AWARD NO. 65/1972-73

Name of village:- Babarpur.

Nature of acquisition:- Permanent.

Purpose of acquisition: Planned Development of Delhi.

...

These are proceedings u/s 11 of the Land Acquisition Act in respect of land measuring 17 bighas 9 Biswas situated in village Babarpur. The land forms part of general notification u/s 4 of the Act issued by the Delhi Admn. vide No.F15(245)/60-LSG dated 10.11.60 for an area of 1808 acres required for Planned development of Delhi. Declaration u/s 6 of the Act was issued vide No.F4(19)/65-L&H(iii) dated 21.9.66 for an area of 719 big. 9 bis. out of which the land measuring 17 big. 9 bis. is the subject matter of the present acquisition. The remaining area will be acquired through a supplementary award.

Notices u/s 9 & 10 of the Act were issued to the persons intersted in this land. Claims received would be discussed under the appropriate heading Claims & Evidence.

Measurement & correct area.

As already said the declaration u/s 6 of the Act was issued for an area measuring 719 big. 9 bis., but the present acquisition is confined to an area measuring 17 big. 9 bis. which area was found correct at the spot on measurement carried out by the Land Acquisition field staff.

The details of the land under acquisition are as under:-

....P/2.

Kh.No.	Area	Classification of land.
78/2	0-2	G.M.Nali.
85/1	0-5	Nehri.
94/2	1-7	Nehri.
95/2	1-9	"
96/1	1-0	"
405-406-407 / 101/2	2-5	"
102/1	0-16	"
103/2	2-4	"
105/1	0-5	"
106/1	0-5	"
110/1	~~0-0~~ less than Biswa	"
111/1	0-2	"
112/1	0-19	"
408409/113-114/1	0-10	"
174/2	0-4	G.M.Nali
184/1	0-9	Nehri
185/1	1-1	"
186/	0-12	"
187/2	0-4	G.M.Nali
188/1	1-14	Nehri.
442/189/2	1-8	"
443/189/1	0-8	"
Total.	17-9	

G.M. Nali	0-10
Nehri	16-19

Ownership & Occupancy

The details of ownership and occupancy of the land under acquisition are as below:-

S.No.	Name of owner	Name of occupant.	Khasra No. & Area.	Classification of land.

1. Asghar Ali s/o Kabir Ali, Caste Sayeed.	Self.	408-409/ 113-114/1 (0-10)	Nehri.
		102/1 (0-16)	"
		103/2 (2-4)	"
	Total.	3-10	
2. Kehri s/o Balle Caste Ahir, r/o Shahdara	Self.	188/1(1-14)	"
		443/189/1 (0-8)	"
	Total.. 2-02.		
3. Kesri s/o Balle Caste Ahir, r/o Shahdara	self	442/189/2 (1-8)	"
4. Balbir Singh s/o Shiv Lal Caste Rajput Taver.	"	85/1 (0-5)	"
5. Ramphal, Hari Chand ss/o Surji, Caste Ahir, r/o Shahdara in equal share.	Lal Chand s/o Jahria Caste Ahir, r/o Shahdara kh.No. 407/101 area 1-7 Rest area is in self cultivation.	405-406-407 101/2 (2-5)	"
6. Qadam Singh s/o Baldev Singh, Caste Rajput Taver	Self.	94/2 (1-7)	"
7. Chetan adopted son of Nihal Caste Rajput Tavar.	Mamraj s/o Sukhan. 96/1(1-0) Self - 185/1(1-1) 186 (0-12)		" " " "
8. Chaman Lal, Tej Singh, Jawahar Singh, Kaptan Singh (minor) ss/o, Smt. Ramwati, Maya Devi daughters of Kalawati wd/o Lal Chand in equal shares.	Self.	105/1(0-5) 106/1 (0-5) Total 0-10	"

...P/4.

9. Patram s/o Gopal, Caste Rajpur.	Self.	184/1(0-9)	Nehri.
10. Bharat Singh Laxman Singh Munshi Singh ss/o Mohanlal equal share.	self	95/2(1-9)	"
11. Hukam Singh s/o Bharat Singh, Caste Jat r/o Babarpur.	self	110/1~~(0-0)~~(less than biswa) 111/1(0-2) 112/1(0-19) & 1-1-	"
12. Gram Sabha		187/2 (0-4) 174/2 (0-4)	G.M.Nali "
	Total.	0-8	
13. Kehri s/o Balley (1/12), Bijai Singh s/o Puli Chand (1/3), Balbir Singh s/o Shiv Lal (1/6), Gaon Sabha (5/12).	Self	78/2 (0-2)	G.M.Nali

CLAIMS & EVIDENCE

Notices u/s 9 & 10 of the Act were issued to the persons interested. The following persons have filed their claims in response to the notice.

S.No.	Name of claimant	Kh.No.& area		Rate claimed	Evidence.
1.	Balbir Singh s/o Shiv Lal.	85/1 78/2	0-5 0-2 0-7	nil Requested for grant of compensation.	nil.
2.	Smt. Kalawati w/o Lal Chand. Chaman Lal s/o Lal Chand. Tej Singh s/o Lal Chand. Jawahar Singh s/o Lal Chand. Smt. Maya devi d/o Lal Chand.	106/1 105/1 ~~405/406-407~~ 101/2	0-5 0-5 1-7	Rs.50/- per sq. yd. amounting to Rs.93250/- plus 15% solatium = Rs.13987.50 G. Total 107237.50	nil.
		Total.	1-17		

...P/5.

Sh. Kaptan Singh minor, s/o Lal Chand through Chaman Lal. Smt. Ram Vati d/o Lal Chand through Jawahar Singh and Chaman Lal.			
3. Kehri s/o Balley	188/1 (1-14) 443/189/1(0-8) 78/2 (0-2) 442/189/2(1-8) Total. 3-12	Rs.50/- per sq.yd. amounting to Rs.208725/- including solatium @ 15%.	nil.
4. Chetan s/o Nihalu.	96/1 (1-0) 185/1 (1-1) 186 (0-12) Total. 2-13	Rs.50/- per sq.yd. amounting to Rs.153525/- including 15% solatium.	nil.
5. Hamraj s/o Sukhan.	96/1 (1-0)	Rs.50/-per sq. yd. amounting to Rs.57960/- including 15% solatium.	nil
6. Munshi Singh, Bharat Singh, Lachhman, ss/o Mohan Lal.	95/2 (1-9)	Rs.50/- per sq. yd. amounting to Rs.83950/- including 15% solatium.	nil.
7. Qadam Singh s/o Baldev Singh	94/2 (1-7)	Rs.50/- per sq. amounting Rs. 78200/- including 15% solatium.	nil.
8. Hukam Singh s/o Bharat Singh	110 (0-0) 111 (0-2) 112 (0-19) Tot. 1-1.	Rs 50/- per sq. amounting to Rs.60950/- including 15% solatium.	nil.
9. Ram Phal s/o Swami, Hari Chand s/o Swami.	<u>405-406-407</u> 101/2 (2-5)	Rs.50/- per sq. yd. amounting to 130525/- including 15% solatium.	nil
10. Patram s/o gopal	184/1(0-9)	Rs.50/- per sq. yd. amt. to Rs.25875/- including 15% solatium.	nil.

...P/6-

11. Asghar Ali s/o Kabir	408-409 / 113-114/1 (0-10)	Rs.50/- per sq.yd. amt. to Rs.202875/- including 15% solatium.	nil.
	102/1 (0-16)		
	103/2 (2- 4)		
	Total.. 3-10		

Market value

In determining the market value of the land at the date of the preliminary notification, many factors enter into reckoning like size and shape of the land, its sitution, the tenure, the use to which it is put, its potentiality and rise and fall in the demand for the land. In arriving at the correct market value of the land, the best evidence available would be evidence of genuine sales affected at the time of the preliminary notification, either in respect of land under acquisition or a part thereof, or the sales of the land parallel in circumstances to the land under acquisition. The awards of the court also afford an excellent guide in evaluating the land under acquisition.

In the present case the date of preliminary notification u/s 4 L.A. Act is 10.11.60. The claimants have demanded a very high rate of compensation without adducing any evidence to substantiate their claims.

Revenue record was consulted by the field staff with a view to find out sale transactions of the land similarly circumstanced and which took place near about the date of preliminary notification in the present case.

...P/7.

The following sales came to notice:-

S.No.	Mutation No.	Date of Registration.	Khasra No.	Area	Consid. Amt.	Average p.b.
1.	461	13.4.60	310 min	0-03	300.00	2000.00
2.	470	23.9.60	310/27	0-03	465.00	3100.00
3.	464	13.11.59	310/14	0-03	429.00	2860.00
4.	505	5.3.60	310/33	0-03	500.00	3333.33

It would be seen from the above table that all the four transactions involved very small areas of land which could not offer guidence in the present case as the land in question is a large chunk [redacted]. It is no denying the fact that small pieces of land attract better price in comparison to land covering large areas.

It would, therefore, be helpful here to obtain guidance, if appropriate, from the awards made in the recent past in the village as relevant to the date of notification u/s 4. There has been only one award No.25/69-70 in respect of land measuring 66 big. 15 bis. The date of preliminary notification in the award is 13.11.59 and the market value determined was at Rs.1500/- per bigha. The award was based on award No.2058 of village Jafrabad adjoining to the land acquired through the above award. These awards do not offer guidance in the present case as the land involved in both the cases is on the southern side of the village abadi of Babarpur and is near to the G.T. Road, while the land under acquisition is on the northern side of the said village and is far away from G.T. Road. Thus the the land under acquisition is disadvantageously placed

...P/8.

in comparision to the land acquired under these two awards.

As already discussed above, no relevant sale transactions are available involving considerable area, therefore, it would be helpful to obtain guidance from sale transactions having taken place in the adjoining village Maujpur as sales of land in the ~~adjoining village~~ neighbourhood similarly circumstanced is yet another recognized method of evaluating this land. Revenue record in respect of this village was further consulted by the field staff and the following sale transactions were found out:-

S.No.	Mutation No.	Date of Regist-ration.	Khasra No.	Area	Amount	Average p.b.
1.	617	12.3.58	1,12,32	1-18	1000/-	520/-
2.	618	"	12,35	1-15	1000/-	560/-
3.	619	18.3.58	325,318 etc.	7-02	4000/-	564/-
4.	614	5.8.59	275	1-16	1500/-	833/-
5.	615	"	274,280	3-03	2500/-	793/-

In the above sales the transactions at S.No. 1 to 3 relate to the period March 1958 and are anterior by about two and a half years to the relevant date in the present case. The transactions at S.No.4 & 5 were struck on 5.8.59 in respect of land ~~measuring~~ measuring 4 big. 19 bis. for a consideration of Rs.4000/- making an average of Rs.818/- per bigha. The table reveals that there has been some rising trend in the sale prices from the year 1958 to the year 1959. However, no sale transaction was found recorded in the year 1960. Sales at S.No.4& 5 can be relied in the present case and on the basis of which it would

...P/9.

be fair and reasonable to assess the market value after giving a margin of 6% p.a. on a sum of Rs.318/-, which works out to Rs.61.34 say Rs.62/-. I, therefore, assess the market value in the case at Rs.380/- per bigha and award the same accordingly. Land bearing kh. no 187/2 (0-4) and 114/2 (0-4) owned x

... recorded as ... used for ... common utility, ... compensation ... the same.

Other compensation

There is no well, shrine or tree on the land under acquisition and as such no compensation is assessed under this heading.

Solatium

15% solatium will be paid over and above the market value of the land towards compulsory nature of acquisition.

Interest

The case falls within the purview of the Land Acquisition(Amendment & Validation) Act, 1967 as the declaration u/s 6 of the Act in the present case was issued after the expiry of 3 years from the date of notification u/s 4 of the L.A. Act. The date of notification u/s 4 of the L.A. Act being 10.11.60, therefore interest at 6% p.a. would be paid only on market value of the land w.e.f 10.11.63 to the date of announcement of the award which is tentatively fixed on ~~5.9.72~~ 10.11.72.

Land Revenue

The land under acquisition is assessed to Rs.10.79 which will be deducted from the Khalsa Rent Roll from the date of possession.

Apportionment

Compensation for the land under acquisition would be payable on the basis of the latest entries in the R/Record.

....P/10.

The compensation will be hald disputed in cases where there are persons in possession other than the recorded owners.

SUMMARY.

1.	Compensation of land measuring 17 bighas 1 biswa @ 880/- per bigha.	Rs. 15,004-00
2.	Compensation for land measuring 8 bighas classified as G.M.Nali.	Nil
3.	Add 15% Solatium.	Rs. 2,250-60
4.	Interest u/s 4(3) of Land Acquisition (Amendment & Validation) Act,1970 w.e.f. 10.11.63 to 17.11.72 (9 years 8 days) on market value i.e. Rs. 15,004-00.	Rs. 8,121-84
	Total	Rs. 25,376-44

(Rupees Twenty five thousand three hundred seventy six and Paise forty four only.).

(V.K.BHALLA)
LAND ACQUISITION COLLECTOR (MSW)
DELHI.

Award announced today. Filed.

कार्यवाही कब्जा अवार्ड नं० 65/1972-73 ग्राम बाकर पुर, देहली।
बाबत रकबा 17-9 बिघा.

बमुजिब हुक्म जनाब कलेक्टर साहब बहाली हुई दिल्ली आज दिनांक 5.12.72 बहमराह श्री रतन सिंह कानूनगो (श्री हुकमचन्द पटवारी (LA) व श्री सिताराम पटवारी (LA) मौके पर पहुंचे। बमुजिब प्रोग्राम महकमा C.P.W.D Division No. 10 की ओर से D.K. Chhabra (S.O) व भूमि तथा भवन विभाग की ओर से श्री राम प्रकाश नायब तहसीलदार (LA B) व श्री ओम चन्द कानूनगो (LA B) दिल्ली प्रशासन दिल्ली मौके पर मौजूद मिले। काश्तकारान में से श्री केहरी पुत्र [illegible] व श्री मोहन [illegible] पुत्र [illegible] हाजिर मिले। आराजी जेर अवार्ड खुदा बराये अवार्ड नं. 65/1972-73 ग्राम बाकर पुर में से नम्बरान खसरा 78/2 (0-2),

85/1 (0-5), 94/2 (1-7), 95/2 (1-9), 96/1 (1-0), 405-406-407/101/2 (2-5), 102/1 (0-16)

103/2 (2-4), 105/1 (0-5), 106/1 (0-5), 110/1 (कुल तादादी बिस्वा), 111/1 (0-2), 112/1 (0-19), 408-409/113-114 (0-10)

174/2 (0-4), 184/1 (1-9), 185/1 (1-1), 186 (0-12), 187/2 (0-4), 188/1 (1-14), 442/189/2 (1-8)

441/189/1 (0-3) कुल तादादी 17 बिघा 9 बिस्वा का कब्जा बाद अर्ज पैमाइश बजरिया जरीब अराजी व मुताबिक स्थान लगा कर हासिल किया गया और बजरिये श्री राम प्रकाश नायब तहसीलदार साहब (LA B) हवाला किया गया जिन्होंने बजरिये कब्जा आराजी मजकूरा काला हवाला

श्री D.K. Chhabra (S.O) C.P.W.D. Division No. 10 (445)

किया गया। मौके पर ~~[illegible]~~ एक नम्बर खसरा (184/2) (0-7) खाली छोड़ कर बाकी तमाम रकबा काश्त पाया गया जिसकी भूमि [illegible] से संलग्न है। बवक्त कार्यवाही कब्जा कोई मजाहमत पेश नहीं आई। मौके पर व हदबस्त में सूरत व मुनादी बाबत तब्दीली कब्जा बजरिया श्री नितराम पटवारी (रेव) करा दी गई। पटवारी माल हलका हद हल्का बवक्त कार सरकार हाजिर नहीं आया। लिहाजा एक नकल कार्यवाही कब्जा मय अक्सी शजरा व [illegible] बजरिया तहसीलदार साहब महाल दिल्ली बगुरज [illegible] दर कागजात माल पटवारी हलका को भिजवाई जावे। कार्यवाही कब्जा मुकम्मल हो चुकी है। लिहाजा रिपोर्ट अर्ज है। 5-12-72

L.N. Sharma
5/12/72
N.T. [illegible]

[illegible]
5/12/72

D.K. Chhabra
5/12/72
S.E./DH05
C.P.W.D.

L.T.I.
[illegible]

Mohd [illegible]

[illegible]
5/12/72

Seen
[illegible] 6/12/72
LAC (HSG)