

AWARD NO. 1113.

Nature of Acquisition:- Permanent.
Village:- Basaidarapur.

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The Chief Commissioner, Delhi was pleased to issue notification No.F.15(15)/53-MT&CE, dated the 22nd September, 1953 under section 4 of the Land Acquisition Act, 1894 for the acquisition of 24.90 acres of land as mentioned in the relevant plan for the construction of Ring Road Phase III and IV, from Kitchner Road to Najafgarh Road and from Najafgarh Road to Rohtak Road respectively. Subsequently he was pleased to issue declaration No.F.15(15)/53-MT&CE/LSG, dated the 20th July, 1954 in respect of the only phase III, from Kitchner Road to Najafgarh Road, for 24 bighas 19 biswas at Basaidarapur. Award No. 850 has already been drawn up in respect of the acquisition of ~~144~~ bighas ~~11~~ biswas for Ring Road, Phase IV, in this village.

True Area.

The total area comes to 24 bighas 19 biswas or 5.20 acres according to the measurement at spot. Out of the above area field Nos. 2458/1435/1 (8 biswas), 2461/1438/1 (8 biswas), 2463/1441/1 (8 biswas), 2466/1464/1 (9 biswas) already vest in the Government of India, Ministry of Rehabilitation in Ramesh Nagar Extension Scheme and Field No. 2542/2297/1 ^(2 biswas) in the Central P.W.D. Thus after deducting 1 bigha 15 biswas, the remaining area comes to 23 bighas 4 biswas including 2458/1435/1 ^(1 biswa), which is to be assessed in this award, of which the field wise details are given below:-

Field No.	Area		Kind of soil.
	Big.	Bis.	
2449/1429/1	0	6	Rosli
2450/1430/1	0	7	-do-
2452/1431/1	0	4	Ghairmunkin
2454/1432/1	0	3	Banjar
2455/1432/1	0	4	Ghairmunkin
1433/1	0	5	Rosli
2456/1435/1	0	5	Ghairmunkin
2457/1435/1	0	3	Ghairmunkin
2457/1435/2	0	1	-do-
2459/1436/1	0	6	-do-

✓2460/1437/3/1	0	10	Ghairmunkin
✓2460/1437/3/2	0	7	-do-
✓2464/1461/1	1	4	-do-
✓2465/1461/1	1	1	-do-
✓2467/1462/1	0	1	-do-
✓2468/1463/1	0	13	-do-
✓3052/2470/1	0	12	-do-
✓2472/1468/1	0	17	Ghairkumkin Khal
✓2473/1460/1	0	6	-do-
✓2474/1469/1	0	8	-do-
✓2475/1485/1	0	13	Banjar
✓2476/1485/1	0	8	Ghairmunkin
✓2519/2246/1	0	17	Rosli
✓2520/2246/1	0	14	Ghairmunkin.
✓2247/1	0	2	Rosli
✓2249/1	0	2	Rosli
✓2521/2250/1	0	12	-do-
✓2523/2251/1	0	10	Ghairmunkin
✓2524/2251/1	0	9	Rosli
✓2526/2252/1	0	9	Ghairmunkin
✓2527/2259/1	0	18	-do-
✓2528/2259/1	0	6	Rosli
✓2269/1	0	1	Ghairmunkin
✓2529/2276/1	1	3	Ghairmunkin
✓2530/2276/1	0	19	-do-
✓2531/2286/1	0	4	Banjar Qadim.
✓2532/2286/1	0	12	Ghairmunkin
✓2533/2287/1	0	17	-do-
✓2534/2287/1	1	3	-do-
✓2288/1	0	5	Rosli
✓2536/2289/1	0	9	Ghairmunkin
✓2532/2252/3/1	0	4	-do-
✓2538/2252/3/2	0	4	-do-
✓2539/2252/3/1	0	8	Banjar
✓2295/1	0	4	Ghairmunkin
✓2541/2296/1	0	3	-do-
✓2543/2297/1	0	14	-do- Factory
✓2544/2298/1	0	2	Banjar
✓2545/2299/1	0	8	Rosli
✓2331/1/1	0	1	Ghairmunkin Factory.
✓2331/2/1	0	3	Rosli
✓2546/2332/1	0	14	-do-
✓2547/2332/1	0	2	Ghairmunkin

Total:- 23 4

This area has been arrived at according to the entries in the revenue records. The field numbers given in the notification under section 6 of the said Act does not show min numbers but only gives an area of partly covered field numbers. The irregularity is not so material warranting revised notification. The tittamas have now been worked out. Field No. 2532/2286 (12 biswas) was shown in the notification as 2432/2286. This is a mere omission which can be rectified without resorting to the revision of the notification. The owner of the correct field number (D.L.F) was intimated, they have raised no objection in this regard. The area of field No. 2465/1461 was shown in the notification as 1 biswas against the covered area

of 1 bigha 1 biswa. The owner (D.L.F) had no objection to this field number being acquired to this extent. Possession has also been taken at site. No corrigendum notification is necessary on this account.

COMPENSATION.

CLAIMS.

(i) Sri Ram Kishan Jain, Secretary and General Attorney in D.L.F. Housing and Construction (P) Ltd. through his written claim dated the 25th July, 1960 claimed Rs. 99822/- for 16 bighas 10 biswas (16637 sq. yards) at the rate of Rs. 6/- per sq. yard, Rs. 6655/- on account of compulsory acquisition cost at the rate of 15% with interest. He also produced a copy of the sanction for construction of residential colony on Najafgarh Road, from the Deputy Commissioner, Delhi indicating that it was given on the 23rd July, 1951. In his supplementary written claim dated the 8th August, 1960 he stated that the Company started development and sale of plots in the year 1951. The area was a building site at the time of the notification and hence it might be assessed as such. That there were residential and industrial colony all round the area. That the rate of land in and round the vicinity at the time of the notification was not less than Rs. 6/- per sq. yard. He produced copies of mutation Nos. 1967, 2142, 2144, 2174, 2219, 2318 which took place on the basis of registered deeds before the date of the notification in the present case and mutation Nos. 2328, 2336 and 2337 which took place on the basis of registered deeds after the date of the notification in this case. The last three have no relevancy for assessing the market value of the land while the first six indicate the rates of very small plots ranging from 1 biswa to 14 biswas for residential purposes at the rates from Rs. 4/15/- to Rs. 8/12/- per sq. yard.

(ii) Sri Mohan Lal in his written claim dated the 8th August, 1960 demanded compensation at the rate of Rs. 15 per sq. yard. Sri Mohan Lal in his statement on the same

demand compensation at the rate of Rs. 8/- per sq. yard stating that the evidence produced by the D.L.F. be read in his case. Sarvshri Kehri, Kirpa Ram, Begh Ram, Dharamvir Singh, Dharam Singh s/o Mange Ram, Ram Chander, Dharam Singh s/o Sunder Lal, Mohan Lal s/o Hari Ram, Sohan Lal, Chuni Lal, Dharam Singh s/o Bhagwana, Bishamber, Ram Sarup and Risal Singh also stated like-wise.

CHIEF DATA.

The Naib-tehsildar, Land Acquisition vide his report dated the 24th December, 1960 proposed a rate of Rs. 3500/- per bigha for the land belonging to the Delhi Land & Finance Housing and Construction (P) Ltd. and Rs. 3,000/- ^{per bigha} for the other land.

DEPARTMENTAL REPRESENTATION.

The Executive Engineer vide his endorsement dated the 4th January, 1961 wrote to say that the prices had been examined. The rate proposed to be paid appear to be high, that worked out to Rs. 3/- to Rs. 3.5 per sq. yard which was exorbitantly high. It was required that suitable rate might be fixed.

FAIR AND REASONABLE VALUE.

I inspected the spot with Sri C.B.Verma, Naib-Tehsildar, Land Acquisition today (31.1.61). The land under acquisition is situated in two narrow strips on either side of the previous Ring Road and is being required for its extension. Its one end abuts on the Najafgarh Road. A part of the Rajauri Garden of the Delhi Land & Finance Housing and Construction (P) Ltd. which was a sanctioned colony has also been covered by it. A small piece of land has also been covered by Ramesh Nagar Extension Scheme. The piece of land covered by the extension of the Ring Road out of the Rajauri Garden colony is no doubt valuable as compared with the rest of the area and, therefore, it is categorised as "A" class, while the rest of the area is placed in class "B". Many sale transactions have taken place in this village during the course of 5 years preceding the date of the

notification under section 4 of the said Act. The year-wise details of the class-wise average sale price of these transactions are given below:-

Year.	Average per bigha of mixed kinds.	Average per bigha for Rosli	Average per bigha for Banjar Qadim.	Average per bigha for Ghairmunkin.
1949-50	Rs.1337.22 nP	xx	Rs. 1383.00	Rs. 6040.22 nP
1950-51	Rs. 2244.33 nP	Rs. 1428.57nP	Rs.2230.11 nP	Rs.26662.67 nP
1951-52	Rs.1622.90nP	Rs. 1670.14 nP	Rs. 1744.90 nP	Rs. 1426.48 nP
1952-53	Rs. 1550.36 nP	Rs. 2021.13 nP	Rs. 1850.55 nP	xxx
1953-54.	Rs. 2020.12 nP	xx	xx	Rs. 2291.2 nP.
AVERAGE:-	Rs. 1790.96 nP	Rs.1706.62 nP to	Rs. 1802.14 nP	Rs. 7755.5 nP.

The above prices relate to the sale of mostly small plots of land for residential purposes. But these figures surely indicate, how valuable the land in this locality is. It is no doubt suitable for building purposes. In its vicinity have sprung up several colonies which have attracted the attention of the citizens of Delhi. Because of its situation on the Ring Road, it has its importance for residential purposes. The persons interested have demanded compensation at the rate ranging from Rs. 6/- to Rs. 15/- Award No. 850 was drawn up in respect of the acquisition of land for the same purpose notified under section 4 of the Land Acquisition Act, 1894 through the same notification. In that award the matter of compensation has been discussed at length and it was thought proper at that time to form three blocks. Block No. I: consisting of the land under the Raja Garden and adjoining it towards the south, assessed at Rs. 3800/- per bigha. The land of block No. II covering the Gora cultivated land situated between the Raja Garden and the Khalasi, was assessed at Rs. 2800/- per bigha. The land of block No. III containing uncultivated area situated between the Raja Garden and the Khalasi was valued at Rs. 800/- per bigha. The land belonging to the D.L.F. Housing & Construction (P) Ltd. forming part of the Raja Garden is similar to the land of the first block of award No. 850. The other land is akin to more or less the land

the second block given in Award No. 850. There is no marked difference in the cultivated and uncultivated area because whole of it is fit for building purposes because of its ~~heavy~~ impact ~~of~~ the colonies can be well utilised as such, therefore, no distinction has been kept in the cultivated and uncultivated area of Block No. II as it was done in award No. 850. In that award the building activities in Block Nos. 2 and 3 were not so apparent as these are in block No. II in this case.

Keeping in view the claims of the persons interested, the evidence filed by them, the chief data provided by the Naib-tehsildar, the departmental representation and my own observation of the spot, I consider the following rates as reasonable and fair and award accordingly :-

BLOCK NO. I.

Particulars &	Area Bigha	Bis.	Rate per bigha.
Land belonging to the D.L.F. Housing & Construction (P) Ltd. (Rajauri Garden).	16	10	Rs. 3800/-

BLOCK NO. II.

Other land.	6	14	Rs. 2800/-
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Structure.

The frontage of the Hind Salt Products comprising field Nos. 2331/1 (part) and 2543/2297 (part), including its gate as well as a part of the boundary wall of an enclosure has been covered by the land under acquisition. These walls and the gate as written thereon apparently belong to the Hind Salt Products. The Naib-Tehsildar, Land Acquisition proposed about Rs. 300/- for damage to the wall. The bricks used in the walls are third grade and the ~~height~~ height of the wall is about 4 to 5 feet. It is quite ordinary structure. The proposal of the Naib-Tehsildar appears to be reasonable and I have no reason to differ with him and, therefore, award Rs. 300/- for the wa

TREES.

There are 4 neem trees and a few other saplings. All the four neem trees weigh about 12 maunds and at the rate of Rs. 1.50 ^{per maund of this tree} their cost comes to Rs. 18/-. There is no well or other item to be assessed. The question of severance does not arise.

SOLATUM.

15% will be added over and above the amount of compensation for the land, wall and the trees as provided in sub-section 2 of section 23 of the Land Acquisition Act, 1894.

INTEREST.

As intimated by the Executive Engineer, through his letter No. 799, dated the 24th January, 1961, received here on the 27th instant, possession was taken over by the department on the 30th December, 1955, therefore, interest would accrue from that date upto the 1st March, 1961, the anticipated date of payment to the persons interested.

APPORTIONMENT.

Sri Raghbir Singh Tanwar through his application dated the 25th July, 1960 represented that the case filed by Sri Bishamber etc son of Bhenda in the court of Sri Man Mohan Singh Gujral, Sessions Judge has since been decided in favour of Sri Dharamvir Singh, therefore, the compensation be given to him. In case the compensation is not given to him (Dharamvir Singh), it might be with-held and payment ^{made} to Sri Bishamber etc. only on producing authentic evidence. Sri Baldev Raj son of Chuni Lal is shown as lease-holder of fields Nos. 2543/2297/1 (14 biswas) and 2331/1/1 (1 biswa) from 12.9.51 to 11.9.71. The lease deed has been produced and according to the terms of the lease, if the Government ever acquire any portion of the land under lease for constructing road etc. then the deficiency would be made good by the lessor out of field No. 2331 adjoining field No. 2543/2297, according to the option of the lessee. I understand that the land owner has disposed of the rest of portion of field No. 2331 and thus no land is left with him to make good the deficiency.

of the lessee, therefore, he becomes the person interested and entitled to a share out of the compensation to be given to the lessor/owner. It has not been expressly laid down in the terms of the lease that if any such situation arises what would be the criteria for the apportionment of the compensation between the lessor and the lessee. The matter shall, therefore, be referred to the District Judge for verification and payment to the rightful owners after determining their shares in the compensation. About the compensation of the structure/boundary wall, it would go to the lessee. Payment in other cases will be made according to the recorded shares in the revenue records as reproduced in the statement prepared under paragraph 55 of Standing Order No. 28 which forms a part of the award.

The award is summarised as below:-

Block No.	Area Big. Bis.	Rate per bigha	Amount of compensation.
I	16 10	Rs. 3800/-	Rs. 62,700.00 nP.
II	6 14	Rs. 2800/-	Rs. 18,760.00 nP.
Add compensation for the wall			Rs. 300.00 nP.
Add compensation for 4 neem trees			Rs. 18.00 nP.
Add 15% for compulsory acquisition cost:-			Rs. 12,266.70 nP.
Add interest at the rate of 6% P.A. from 30.12.55 to 1.3.61.			Rs. 29,140.97 nP.
Total:-			Rs. 1,23,185.67 nP.

Land Revenue Deduction.

An amount of Rs. 9.25 nP will be deducted from the Khalsa Rent Roll of village Basaidarapur from Kharif, 195

(Murari Singh)
Land Acquisition Collector,
Delhi. 31.1.61.

Submitted to the D.C. (Collector of the District), Delhi for information.

(Murari Singh)
Land Acquisition Collector
Delhi. 31.1.61.

Seen,
Done 2/2/61

For Mr. D. B. 4/2/61

to be published in Part V of the Delhi State Gazette)

Delhi State Secretariat: Delhi.

Notification.

Dated the July, 1954.

No.F.15(15)/53-MT&CE/L.S.G.:—Whereas it appears to the Chief Commissioner of Delhi that land is required for a public purpose, namely for the construction of Ring Road (Phase III) from Kitchner Road to Najafgarh Road, it is hereby notified that the land described in the specification below is required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, ~~acquisition~~ the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected at the office of the Collector of Delhi.

SPECIFICATION.

Locality.	Total Area.	Boundaries & Field Nos.	Field Nos.	Area.
V. Naraina.	109 Bighas 12 Biswas.	No. Khasra.	Bighas	Biswas.
		72	0	6
		73	0	15
		98		10
		1794/100		12
		101		5
		102		17
		105		12
		106		3
		107		11
		109		1
		110		6
		111		13
		112		3
		113		19
		115	2	5
		131		12
		132		5
		133		14
		134		2
		135		11
		136		3
		137		14
		138		13
		139		8
		140		17
		141		8
		142		0
		172-173	1	6
		175		8
		176 -178		1
		177		1
		293		5
		299		

contd.....2.

Total area Boundaries & Field Nos. Locality Total Boundaries
Area.

No.	Big. Bis. 109-12	No. Khasra.	Area. Big. Bis.	Basaidara pur. No. Khasra.	Big Bis. 24 19 Area Big. Bis.
		300	8		
		302	12	2449/1429	6
		1795/304	5	2450/1430	7
		305	5	2452/1431	4
		306	7	2453/1431	
		308	19	2454/1432	3
		309	5	2455/1432	4
		310	15	1433	5
		293	3	2456/1435	5
		1099	3	2457/1435/1	3
		1100	2	2457/1435/2	1
		1101	4	2458/1435	9
		1102	14	2459/1436	6
		1104	10	2460/1437/3/1	10
		1105	5	2460/1437/3/2	7
		1106	6	2461/1438	3
		1107	5	2463/1441	3
		1109	13	2464/1461	4
	1	1111	3	2465/1461	1
		1112	9	2466/1461	9
	2	1113	6	2467/1462	1
		1114	1	2468/1463	13
		1116	1	3052/2470	12
		1126	5	2472/1468	17
	2	1127	4	2473/1468	6
	1	1128	19	2474/1469	8
	2	1129	16	2475/1435	13
		1130	14	2476/1435	3
		1131	13	2519/2246	17
		1132	11	2520/2246	14
		1133	7	2247	2
		1150	7	2249	2
	1	1151	5	2521/2250	12
		1155	13	2523/2251	10
		1156	1	2524/2251	9
		1157	11	2526/2252	9
		1158	5	2527/2259	13
	4	1159	9	2528/2259	6
	1	1160	6	2269	1
	1	1161	6	2529/2276	3
		1162	12	2530/2276	19
		1164	7	2531/2286	4
		1197	15	2532/2286	12
	2	1198	0	2533/2287	17
	2	1199	6	2534/2287	3
	4	1200	4	2238	5
		1201	2	2536/2239	9
		1690	1	2533/2292/3/1	4
	2	1691	8	2533/2292/3/3	4
	3	1692	8	2539/2292/3	3
	4	2096/1693	9	2295	4
		2097		2541/2296	3
	2	1701	9	2542/2297	2
	6	1702	15	2543/2297	14
	5	1703	19	2544/2298	2
	19	1652	17	2545/2299	3
		1732	14	2331/1	1
		1733	13	2331/2	3
		1734	10	2546/2332	14
1735	2	1736	12	2547/2332	2
		1737	15	2535/2237	

- 3 -

1742		5	
1743	2	4	2522/2250
1744		6	1428
1745		1	2537/2239
		<u>12</u>	

109 - 12

24 - 19

Total

By order,

134 Bygus
11 Bbws

sd/-Sham Sunder Lal,
Assistant Secretary(Local Self Govt)
to Delhi State Government:Delhi.

No.F.15(15)/53-ME&CE(LSG)

Dated the 20 July, 1954.

Copy forwarded for information to:-

1) The Land Acquisition Collector, Delhi with reference
to his letter No.364/LAC dated the 22nd June, 1954.

The draft notification under section 6 in respect of
acquisition of land for the construction of Ring Road (Phase IV)
from Najafgarh Road to Rohtak Road may also please be expedited.

(2) The Superintendent Engineer, Delhi State, New Delhi
with reference to his letter No. SEDS/169-DSI/9467 dated the
19th June, 1954.

sd/-Sham Sunder Lal,
Assistant Secretary(Local Self Government), to
Delhi State Government:Delhi.