

A W A R D NO 1820
Award NO _____ for the year 1963-64 by Shri Ram Parshad

R.C.S., Land Acquisition Collector, (III), Delhi.

CASE NO _____
Acquisition of land for the 'PLANNED DEVELOPMENT OF DELHI

VILLAGE _____ BAHAPUR.

A W A R D.

In pursuance of the Delhi Administration Notification u/s 4, No.F.15(254)/60-LSG, dated the 10th Nov. 1960, made under the provisions of the Land Acquisition Act, 1894, and as declared vide Notification No.F.1(52)/63-L&H, dated the 30th Jan. 64, u/s 6 of the Act, the Delhi Administration, acquired 21 Bighas 11 Biswas of land in village Bahapur Tehsil and District Delhi, at a public expense for a public purpose, namely for the Planned Development of Delhi.

MEASUREMENT.

The area under acquisition as given in the notification u/s 6 of the Act is 21 Bighas 11 Biswas. The same has been found correct by measurement at site by the Field Staff. However, there are pucca structures in field No. 222 and 223. The valuation of these structures have not been done by the C.P.W.D. so far and it will take some time to have the valuation done by them. As such acquisition of these field Nos. will therefore be taken up later on as & when the valuation is received. These field Nos. have therefore been excluded for the present and will be acquired through the supplementary award. Thus the file has been prepared for 17 Bighas 17 Bis. excluding 3 bighas 14 biswas the area of field Nos. 222 and 223. The land under acquisition lies in 10 field Nos. in village Bahapur as detailed in form 7(LA) prepared under paragraph 55 of the Financial Commissioner's standing order No. 28.

The detail of the Kh. Nos. and ownership is as under:-

Sl. No.	Name of the owner	Name of the tenant	Khasra No.	Area		Kind of land
				Bigha	Bis.	
1.	Yugashwar Kumar	-	221 min	1	6	0-6 Rosli
	s/o Mohan Lal					1-0 B.Qadim
			221 min	0	5	0-5 G.M.Abadi
(Abadi Karkhana Note: There is no land Karkhana. Muni Lal) Munshi Abadi on the land. s/o Zaharia non-occupancy tenant.						
2.	Goverdhan Lal	-	225	1-	10	B.Qadim
	Kishan & Bhagwan Das		226	1	15	G.M.Khal
	s/o Rup Chand					

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3. Delhi Simla	A.C.C.	230	0--13	G.M.Khal
Catholic	Makubza Malik	219	0--15	B.Qadim
		230	0--13	B. "
		228	1---6	B. "
		229	1---3	B. "

Daya Kishan S/o
Lachman Dass 227 1---7 B. Qadim
Occupancy Tenant
Note: Mutation No. 2292 in
favour of Muni Lal is pending.
Anrit & Dholoo
Ss/O Surjan 224 6--19 B. "
Occupancy Tenants
in equal shares.
Band Box Occupant.

Total 17 Big. 17 Bis.

The measurement and classification of the land have been accepted by the land owners concerned. No objection was received from the Department either. I, therefore, agree with the classification as proposed by the Naib Tahsildar (LA) on the basis of the entries of Khasra Girdwari at the time of Notification under section 4 which is as under:-

<u>CLASS OF LAND</u>	<u>AREA</u>
	Big. Bis.
Roili	0----6
B.Qadim	14---13
G.M.Khal etc.	2----18

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3. POSSESSION:

The possession of the land has not been taken over so far.

4. COMPENSATION CLAIMS & MARKET VALUE

Some of the owners and the interested persons who appeared in pursuance of the Notices issued under sections 9 and 10 of the Act, were examined for the measurement of the area, quality of the land and the assessment of the compensation. The detail of their claims is as under:-

1. SIRI BHAWGAN DASS: KISHAN CHAND: GOVERDHAN DASS THROUGH M. WADHWANI ADVOCATE.

Requested for compensation at the rate of Rs. 40/- per Sq. Yd. In respect of field Nos. 225, 226 for land and Rs. 2100/- for construction and Rs. 30,000/- on account of damages and

loss of business and also Rs. 2262/- for 15% compulsory acquisition charges. ~~Rs. 210,142/-~~ They did not produce any documentary proof in support of their claim. There is no structure on the land except a boundary wall, which has been erected after Notification under section 4 and hence no claim for compensation. No business is running on the land and hence no question of loss of business arises.

2. KANSHI: MEHAR CHAND Ss/O MUNSHI

They have stated that their father Munshi was cultivating land of field Nos. 221 and 223 and after his death i.e. about 5 or 6 years back, the land is in their possession and they have requested for compensation of the land.

As per Revenue Record their father is mentioned as non-occupancy Tenant of 5 Bis. only in field No. 221. They or their father have not been entered as tenants of the remaining area. Thus their claim for the remaining area is rejected.

3. MUNI LAL BAJAJ

He has filed two claims one for field Nos. 222, 223 and the other for field Nos. 227, 228 and 229. For field Nos. 222 and 223 he has claimed compensation of Rs. 425000/- for land and structures and Rs. 150,000/- for damages on account of loss of business. He had also claimed Rs. 63750/- as 15% compulsory acquisition charges. Secondly he has claimed Rs. 170500/- for land and structures in field Nos. 227, 228 and 229. He has produced the following documents in support of his claim:-

1. Copy of un-registered sale deed dated 18.11.59 in respect of field Nos. 227 measuring 1 Big. 7 Bis. against Rs. 4000/- from Shri Daya Kishan Gupta. It relates only to occupancy tenancy rights.
2. Copy of agreement dated 18.11.59 in respect of field No. 227 for Rs. 9528/- for ownership under occupancy tenancy rights.

3 & 5. Copy of agreement for sale dated 18.11.59 and a copy of registered sale deed, dated 10.11.63 in respect of field Nos. 228, 229 measuring 2 Big. 8 Bis. for Rs. 24400/-

4. Copy of registered sale deed, dated 7.6.63 in respect of field No. 227 measuring 1 Big. 7 B.s. for Rs. 9528/- for ownership under occupancy tenancy rights.

5. Copy of registered sale deed dated 25.11.59 in respect of field Nos. 222 measuring 2 Big. 19 Bis. for Rs. 15616-50 nP. He has also produced some copies of letters from different companies with regard to sale of land and obtaining the premises on rental basis. He has stated that he has given the premises on rental basis and he is getting Rs. 4000/- per month as rent from the Tenants. He has further stated that Ware-houses have been constructed on the land, and according to the Master Plan this land will be used for Ware-houses and has, therefore requested for release of the land. Regarding structures in Field Nos. 227, 228, 229 there are only boundary walls. All these constructions are very recent and after the Notification of Section 4 and hence no claim for compensation for structures is valid.

4. DELHI SIMLA CATHOLIC THROUGH SHAM LAL ADVOCATE

Requested compensation at the rate of Rs. 30 per Sq. Yd. in respect of field Nos. 219, 220, 224, 229 and 230 but did not produce any proof in support of the claim.

5. MESSER BAND BOX (P) LTD. THROUGH SHRI V.P. PURI MANAGING DIRECTOR

Claimed compensation at the rate of Rs. 25/- per Sq. Yd. for 4000 Sq. Yds. in respect of field Nos. 224 and Rs. 2000/- for damages. His total claim is Rs. 157500/- plus 15% compulsory acquisition charges. He did not produce any proof in respect of his claim. The land stands in the name of the original owners in the Revenue Record and the compensation will remain disputed, till the claimant gets the land mutated in his favour.

The department was not represented.

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The demand of the land owners and the interested persons is abnormally high and exaggerated. The rates claimed by them is Rs. 25 to Rs. 40/- per ^{per} Bigha, and this rate cannot be made a basis for the calculation of the price of the land under acquisition specially when they have not produced any documentary or oral evidence in support of their claims.

The year-wise statement of average sale price for the quinquennium immediately preceding the date of Notification under section 4 of the Land Acquisition Act has been worked out as under:-

Sl No.	Y E A R	A R E A		AMOUNT	AVERAGE PER BIGHA.
		Big.	Bigha		
1.	1955-56	147--14	147	9,407-42	1417--79
2.	1956-57	318--16	318	554,176-15	1738--34
3.	1957-58	1542--19	1542	26,21740-12	1699--17
4.	1958-59	2402--10	2402	33,71696-37	1611-51
5.	1959-60	204- 3	204	65,9146--75	3228-74

The average sale price for five years comes to Rs. 1714-89 nP per Bigha while for the year 1959-60 it comes to Rs. 3228-74 nP-

The following table will show the sale of the land under acquisition during the period 1955-60.

No. of Mutation.	Field No.	Date of Registration.	Area		AMOUNT	AVERAGE PER BIGHA
			Big.	Bigha		
1899	221	4.11.57	1--	11	8205/-	5293-55
1907	225-226	24.1.58	3--	5	12352-66	3800-63
1916	222	2.12.57	2--	19	15616-56	5293-75
1923	223	26.12.58	0--	15	3790-00	5053-33
1912	227	30-8.57	1--	7	3000-00	2222-22
(Occupancy Tenancy rights)						
1911	228	16.12.57	1--	6	3000-00	2307-69
(Occupancy Tenancy rights.)						
1974	229	2.1.59	1--	6	7911-25	6085-58
1913	229	12.9.57	1--	3	2500.00	2173-91
Total			13--	12	56374-87	4145 20-

The following awards of the adjoining lands were announced in this Village against notification under section 4 of the land Acquisition Act given against each:-

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Sl. No.	Award No.	Date of Notification under section 4	Rate per Bigha
1.	1294	13.11.59	BLOCK I Rs. 6000-00
2.			BLOCK II Rs. 4500-00
			BLOCK III Rs. 3500-00
			BLOCK IV Rs. 2500-00
2.	1586	14.11.62	Rs. 7000-00
3.	1007	1.9.56	Rs. 1600-00

I have inspected the land at site, the land is situated between Mathura Road and the Railway Line opposite Central Road Research Institute. The land under acquisition is in the Urban Area and it would be fair to assess the market value according to the situation and quality of the land. The Land is of one and the same quality. In view of the average sale transactions of five years before the date of Notification under section 4 and sale transactions within the acquired area mentioned, above the previous awards of the adjoining lands in this Village, the demand of the land owners and the interested persons, and all other factors, I am of the opinion that a flat rate of Rs. 4000/- per Bigha would be fair and reasonable market price in this case.

WELLS: TREES AND OTHER STRUCTURES:

WELLS: There is no well in the land under acquisition, therefore, no compensation for this item has been assessed.

TREES: There are in all 19 Kikar trees, 3 Small trees and one Shatut tree in field No 230. These were planted after the Notification under section 4, therefore, no compensation for the same has been assessed. The owner is at liberty to cut and remove them.

OTHER STRUCTURES : There is a three side wall in field No 230. According to estimate about 6000 bricks have been used. I assess Rs. 180/- at the rate of Rs. 30/- per 1000 including, labour charges etc.

By applying the rate mentioned above the price of land works out to be Rs. 71400/-

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The owners and the interested persons will be entitled to 15% in consideration of the compulsory nature of acquisition on the market value of land and structure which comes to Rs. 10710/- 2/05/1/-

INTEREST

The owners and the interested persons will not be entitled to get any interest on the amount awarded as ~~compulsory~~ compensation, since the possession of land has not been taken so far.

MODE OF PAYMENT:

The owners and the interested persons will be paid compensation according to the shares as entered in the Jamabandi of the Village. Shri Munshi is non-occupancy Tenant in field No 221 ~~xxxxxxx~~ min measuring 5 Biswas, and A.C.C Cement Factory is occupant of field No 230, and Band Box of field No 224 and in such cases protection against eviction by the land owners has been secured under Delhi Urban area Tenants Relief Act. 1961, Vide section 3(i) of this Act, no person would be liable to be ejected from any land held by him as a tenant except on one or more of the grounds mentioned in Clauses A. to D of the Act. Since these tenants cannot be ejected unless they violate any of the conditions enumerated in the clause mentioned above, they would be entitled to a substantial amount of compensation for the land acquired, which is under their occupation at the moment. I would, therefore, give them the benefit of 81 nP. in a Rupee as compensation of the land to be taken from their possession.

2. There are occupancy tenants in fields No, 224 and 227, I give them benefit of 87 nP. in a Rupee as compensation of the land, being occupancy tenants, which is their permanent right.

In case of field No, 224 Band Box is occupant and Amrit and Dalia are Occupancy Tenants, and Simla Catholic is owner. Out of compensation of this field No, 81 NP will be given to the occupant and 13 NP to the owners and remaining

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6 NP. to the occupancy Tenants.

It appears from the record and claims, that field Nos. 224, 227 and 228 and 229 have been sold by the original owners to different persons but mutations in favour of the Vendees have not so far been sanctioned. Thus the compensations will remain in dispute till the ^{such time} ~~section~~ they get the land mutated in their favour and produce ~~xx~~ the mutation order.

LAND REVENUE REDUCTION

Khalsa amount of reduction from the land Revenue Roll due on account of land acquired, works out to be Rs. 3.16 NP. There will be reduction of Rs. 3.16 NP from the Khalsa Rent Roll of the Village (is muafi) with effect from the date of taking over possession.

The aforesaid land will vest absolutely in the Government free from all encumbrances from the date of taking possession.

Subject to the above, the Award stands as follows:-

1. Price of the land.	71400/-
of	
2. Cost and structures	180/-
3. Compulsory Acquisition Charges.	10737/-

Total 82317/-

(RAM PARSHAD)
LAND ACQUISITION COLLECTOR (III)
DELHI.

31.7.64

Forwarded to the Collector, Delhi, for information.

(RAM PARSHAD)
LAND ACQUISITION COLLECTOR (III)
DELHI.

31.7.64
