

AWARD NO. 890

Village: Khampur Raya.

Nature of acquisition: Permanent.

In pursuance of the Chief Commissioner, Delhi Notification No.F.15(43)/57-L.S.G., dated the 24th April, 1957, under section 4 of the Land Acquisition Act, 1894, 44 Bighas and 18 Biswas of land is under acquisition in village Khampur Raya for a public purpose namely for the Central Dairy under the Milk Supply Scheme. Subsequently, declaration under section 6 of the Act, vide Notification No.F.15(43)/57-LSG(i), dated the 28th June, 1957 was issued by the same authority, for the same purpose and area. By the emergent nature of acquisition, section 17 of the Act was applied vide Notification No.F.15(43)/57-LSG(ii), dated the 28th June, 1957, to take possession of the land according to the well laid down procedure.

A R E A:

According to the measurement at the spot the area comes to 44 Bighas and 18 Biswas, of which the details are given below:-

Category	Sl.No.	Field No.	Kind of soil	Area. Big-Bis.
"A"	1	5	Ghairmumkin Abadi.	1 - 15 ✓
	2	7	Ghairmumkin Boundary Wall & Well.	1 - 16 ✓
	3.	672/11	Ghairmumkin Boundary wall.	1 - 12
	4.	743/671/11	Ghairmumkin Compound wall.	0 - 11 ✓
Total:				5 - 14
"B"	5.	1 min	Banjar Qadim.	14 - 2 ✓
	6.	6	Banjar Qadim.	4 - 16 ✓
	7.	740/673/11	Banjar Qadim.	0 - 2
Total:				19 - 0
"C"	8	1 min	Ghairmumkin Pit.	4 - 0
	9	2	Ghairmumkin Pit.	1 - 16
	10	3	Ghairmumkin Pit.	1 - 16
	11	4	Ghairmumkin Pit.	1 - 16
	12	8	Ghairmumkin Pit.	6 - 0
	13	9	Ghairmumkin Pit.	4 - 0
Total:-				20 - 0

The total area is 44 Bighas and 18 Biswas

division is given below:-

<u>Kind of soil</u>	<u>Area.</u> <u>Big-Bis.</u>
Banjar Qadim.	19 - 0
Ghairmumkin Abadi or Boundary wall.	5 - 14
Ghairmumkin Pits.	20 - 4
Total:-	44 - 18

Field No.746/10 is situated in such a position that if it is avoided it would render the shape of the land under acquisition irregular, but this field Number was not included in the Notifications under section 4 and 6 of the Act; therefore, the Department shall have to be asked separately whether or not they are in need of it. It is upto the department to move the Delhi Administration for its acquisition, if necessary.

C O M P E N S A T I O N.

1. CLAIMS: The persons interested filed their written claims ranging from Rs.25/- to Rs.55/- per sq.yard. They have also put in claims for structures, wells, compound walls, lime-kilns etc.

2. EVIDENCE:

A copy of Registered Deed No.4476 executed on the 14th October, 1952, in respect of the transfer of 96 $\frac{3}{4}$ sq.yards out of field No.815/395, situated in village Khampur for Rs.2902.50, at the rate of Rs.30/-/- per sq.yard; A copy of Registered Deed No.7638, executed on the 8th December, 1953, in respect of the transfer of 4598 sq.yards out of field No.436, situated in village Khampur for Rs.13,000/-, at the rate of Rs.28/7/- per sq.yard; A copy of Registered Deed No.5749, executed on the 15th December, 1956, in respect of the transfer of 514 sq.yards, bearing field Nos.672/11 and 740/673/11, situated in village Khampur for Rs.10,000/-, at the rate of Rs.19/7/- per sq.yard; A copy of Registered Deed No.930, executed on the 1st March, 1957, in respect of the transfer of 1200 sq.yards bearing field No.797/46, situated in village Khampur for Rs.27600/-/- at the rate of Rs.23/-/- per sq.yard.

contd.

were available; that his plot fitted in the Improvement Trust Map. That the D.T.S. Depot was situated at a distance of 170 yards from his plot and similar was the distance of West Patel Nagar Railway Station from there; that this area was surrounded by Kirti Nagar, Romesh Nagar, Moti Nagar, Patel Nagar and D.T.S. Colony; that field No.797/46, purchased by Shri Nathu Parsad on the 14th March, 1957 @ Rs.23/- per sq.yard was situated at a distance of 270 yards from his plot. Besides that the evidence produced for the Amrit Park might be considered in his case. This was supported by Servashri Faveli Ram Kohli, Sukh Lal, Sardar Singh & Jaswant Singh.

CHIEF DATA:

The Naib-Tehsildar, Land Acquisition vide his report dated the 20th October, 1958, proposed the following rates:-

Rs.3,500/- per bigha for the land other than field Nos.5,7,743/671,740/673 and 672/11.

Rs.6,000/- per bigha for field Nos.743/671, 740/673 and 672/11

&
Rs.4000/- per bigha for field Nos.5 and 7.

DEPARTMENTAL REPRESENTATION:

While discussing at length Shri Parkash Narain, Advocate, Addl. Standing Government Counsel, on behalf of the Ministry of Food & Agriculture, Government of India, made a written representation dated the 7th March, 1958, wherein he suggested the value of the land in question to be not more than Rs.5/- to 6/- per sq.yard.

FAIR & REASONABLE VALUE:

The land in question was inspected by me on the 15th and 28th October, 1958. It is situated near the Patel Nagar Railway Station, the D.T.S. Depot, Road No.34 and bounded towards the East by the Ramjas Hills, towards the West by land of village Basaidarapur; towards the North again by Hill and towards South by Road No.34. The class-wise value of this land has already been given under the captioned

This is a long and narrow strip of land situated along with the boundary of Basaidarapur. Because of its situation near the built up area on the one hand and the Industrial area on the other it possesses special adaptability for building purposes and also has potential value. The rocks and the deep pits need levelling and filling while the rest of the area is fit for building purposes. The annual rental value of the years 1954-55, 1955-56 and 1956-57 comes to Rs.4/6/- per bigha. Its capitalised value over 20 years purchase comes to Rs.87.50. After deducting the land revenue and the cost of its realisation at the rate of 10% it comes to Rs.78.75 per bigha, which is too much less as compared with the average of the sale transactions and the awards available in this village. The average price of sale transactions for the period of 5 years preceding the date of the notification under section 4 of the Act of this Estate comes to Rs.4494.69 per bigha kham but this contains plots ranging from 2 Biswas to 2 Bighas - 17 Biswas. The transactions mostly consist of the transfer of small pieces of land. It also includes the transfer of Abadi land and houses; therefore, it is not at all safe to depend solely on this rate. The details of the yearwise average price of the sale transactions are given below:-

<u>Year</u>	<u>Average per bigha of Sale Transactions.</u>
1953-54	Rs. 7398/3/9.
1954-55	Rs. 8788/7/-.
1955-56	Rs. 15284/7/9.
1956-57	Rs. 20478/7/-.

This shows a steady rise in the prices, which have reached upto about 3 times in the year 1956-57, ^{than} what they were in the year 1953-54, but as already stated these prices include the prices of very small plots disposed of at decent and fancy prices including the Abadi land and houses. 5 awards are available in respect of the acquisition of land in this very estate, the details of which are given below:-

contd.... 6.

Sl.No.	Award No.	Date of Notification	Description of land	Rate per bigha	Purpose.
	731	19.9.52	Rosli.	430.00	Septic Tank.
			Banjar & Ghairmunkin	540.00	-do-
	771	21.5.49	no descripti -on	1506.55	Construction of Quarters.
	806	21.7.49	not given.	2706.00	Wireless Centre.
	848	3 -1-56	not given.	5600.00	D.T.S.Quarters.
	849	3 -1-56	not given.	3500.00	D.T.S.Depot.

Out of the above mentioned awards, the acquisition of land of award Nos.731 and 771 was made under the Resettlement of Displaced Persons (Land Acquisition) Act, 1948, of which the method of calculation of rates was altogether different. The land for the wireless centre acquired through award No.806 is situated far off from the land under acquisition. The lands acquired through award Nos.848 and 849 were acquired simultaneously. The land involved in award No.848 is situated in the vicinity of the built up area in front of the West Patel Nagar. Because of its importance for building purposes, it was assessed at a higher rate as compared with the land involved in award No.849. There were differences in the amenities, position and situation of the lands. The land acquired through award No.849 is of similar quality as being acquired at present. As regards situation is concerned the land acquired through award No.849 is nearer to the built up area than the land under acquisition, which is otherwise useful because of its being even and more suitable for building purposes. There appears to be no reason as to why the rates of award No.849 should not be applied to the land under acquisition, except the area, which differs in quality. Out of the transactions the most relevant is the one took place through registered deed No.5749, at the rate of Rs.19/7/- per sq.yard. This land in fact was sold when Khampur Shadipur was a thriving colony. In that too it did not fit in as shown in the map produced by Shri Pritam Singh, a portion of which fell outside some ~~area~~. The transfer of a small plot of land at a fancy price especially because of its situation by the road-side cannot be taken as a general rate prevalent in the locality. The other transaction generally relied upon is about sale deed No.930 at the rate of Rs.23.00 per sq.yard, pertaining to the land situated at a distance of 1 ~~km~~ ^{1/2} on the other side of the road.

contd.....7,

opposite to the D.T.S. Depot, which enjoyed the facilities of the main road and its vicinity to the fully developed land. This peice of land is nearer to the built up area than the land under acquisition and in this case too the transfer of a small bit of land cannot be taken as a criterion for the generalisation of the value of the land under acquisition. The claims made by the persons interested are exorbitant. The proposal made by the Naib-Tehsildar appears to be somewhat reasonable, while the Departmental Representation has also some weight. All other transactions relate to the land situated at far off places and has no similarity ^{with} ~~for~~ the land under acquisition. The land under pits require much of filling and would entail much of expenditure while the rest of the land is similar to the land acquired for the D.T.S. Depot. Keeping in view the claims of the persons interested; the evidence produced by them, the chief data provided by the Naib-Tehsildar, Land Acquisition; the Departmental Representation made by the Ministry of Food & Agriculture and my observation of the spot I consider a rate of Rs.3.50 nP. per sq.yard as reasonable for categories 'A' & 'B' and Rs.2.50 nP. per sq.yard for category 'C', as fair and reasonable and award accordingly.

STRUCTURES:

4 lime kilns situated in the land of Shri Sukh Lal which is on lease with Shri Gian Singh and others have been claimed by Shri Gian Singh. He also produced evidence of several persons and receipts, licence, certificate of registration, sanction of the amount of Rs.8,000/- from the Rehabilitation Finance Administration etc. He stated that he used to pay Rs.50.00 per month as its rent to Shri Sukh Lal. The P.W.D. Authority assessed these at Rs.2038.00. As these estimates were prepared by the technical experts; there appears to be no reason to differ from them and I, therefore award accordingly. Shri Sukh Lal and Smt. Chameli claimed Rs.4,000/-, 8,000/-, 2,000/-, 8,000/- and 100/- for one shop consisting of

contd.....

a pucca well, 18 huts, compound wall and a Piao respectively. Out of these items the P.W.D. has assessed only for one shop with store at Rs.526/-, with whom I agree, but they left out other items un-assessed, The huts were temporary shelters and so was the Piao, which have since been removed and were of negligible value. However the pucca well and compound wall should have been assessed by the C.P.W.D. Authorities. The Naib-Tehsildar, Land Acquisition has proposed Rs.1500/-/- for the well and Rs.200/- for the compound wall. I inspected the well myself and found it in good condition. The proposal of the Naib-Tehsildar is quite reasonable, with whom I agree and award accordingly.

Shri Pritam Singh demanded Rs.800/- on account of foundation about which no substantial evidence has been produced. He has produced a receipt, but it does not appear to be authentic and reliable.

There is no tree in the land under acquisition. No severance allowance has been claimed by any of the persons interested, nor it is due.

SOLATIUUM:

15% will be added to the amount of compensation for its compulsory nature of acquisition under section 23(2) of the Land Acquisition Act, 1894.

I N T E R E S T:

Interest at the rate of Rs.6% P.A. will be calculated from the date of possession i.e. 14.8.57 in respect of 42,904.59 sq.yards, upto the anticipated date of payment, i.e. 27.11.1958.

A P P O R T I O N M E N T:

A list of the persons interested is given below:-

Sl.No. Name of the person interested with particulars.

1. Sri Ram s/o Lijja caste Jut r/o village Kair.
2. Smt.Chumbeli d/o Pershadi w/o Salig Ram caste Vaish resident of Khampur.
3. Sukh Lal s/o Ram Gopal -do-
4. Sheru s/o Khiali cast Rajput r/o Khampur.
5. Lalji s/o Khiali -do-

contd..... 9.

Sl.No. Name of the person interested with particulars.

6. Ghisa s/o Jhangi caste Rajput r/o v.Khampur.
7. Nihal s/o Jug Ram -do-
8. Data Ram s/o Kure -do-
9. Sri Ram)
10. Sita Ram)
11. Kali Ram } ss/o Tilak Ram -do-
12. Hari Ram }
13. Partap Singh s/o Tara Chand -do-
14. Kabul s/o Naiader -do-
15. Raja Ram s/o Chhaju -do-
16. Mare s/o Gopal -do-
17. Rajinder s/o Ram Chander -do-
18. Rohtas s/o Ram Chander -do-
19. Sukhbir s/o Bega. -do-
20. Rati Ram s/o Kalu -do-
21. Munshi s/o Shadi. -do-
22. Babu s/o Shadi. -do-
23. Jitu s/o Shadi. -do-
24. Chhattar Singh s/o Shadi -do-
25. Phul Singh s/o Shadi. -do-
26. Mst.Lachhmi w/o Nanhu -do-
27. Mam Chand s/o Ram Das. -do-
28. Naresh Kumar s/o Ram Dass. -do-
29. Bhanwar Singh. }
30. Pitam Singh. } ss/o Yadu -do-
31. Duli Chand }
32. Deg Ram s/o Bharta. -do-
33. Shankar s/o Khushia. -do-
34. Piara s/o Sultan Singh. -do-
35. Ram Kishan s/o Rughunath. -do-
36. Harkesh s/o Ghisa. -do-
37. Jhanju s/o Shiba. -do-
38. Raja Ram s/o Surja. -do-
39. Piara s/o Chhaju. -do-
40. Smt.Chhemi w/o Chhaju. -do-
41. Smt.Niadari w/o Jhandu. -do-

contd.....

Sl.No. Name of the person interested with particulars.

- 42 Dalip s/o Badlu caste Rajput r/o Khampur.
- 43 Bikhan s/o Kishan Sehai. -do-
- 44 Chander Man s/o Dhani Ram -do-
- 45 Data Ram adopted son of Chaman -do-
- 46 Har Kesh s/o Nathu. -do-
- 47 Surat Singh s/o Nathu. -do-
- 48 Chhaju s/o Badam. -do-
- 49 Ramji Lal s/o Her Dev. -do-
- 50 Dalip s/o Her Dev. -do-
- 51 Smt.Shanker Devi s/o Balle. -do-
- 52 Phul Singh s/o Khushali -do-
- 53 Raghunath s/o Sis Ram. -do-
- 54 Jai Bhagwan s/o Ganpat. -do-
- 55 Smt.Prem d/o Ganpat -do-
- 56 Raja s/o Firthi. -do-
- 57 Pritam Singh s/o Ichhar Singh, Shop No.209, Madipur.
- 58 Gian Singh partner firm M/s.Gian Singh Partap Singh.

59. *Rs. will be paid in amount of compensation according to the market value.*

The award is summarised as under:-

Sl.No.	Kind of soil	Area	Rate per sq.yard.	Amount of compensation.
1.	Big -Bis Banjar & Ghairmum- 24 - 14 kin, Abadi or Compound Wall. (24905.83 sq.yds).	24 - 14	3.50 nP. Rs.	87,170.40
2.	Ghairmumkin Fits. 20 - 4 (20368.34 sq.yds).	20 - 4	2.50 nP. Rs.	50,920.85
	Add compensation for Boundary wall.		.... Rs.	200.00
	Add compensation for a pucca well.		.... Rs.	1,500.00
	Add compensation for a shop and store.		.... Rs.	526.00
	Add compensation for lime-kilns.		.... Rs.	2,038.00
	Total :-		.... Rs.	1,42,355.25
	Add 15% towards compulsory nature of acquisition u/s 23(2) of the Act.		... Rs.	21,353.29
	Add interest @ 6% P.A. from 14.8.57 to 27.11.58, in respect of an area of 42 Bighas and 11 Biswas or 42,904.59 square yards.		.. Rs.	11,532.44
	GRAND TOTAL:		..	Rs. 1,75,240.98

contd.....

LAND REVENUE DEDUCTION:

An amount of Rs.7.12 nP. will be deducted from the Khalsa Rent Roll of village Khampur Raya from Kharif, 1957 in respect of ~~45~~ Bighas and 11 Biswas (of which possession was taken over on the 14th August, 1957) and for the rest of the area, i.e. 2 Bighas and 7 Biswas, a land revenue of Rs.00.72 nP. will be deducted from the harvest next following the one in which possession is taken.

Dt.31.10.58.

Murari
(Murari Singh)
Land Acquisition Collector, Delhi.

Submitted to the Deputy Commissioner, Delhi (Collector of the District), for information.

Murari
(Murari Singh)
Land Acquisition Collector, Delhi.
Dt.31.10.58.

Immediate

LAA / Acct:

for further necessary action please.

4/11/58

Murari
LAA