq. yard. For land-3,000/- For building-3,500/-	-do-
17.7.1956.	Rajinder Singh	Rs.20/- per sq. yard. For land-4,000/- For building-3,200/-	Writ stat of
29.11.1956.	Dina Nath Khanna	Rs.35/- per sq. yard (7615/-)	Writ
4.1.1957.	Krishna Kumari	Demand for a plot in lieu thereof.	-do /-
18.4.1957.	H.L. Dhawan	Rs.40/- to 50/- per square yard.	-do- .58
3.4.1957.	Capt. D. Gurcharan Singh.	Rs.6825/- for land.	-do-
4.4.1957.	Shm. Anand Kaur	Rs.8750/-	-do-
3.3.1957.	Shm. Rukmani Devi	Rs.40/- per sq. yard	-do-
2.6.1957.	Kuldip Raj	Rs.35/- -do- (14,140/-)	-do-

The above claims were filed in respect of transfer of land at of field numbers 41,123 and 124. The following documents were filed in support of their claims:-

Date	From	To	Consideration	Area of land
10.1952	Ramji Lal Palip	Amar Nath	Rs. No 2902.50	459 yards
12.1953.	Shera, Lalji	Kartar Singh Sethi	13000.00	492 yards
6.50.	Ghisa etc.	Hans Raj Chada	6000.00	150 yards (lease right)
1.1952	Chater Bhuj	Bhalla Ram Dewat.	100.00	200 yards (lease right)
7.1950	Ghasi etc.	Bawa Chander Singh.	84.00	95-5 yard
6.1955	Durga Dass	Dina Nath	1400.00	122 yards
6.1955	Mare etc.	Dina Nath	1400.00	250 "
1955	-do-	Harbans Lal	2500.00	195 "
1955.	-do-	Capt. D. Gurcharan Singh.	2400.00	250 "
1955	-do-	Anand Kaur	3000.00	1864.00
1955	Raja Ram	Shm. Rukmani Devi	1864.00	

ii) CHIEF DATA:

The Naib Tehsildar, Land Acquisition provided the chief data vide his report dated 1.3.1958 whereby he proposed the following rates:-

- (i) A flat rate @ Rs.5600/- per bigha except the area sold by plots given in (ii).
- (ii) The land sold as plots given in schedule 'B' of his report according to the rates of the amount given in column '5' of that schedule.

iii) DEPARTMENTAL REPRESENTATION :

The Executive Engineer deposited the amount of Rs.2,45,280/- @ Rs.5600/- per bigha. Vide his letter No.EE/L/10/653, dated 10.3.58 he has accepted the rate of land at Rs.5600/- per bigha for the cultivated area and Rs.978/- for the house of Jodha Ram Phola Nath and Rs.1150/- of the adjoining house.

REASONABLE AND FAIR PRICE :

I inspected the spot on 25.3.1957 with Shri R.R.Goyal, Executive Engineer, D.T.S. and some of the persons interested. I also saw the foundations of the house of Shri Hans Raj Chadha, retired Station Master. The average of the last five years preceding the date of the notification u/s 4 i.e. 4.1.1956 irrespective of the class of land comes to Rs.4485/11/8 per bigha. The transactions contained sailab, rosli, ghairmunkinpahar and built area including plots. The situation of this land is such that it adjoins the main road and covers the area in the interior. The average of the disposal of sailab land comes to Rs.11,913/-/8 per bigha and that of rosli land comes to Rs.8747/12/3 per bigha during the preceding five years from the date of the notification under section 4. The average of the disposal of land during the five years preceding the date of notification u/s 4 comes to as

er:-

<u>Year</u>	<u>Average per bigha</u>
1951	Rs.3247/6/1
1952	Rs.14836/10/8
1953	Rs.6028/11/-
1954	Rs.8066/-/-
1955	Rs.4013/8/6.

The average of the annual rental value of the three years preceding the date of the notification u/s 4 comes to Rs.7/-/4 per bigha according to which the capitalized value of the land spread over a period of 20 years comes to Rs.140/6/8 per bigha and after deducting the land revenue and the cost of its realization it comes to less than that.

The basis of compensation on the annual rental value is obviously not sound in view of the transactions took place about the pieces of land out of the land under acquisition enumerated above. Therefore it is not a safeguard to rely upon. The rates of the disposal of land vary from Rs.-/14/3 to Rs.29/-/3 per square yard. The awards which are available about the transfer of land in this estate are given below:-

Sl.No.	No. of Award	Date	Rate
1.	321/518-519	4.2.1948	Rs.1/4/- per sq.yard.
2.	706/879,854,873 & 892	14.7.1949.	Rs.2/12/- -do-
3.	396/517	20.9.1948.	Rs.2/8/- -do- increased by the Tribunal Delhi on 28.2.1951.
4.	29	1950	The Tribunal Delhi is said to have raised the rate from Rs.-/14/3 per sq. yard to Rs.5/- per sq. yard on 21.4.51
5.	771	26.5.51.	Rs.1/-, Rs.1/8/- & Rs.2/8/- per square yard.

The annual rental value, the awards at different times, the average and the rates of transactions do not lead to any uniform rate of any class of land because the land had prospective for buildings on account of its situation. Vide this office letter No.714/LAC, dated 16.3.56, a flat rate of Rs.5600/- per bigha kham was assessed as the preliminary data but it included some figures of 1950. This is rather a ticklish problem. The prices are towards higher trend since the re-artition in August, 1947 and influx of a large number of persons from Pakistan to Delhi has considerably raised the prices of land because of enormous demand for their rehabilitation in this area too many plots were purchased by those persons. Land under acquisition has potential value because of its location by roadside No.34

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leading from Patel Nagar to Najafgarh Road and is adjoining the built area. There was every possibility of its being used as a residential area in the near future. The prices in the transactions took place during the last five years from the date of the notification under section 4 vary according to the situation of the land on the frontage or in the interior as the case may be. The frontage fetched decent and in some cases fancy prices while the land in the interior fetched a lower rate. The reason for a lower average in the year 1955 was that it involved a large area (65 bighas 5 biswas) of inferior land which was Ghairmumkin Bahar.

The valuation of land is to be assessed on the criterion on which a willing seller might reasonably accept to obtain from a willing purchaser. Keeping in view the claims of the persons interested, chief data supplied by the Naib Tehsildar, Land Acquisition, representation of the department, sale transactions of pieces of land out of the land under acquisition during the preceding five years from the date of the notification under section 4 and other factors, I consider a flat rate of Rs.5600/- per bigha as fair and reasonable value of land which had also been accepted by the department and award accordingly.

BUILDINGS:

There were two buildings in the land under acquisition before the possession was taken and their valuation was assessed at Rs.978/- and Rs.1150/- by the Executive Engineer. These buildings belong to Shri Dewat Ram s/o Kundan Lal and Phalla Ram and Rajinder Singh who claimed Rs.3500/- and Rs.3200/- for their buildings respectively. Agreeing with the rates assessed by the Executive Engineer, I award Rs.978/- for the building of Shri Dewat Ram s/o Kundan Lal and Phalla Ram s/o Suraj Bhan in equal shares and Rs.1150/- for the building of Shri Rajinder Singh s/o Bawa Bahadur Singh lease-holders. According to the terms of the lease, the compensation of the buildings would go to the lease-holders while the compensation of the land would go to the owner. Hence the lease-holders are entitled to the compensation of buildings only.

Rs.2,000/- were demanded by Shri Hans Raj Chadha for the levelling and plinth which I inspected on 25.3.1957. I found some bricks in the foundation existing at that time which shows trace

some extent. The Executive Engineer through his letter 17/2209, dated 22.12.1956 assessed nothing saying that nothing was paid out to him at the proper time. From the evidence produced, it was found that Rs.800/- were spent by Shri Hans Raj Chadha for levelling the foundation to plinth level. I, therefore, award Rs.800/- for the expenses of levelling and plinth to Shri Hans Raj Chadha.

15% will be added to the compensation towards compulsory acquisition costs.

The possession over the land measuring 39 bighas 13 biswas was handed over to the department on the 1st August, 1956 and therefore interest should accrue on the compensation of this area from that date per annum. There was some discrepancy in the field numbers about which a move for the corrigendum notification is being made separately to reconcile the area as given in appendix 'C'.

The names of some of the claimants do not appear in the 'A' & 'B' as they did not care to get the entries in their names incorporated in the revenue records. Under these circumstances it is difficult to make payment unless the determination of their rights is made by the Civil Court. Hence the matter of apportionment was referred to the District Judge. However, the list of persons according to the revenue records is given in appendix 'D'.

The Award is summarized as below:-

Compensation for land measuring 40 bighas 13 biswas @ Rs.5600/- per bigha.	Rs.2,28,480.00
Compensation for building owned by Shri Dewat Lal Ram.	Rs. 978.00
Compensation for building owned by Shri Ram Singh.	Rs. 1,150.00
Compensation for levelling and plinth by Shri Hans Raj Chadha.	Rs. 800.00
Total:	Rs.2,31,408.00
15% towards compulsory acquisition costs.	Rs. 34,711.20
Total:	Rs.2,66,119.20
6% per annum from 1.8.1956 to 1.8.1957 on 39 bighas 13 biswas of land + 15% towards compulsory acquisition.	Rs. 25,534.60
Total:	Rs.2,91,653.80

GRAND TOTAL

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Award announced in the presence
followed by interested persons:

Mishri: Ghise Ram 91. Jungi, Phangra 91. Subba
Keth 91. Ghise, Muni. Laxmi 91. Nathi, Raju Ram
Chhoyin, Achal S. 91. Neader, Murey 91
91, Raju 91. In the Date Ram 91. Kurey Ram.
Ram, 91. Tolek Ram, Kale Ram. 91. Tolek Ram. ty.
Ram 91. Khushi Ram, Phool S. ing 91. Khushi
of Sany 91. Shadi Ram, Jilli 91. Shadi Ram
Jug ram, Ram Kishan 91. Raghunath.

The rest of the interested persons will
be informed in detail.

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DATED: 2005

MARCH: 1962

This declaration Act, 1894 to all whom it may come to the notice of the Government of India, that the Government of India 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.

130/1.
17/1,785

SPECIFICATION ON

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LOCALITY

TOTAL AREA

FIELD NO. OR BOUNDARIES.

Game For Rags

43 Bighas-16 Bighas
or 9.03 Acres

375/34/1.37/1.384/1.120/1.
131/1.130/1.112/1.123/2/2.1130
124/1.120/1.127/1.785/41/2
125, 120 and 780/34. 785/41/1.

By order:

(Shaw-Walker, 1991)

Assistant Secretary (Local Self Government) to
Delhi State Government, Delhi.

No. F. 15(86)/55-432(11)

Dated the 21 March 1968

Copy forwarded, for information, to the

11. Land Acquisition Collector, Delhi with reference to his letter No. 575/1935, dated the 28th February 1936.

11) Executive Engineer, Delhi Transport Services, Corporation
Head Depot, Ringway Camp, Delhi with reference to his letter No.
EE/L(10)/245, dated the 1st March 1956.

(Sham Sunder Lal)

Assistant Secretary, Local Self Government,
Delhi State Government, Delhi.

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15/3

[Handwritten notes and signatures]

(To be published in part V of Delhi State Gazette)
DELHI STATE SECRETARIAT, DELHI.

Dated the 15 July, 1955.

NOTIFICATION.

No.F.15(86)/55-LSG(11): 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 construction of Delhi Transport Service Depot and Staff quarters on Shadipur Road, village Khampur Raya, it is hereby notified that 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 supersession of this Secretariat notification No.F.15(86)/55-LSG, dated the 9th May, 1955.

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 opinion that the provisions of sub-section(1) of Section 17 of the said Act, are applicable to this land, is further pleased, under sub-section 4 of the said Section to direct that the provisions of Section 5(A) of the Act shall not apply.

SPECIFICATION.

Village

V. Khampur Raya
on Shadipur Road. 4.08 Acres.

Total Area.

Field Number of boundaries.

Khasra Nos.

22 part, 23 part, 290/44 part,
755, 903/47-part, 798/45 part,
795/46.

By Order,

Sd/-

(SHIV SHANKAR)

ASSISTANT SECRETARY (LOCAL SELF GOVERNMENT)
TO DELHI STATE GOVERNMENT, DELHI.

No.F.15(86)/55-LSG(11).

Dated the 15 July, 1955.

Copy forwarded for information to the:-

1) Land Acquisition Collector, Delhi.

11) General Manager, Delhi Road Transport Authority, Seind House, New Delhi in continuation of this Department endorsement No.F.15(86)/55-LSG(1), of even date.

Shiv Shankar

(SHIV SHANKAR)

ASSISTANT SECRETARY (LOCAL SELF GOVERNMENT)
TO DELHI STATE GOVERNMENT, DELHI.

20.7/55
*SHV/10

(To be published in Part V of Delhi State Gazette)

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Dated the 15 July, 1955.

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This notification is made under the provisions of Section 4 of the Land Acquisition Act, 1894 to all whom it may concern in supersession of this Secretariat notification No.F.15 (86) 55-LSG., dated the 9th May, 1955.

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 is satisfied also that the provisions of sub-section (1) of Section 17 of the said Act are applicable to this land and is further pleased under sub-section 4 of the said Section to direct that the provisions of section 5(A) shall not apply.

SPECIFICATION.

Village	Total Area.	Field Numbers of Land
Khampur at Shadipur Road.	22.2 Acres.	785/41, 781/39, 127 part, 126 part, 124, 125, 130, 131, 132, 135 part, 133, 134, 123, 122, 121, 633/119, 636/120, 638/142, 137 part, 138 part, 139 part, 639/140 part, 129.

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16/7

By Order,

sd

(SHIV SHANKAR)
ASSISTANT SECRETARY (LOCAL SELF GOVERNMENT) TO
DELHI STATE GOVERNMENT DELHI.

No.F.15(86)/55-LSG(1).

Dated the 15 July, 1955.

Copy forwarded for information to the:-

1) Land ACQUISITION COLLECTOR, Delhi, with reference to his letter No.2219/LACB, dated 23rd June, 1955.

2) General Manager, Delhi Road Transport Authority, Scindia House, New Delhi, in continuation of this Department endorsement of even number dated the 9th May, 1955.

Shiv Shankar

(SHIV SHANKAR)
ASSISTANT SECRETARY (LOCAL SELF GOVERNMENT)
TO DELHI STATE GOVERNMENT, DELHI.

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