

Village: Khyala.

Nature of acquan. Permanent.

Notification under section 3 of the Resettlement of Displaced Persons (Land Acquisition), Act, 1948, was issued under the authority of the Chief Commissioner, Delhi vide No.F.15(14)/54-LSG., dated the 11th December, 1954 for the acquisition of 10 Bighas and 6½ Biswas of land in village Khyala, for a public purpose, namely for the construction of Out-Fall Nallah at Tihar and Tilaknagar. The Notification was given wide publicity in the locality and notices under section 4 of the said Act were served on the Land-owners.

MEASUREMENT & CLASSIFICATION:

Originally the Notification was issued in respect of 10 Bighas and 6½ Biswas of land in village Khyala, but by actual measurement at the spot the area was found to be 6 Bighas and 15 Biswas only comprising Field No.46, while the notification was issued in respect of Field Nos.7m, 5m, 9m, 6m, and 586m, measuring 10 Bighas and 6½ Biswas. A move about corrigendum Notification is being made separately. The classification of land is given below:-

Ghairmumkin.6 Bighas and 15 Biswas.

Satisfaction about the area has been made at the spot.

COMPENSATION:

There is no claim of any person interested on the file. The method of assessment is laid down under section 7E of Resettlement of Displaced Persons (Land Acquisition) Act, 1948 whereby "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 two-thirds of 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 notification under section 3, or on the 1st day of September, 1939, in addition of 40 per cent, whichever is less; provided further that where such land has been held by the owner thereof at a purchase made before the 1st day of April, 1948, but at

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. No transaction took place during the period from 1-9-1939 to 1-4-1948, in respect of the land under acquisition, as reported by the Naib. Tehsildar, Land Acquisition. There is now one alternative left as given in the proviso No.1 under section 7E of the Act.

1. Market value on the 1st September, 1939 with addition of 40%.

4 transactions took place during this period of which the details are given below:-

| <u>Sl. No.</u> | <u>Mutation No.</u> | <u>Date of Transaction</u> | <u>Area Involved</u> <u>Big - Bis.</u> | <u>Consideration Money.</u> |
|----------------|---------------------|----------------------------|---|-----------------------------|
| 1. | 296 | 15.1.38 | 13 - 9 | Rs. 1000/- |
| 2. | 297 | 15.1.38 | 130 - 19 | Rs. 4000/- |
| 3. | 309 | 25.11.38 | 29 - 15 | Rs. 700/- |
| 4. | 317 | 25.11.38 | 130 - 19 | Rs. 4000/- |

The average per Bigha of the above mentioned transactions comes to Rs.31.79. These transactions took place in the year 1938 and are, therefore, reliable. With the addition of 40% the market value comes to Rs.45/- per bigha or Rs.216/- per acre.

2. Market value on the date of publication of Notification under section 3 of the Act (i.e. 9th February, 1952):-

5 transactions took place during the year 1951 immediately preceding the date of publication of Notification under section 3 of the Act, of which the details are given below:-

| <u>Sl. No.</u> | <u>Mutation No.</u> | <u>Date of transaction</u> | <u>Area involved</u> <u>Big-Bis.</u> | <u>Consideration money.</u> |
|----------------|---------------------|----------------------------|---|-----------------------------|
| 414 | | 21.6.51 | 18-16 | Rs.11400/- |
| 428 | | 10.11.51 | 6- 5 | Rs.6250/- |
| 434 | | 31.10.51 | 1 -5 | Rs. 850/- |
| 435 | | 31.10.51. | 5 -8 | Rs.5000/- |
| 444 | | 31.10.51 | 3 -15 | (with mutation No.435) |

us 35 Bighas and 9 Biswas of land was transferred for Rs.23500/- and the average comes to Rs.662.91 per Bigha and Rs.3181.97 per acre.

By another method, on the Annual Rental Value the valuation of over 20 years purchase comes to Rs.104/20 per bigha, based on the Annual Rental Value of 3 years preceding the date of Publication of Notification under section 3 of the Act. This is obviously too low and in the face of the Sales Transactions available, it has got little importance.

Out of the market values derived by methods No.1 and 2, the valuation by Method No.1 is obviously less and therefore be offered.

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

INTEREST:

The possession of the land was transferred to the Department concerned on 7.4.1955. The persons interested are entitled to receive interest at the rate of 6% P.A. on the amount of compensation, from the date of possession, upto the date of payment.

APPORTIONMENT:

The land under acquisition belongs to Village-common and the method of distribution of the income from the Shamlat land is given in the village Administration papers, according to which the compensation should be apportioned in accordance with the entries in the Revenue Records, keeping in view the measurement of rights shown therein. The Delhi Land Reforms Act, 1954 does not apply to village Khyala, because of its situation within the exempted area. Therefore the shamlat does not vest in the Gaon-Sabha and compensation has to be distributed to the land owners concerned ^{according to} their share in the village common.

The compensation to be offered to the persons interested is summarized below:-

| Sl.No. | Kind of Soil | Area Big-Bis. | Rate per bigha | Compensation amount |
|--------|--------------|------------------|----------------|------------------------|
|--------|--------------|------------------|----------------|------------------------|

| | | | | |
|----|------------------------|--------|---------|----------------|
| 1. | Chairmumkin Nallah. | 6 - 15 | Rs.45/- | Rs. 303.75 nP. |
|----|------------------------|--------|---------|----------------|

Interest at the rate of 6% from
7.4.55 to 25.6.58

.....Rs. 58.68 nP

Total:-

Rs. 362.43

LAND REVENUE DEDUCTION:

A deduction of Rs.2.53 would take place from Kharif, 1955, from the Khalsa Rent Roll of village Khyala.

The persons entitled to compensation are being called for on the 25th inst; in order to enable me to make the offer to them.

Munshi 16.6.58
COMPETENT AUTHORITY.

O F F E R No.873A.

Award

Name of the Village:

KHIALA.

Nature of Acquisition:

Permanent.

This is a case for the acquisition of land 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. Notification under section 3 of the Resettlement of Displaced Persons Land Acquisition Act 1948 was issued under the authority of the Chief Commissioner, Delhi vide Notification No.F.15(40)/54-LSG dated 11.12.54 for the acquisition of 10 Bighas 6½ Biswas of land. From actual measurement, the area was found only 6 Bighas 15 Biswas and Offer No.873 was made by my predecessor @ Rs.45/- per bigha. The possession of the land was taken on 7.4.55. The offer was rejected by the land owners and their cases were forwarded to the Arbitrator for the decision of fair compensation. The cases were not decided by the Arbitrator. In the meanwhile, the Ministry of Rehabilitation decided that an Exgratia Grant of rupees 40 lakhs may be given in addition to the compensation already announced to these persons, whose land was acquired under this Act. A scheme for distribution of Exgratia Grant was forwarded to the Delhi Administration and a rate of Rs.700/- per bigha per bigha has been approved by the Delhi Administration including the Exgratia grant and the interest if any due. The compensation will be paid to the land owners on this basis provided they withdraw their cases from the Arbitrator and are prepared to compromise the cases fully and finally on these terms.

As already stated, the total area acquired was 6 Bighas 15 Biswas in Khasra No.46/11/1. The land belongs to Shamlat Boh and the compensation will be distributed in accordance with the right of each person.

The total commitment is, therefore, summarised as below:-

Compensation for 6 Bighas
15 Biswas of land @ Rs.700/-
per bigha.

Rs.4,725.00

Compensation according to
the previous offer.

Rs. 303.75


Interest @ 6% P.A. from
7.4.55 to 6.10.62.

Rs.1 136.70


Rs. 440.45

EXGRATIA GRANT.

Rs.4,284.55


(Nand Kishore)
Land Acquisition Collector(I),
DELHI.
24.9.62.

Submitted to the Collector of District for information
and filing.


(Nand Kishore)
Land Acquisition Collector(I),
DELHI.
24.9.62.

Seen. Filed.


COLLECTOR DELHI.

3.10.62