

O F F E R    No.872A.

Name of the Village:

Tatarpur.

Nature of Acquisition:

Permanent.

This is a case for the acquisition of land in Village Tatarpur required by the Government at the public expense for a public purpose, namely for the resettlement of Displaced persons for the construction of Out-fall Nala at Tihar and Tilak Nagar. A declaration under section 3 of the Resettlement of Displaced Persons Land Acquisition Act 1948 was made by the Chief Commissioner vide Notification No.F.15<sup>14</sup>(2)/54-LSG dated 11.12.54. The <sup>OK</sup>possession of this land was taken by my predecessor on 16.6.58 @ Rs.90/- per bigha. The land owners refused the offer and their cases were sent to the Arbitrator for decision. The Arbitrator has not announced his award so far. The Ministry of Rehabilitation has decided that a sum of Rs.40 lakhs be given as Exgratia grant to the persons whose land was acquired under the above Act in Delhi in addition to the compensation already announced to them. A scheme for the distribution of the Exgratia Grant was sent to the Delhi Administration and they have approved a rate of Rs.700/- per bigha to be given in full and final settlement of the cases in this village. This offer is, therefore, prepared on the basis of Exgratia Grant.

MEASUREMENT.

According to the Notification under section 3 of the Act, the total area to be acquired was 31 Bighas 17 Biswas. From further measurement made on the spot, the actual area used for this Nala was found to be 38 Bighas 16 Biswas. Offer No.872 regarding this area was made by my predecessor. An Exgratia Grant is being provided for the same area.

There are occupancy tenants in this land. The apportionment between the owners and the occupancy tenants will be in the ratio of -/6/- and -/10/-. The payment on the basis of Exgratia grant will be made only when the interested parties withdraw

their cases from the Arbitrator and are prepared to compromise in full and final settlement of their claims. The position is summarised as below:-

Compensation for 38 Bighas 16 Biswas of land @ Rs. 700/- per bigha on the basis of Exgratia Grant.

Rs. 27,160.00

Compensation for Maufi.

Rs. 25.00

Rs. 27,185.00

Amount of previous offer.

Rs. 3,517.00

Interest at 6% from the date of possession to the date of payment i.e. 7.4.55 to 6.10.62.

Rs. 1,582.65

Rs. 5,099.65

EXGRATIA GRANT.

Rs. 22,085.35

( Nand Kishore )  
Land Acquisition Collector(I),  
DELHI.  
25.9.62.

Submitted to the Collector of District for information and filing.

( Nand Kishore )  
Land Acquisition Collector  
DELHI.  
25.9.62.

Sen. Filed. *[Signature]*

11.10.62

Village: Tatarpur.

Nature of acquisition: Permanent.

31 Bighas and 17 Biswas of land was notified by Notification No.F.15(14)/54-LSG, dated the 11th December 1954, under section 3 of the Resettlement of Displaced Persons (Land Acquisition) Act, 1948, for a public purpose namely for the construction of Out-Fall Nallah at Tihar & Tilaknagar, in pursuance of the authority of the Chief Commissioner, Delhi. Notices under section 4 of the said act were also served on the persons interested.

MEASUREMENT & CLASSIFICATION:

By actual measurement at the spot the area of the land under acquisition came out to be 38 Bighas and Biswas. The Field Nos. varied due to Consolidation of Holdings Operations and the position is given below. In 1 of the Field Nos. given in the Notification the following Field Nos were covered, about which a move about corrigendum Notification is being made separately:-

<u>Field No.</u>	<u>Area</u>	
	<u>Bigh</u>	<u>Bis.</u>
15/21/2	0	19 *
15/22/2	0	14 *
16/2/2	1	18
16/3/2	0	17
16/8/2	1	16
16/11/2	1	18
16/15/2	1	14
17/11/2	1	6
17/12/2	1	4
17/13/2	0	1
17/18/2	1	6
17/17/2	1	0
17/25/2	0	12
25/1/2	1	2
25/2/2	1	13
25/3/2	2	0
25/4/3	2	3
25/5/2	1	18
24/1/2	0	7
24/10/1/2	0	8
24/10/2/1	0	6 +
24/10/3/2	1	0
24/9/1/2	0	2
24/9/2/2	1	15
24/13/2	1	16
24/14/2	0	2
24/17/2	1	8
24/16/1/2	1	12
23/21/2	1	3
23/19/2	0	5

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<u>Field No.</u>	<u>Area</u>
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23/18/2	Big - Bis
23/13/2	1 - 9
23/14/2	Less than a Biswa.
23/15/2	1 - 2
22/11/3/2	1 - 4
	0 - 16

The Classification of these Field Nos. is given below:-

1. Chahi	7 Bighas and 1 Biswa.
2. Rosli	29 Bighas and 1 Biswa.
3. Ghairmumkin Fits.	1 Bigha and 18 Biswas.
4. Banjar Qadim.	16 Biswas.
Total:-	38 Bighas and 16 Biswas.

COMPENSATION:

Servashri Brij Lal, Prabhu Dayal etc. filed their written claimed on the 18th September, 1957, demanding Rs.10 to 18/- per square yard towards the compensation of land. They further added that the land which was situated on the other side of the Nallah was quite useless, which may be measured and compensation thereof be added. The method of compensation be adopted in the present case, as given in Section 7 -E of the Resettlement of Displaced Persons (Land Acquisition) Act, 1948, which is as under:-

"The arbitrator, in making his award, shall have due regard to the provisions of sub section (1) of section 23 of the Land Acquisition Act, 1894(1 of 1894), provided that the market value referred to in clause first of sub section (1) of section 23 of the said Act shall be deemed to be the market value of such land on the date of publication of the notice under section 3, or on the 1st day of September, 1939, with an addition of 40 per cent, whichever is less; provided further that where such land has been held by the owner thereof under a purchase made before the 1st day of April, 1948, but after the 1st day of September, 1939, by a Registered document, or a decree for pre-emption between the aforesaid dates, the compensation shall be the price actually paid by the purchaser or the amount on payment of which he may have acquired the land in the decree for pre-emption. It has been reported by the Field staff that no transfer

contd...3.

took place between 1.9.39 and 1.4.1948.

Market value on the date of publication of  
the Notification under section 3 of the Act.

The notification was published on the 11th December, 1954. Only two transactions took place during the period of 5 years preceding the date of publication of the notice under section 3 of the Act of which details are given below:-

<u>Mutation No.</u>	<u>Date of Regd. Deed</u>	<u>Area</u>	<u>Consideration money.</u>
		Big - Bis	
257	15.10.52	1 - 1	Rs.1500/-
261	13.5.53	12 - 0	Rs.21500/-

The average of the above Sale Transactions comes to Rs.1762.45 per bigha, The Annual Rental Value at the average of the last 3 years subsequent to the date of the publication of the Notification under section 3 of the Act comes to Rs.1/15/2 per bigha and less than Rs.40/- per bigha according to the capitalised value over the purchase of 20 years, which is obviously too low to be depended upon.

Only one transaction took place during the period of 5 years preceding 1st September, 1939, which took place through mutation No.161, on the basis of Registered Deed dated the 16th June, 1939, involving an area of 31 Bighas and 7 Biswas transferred for Rs.2000/-, giving the rate of Rs.63.80 per bigha Kham. By adding 40% to this rate, it comes to Rs.90/- per bigha. This rate is lesser of the two calculated by different methods and is therefore, adopted. This is the rate of Rosli and un-cultivated area.

There is no tree, well or structure on the land under acquisition.

MAFI RIGHTS:

An amount of Rs.1.25 is in Maufi, of <sup>which</sup> the capitalised value over a period of 20 years comes to Rs.25/-, which is hereby assessed towards compensation of the Maufi rights.

INTEREST:

Interest at the rate of 6% P.A. will be added to the amount of compensation from 7.4.55, the date of taking over the possession upto the 25th inst; the date of payment (offer).

contd...

APPORTIONMENT:

15 Biswas of land is the evacuee property, 1  
9 Biswas of land is under the occupancy rights and  
7 Biswas of land is <sup>hydrated</sup> ~~permanently~~ with the Government, because of  
Taccavi Loan. The land under acquisition is exempted from  
the application of the Delhi Land Reforms Act, 1954, therefore  
all these rights are to be recognised. The amount of  
compensation for the Custodian Property would go to the  
Custodian, while the occupancy tenants would be entitled  
to 11/16th share and the rest of 5/16th would go to the Lease  
holders. This is based on the general rule prevalent in the  
locality in respect of such like occupancy tenants, of section  
6 of the Panjab Tenancy act, 1887. The authorities who are  
to realise Taccavi Loan have not placed their demand now  
are they perhaps in the now of acquisition of land, where  
be informed about its acquisition and all their demand for  
Taccavi Loan would be paid to them. The non-occupancy tenants  
have not developed any right over the land under any lease  
and are not, therefore, entitled to any compensation.  
details of the persons interested are given in Appendix

The offer is summarized as below:-

Sl.No.	Kind of Soil	Area Big-Bis	Rate per bigha	Amount of Con- tribution
1.	Chahi.	7 - 1	Rs.90/-	Rs. 3492
2.	Rosli.	29 - 1		
3.	Ghairmunkin Pits.	1 - 18		
4.	Banjar Qadim.	0 - 16		
		38 - 16		
Maufi Rights.				....Re.
Interest at the rate of 6% P.A. from 4.7.55 to 25.6.58.				...Rs. 674
TOTAL:-				Rs. 4168

LAND REVENUE DEDUCTION:

An amount of Rs.13.28 will be deducted from the  
Rent Roll of village Titarpur from Kharif, 55. Rs.1  
deducted from the Maufi amount from the same harvest  
village

COMPETENT

O F F E R No.872A.

Name of the Village:

Tatarpur.

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MEASUREMENT.

According to the Notification under section 3 of the Act, the total area to be acquired was 17 Bighas 17 Biswas. From further measurement made on the ground the actual area used for this Nala was found to be 15 Bighas 15 Biswas. Offer No.872 regarding this area was made by my predecessor. An Exgratia Grant is being provided for the same area.

There are occupancy tenants in this land. The apportionment between the owners and the occupancy tenants will be in the ratio of -/6/- and -/12/-. The payment on the basis of Exgratia grant will be made only to the interested parties who are

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