AF EPTLLage:

Bassidara Pur.

Acquisition:

Permanent.

This is a case for the acquisition of land in Village Besidharapur required by the Government at the public expense. for a public purpose, namely, for the re-sectioning of Nazafgarh Drain. A declaration under section 4 of the Land Acquisition Act 1894 was made by the Delhi Administration vide notification No. 1.15(156)/60-ISG(Vel. Iii) dated 10.1.61. The substance of the notification was given wide publicity in the Mare on 15.1.61 inviting objections within a period of one No objection was, however, received within the prescriher time. A declaration under section 6 of the Land Acquisition Act regarding this area was made vide notification of even number dated 17.5.61. Notice under section 9(1) of the Land Acquisition Act was given wide publicity in the village and on the property on 31.5.61 inviting claims upto 16.6.61 from all the interested parties. Notices under section 9(3) and 10(1) of the Land Acquisition Act were served upon the interested parties. There is only one party who is interested in this land and they have filed their claims and also lead the evidence.

#### MEASUREMENT & OWNERSHIP.

From measurement made ander section 8 of the Land Acquisition Act, it was found that the khasra numbers 16/1, 22/1, 2626/21 and 2627/21 total measuring 1 bighs 7 bisss were wrongly included in the notification. These khasra numbers did not like in the scheme prepared by the P.W.D. On the observable within the scheme prepared by the P.W.D. On the observable.

2 bighas 18 biswas were the part of the scheme and were not included in the notification. The interested party i.e.

Refugee Cooperative Housing Society has come forward and stated that they have no objection if khasra numbers 14/1,

24/1, 25 and 33/1 total measuring 1 bigha 11 biswas are

acquired without any notification provided they are paid 15%

as solatium for compulsory acquisition. They have, however,

an objection in acquiring khasra No.11/1 measuring 1 bigha

7 biswa. I am, therefore, including khasra numbers 14/1,

24/1, 25, and 33/1 in the acquisition. Khasra No.11/1 lies

ton the corner of the scheme and if the P.W.D. thinks that they

have to acquire this khasra number, then a fresh notification

under section 4 will have to be made. The area under acquisition, therefore, is as follows:-

Name of the owner.	Khasra number.	Area Bigha-Biswa.		Kind ofland.	
	14/1	0 -	2	Gairmumkin o	
Refugee Cooperative Housing Society Ltd;	24/1	o -	2	-do-	
Delhi;	25	1 -	6	-do-	
	26	2 -	16	-do-	
	27/1	2 -	1.	-do-	
	29	0 -	8	-do-	
	29	0. –	18	-do-	
	30/1	6 -	15	-do-	
		1 -	2	-do-	
	31/1	0 -	13	-do-	
	32/1	0 -	1 >	-do-	
	33/1	0 -	13	-do-	
	75/1	0 -	- 15	- <b>đ</b> o-	
	76/1	0	9 `	-do-	
	77/1	0 .	- 10	-0.0-	
	78/1	0	_ 9	-,do-	
	79/1	0	- 9		
	80/1		- 11	**** <b>****</b>	
	3244/103/1			-do-	

104/1		1.	- 12	Gairm	mkin a
105		. 0	_ 9		-do-
106		0	- 11		-do-
107/1			- 2		-do-
111/2	5°	1.	_ 6 _		-go-
59/1		<b>3</b>	- 9		-do-
		44			.•
Tota	1	31		<b>\</b>	

I, therefore, hold the area under acquisition to be 31 bighas 2 biswas.

## CLAIMS & EVIDENCE

Refugee Cooperative Housing Society, Ltd; Delhi has made a written claim that this land was acquired then by the Govt. under the Rehabilitation of Displaced persons Land Adquisition The case went to the Civil Court and they made a compromise with the land owners and paid the price in the year 1958-59 @ Rs.1900/- per bigha for agricultural land and Rs.800/per bigha for non-agricultural land. They have developed this land into a colony and they are giving plots to their members @ Rs.8/- per sq.yd. This is, however, not the market rate. The market value should concluded from the adjacent colony of Shivaji Park where plots are being sold @ Rs.25/- to Rs.40/- per sq.yd. They, therefore, claim that they should get compensation • Rs. 30/- per sq.yd. They further state that they should get kex Rs. 4, 49, 709.60 N.P. for laying and removing the pipes for sewerage and delay in development of the area because of this notification They have supplied two statements regarding the expenditure done by them in laying the pipes. This is as follows:-

18 inches C.I. Severage along white the Nala.

1st Case.

Rs. 23,672.97

2nd Case.

Ra. 2, 2, 2, 4, 2

34.25,7**25**7

They have made a scheme of Rs.4,23,987.90 for delay in the completion of their scheme on account of this notification. I do not understand that this delay occured. Only a very small area is under acquisition as there is no reason why the delay, teck place. As a matter of fact according to their lay-out plan this area was not publ a part of the plotted area. Whole of this land was liable to floods on account of the Nazafgarh Drain and they have no scheme for laying plots in this area. Therefore, their claim for the delay is absurd as it did not affect the development in any way. They might state that they had to remove the sewerage line as already laid there and this caused the delay. This work could have gone on along with the construction of roads etc. and therefore, there was no cause for delaying the development of the whole colny. Their claim, therefore, is absured and untainable, as regards the rates In evidence they have produced Shri Balkishan, Patwar of Basaidharapur. He has stated that on 17.7.59, 17 biswas of land was sold for a sum of Rs.6,000/- vide mutation No.2529. This mutation was, however, not sanctioned. The second witness Shri Lakhmi Narain states that he purchased Plot No.54 measuring 232 sq.yds. for a sum of Rs.5805/- in Shivaji Park. According to the evidence of the Patwari, the rate of land comes to Rs.7000/- per bigha. This sale is regarding to khasra No.1545 which is on a higher level and far away from the area under acquisition. This khasra number is also not liable to floods. The owners cannot claim compensation on the basis of this

irrelevant because these are the rates of plots in a fully developed colony while the area under acquisition was not meant by the owners themselves to be turned into plots according to their scheme. The evidence laid by the owners is, therefore, irrelevant.

#### MARKET VALUE.

The land under acquisition is situated near the village Basaidharapur on the Nazafgarh Drain which is flooded/every year. This is why the Government has taken up the seheme of extension of Nazafgarh Drain. When the scheme is completed, the owner who have got other waste land which cannot be turned into plots, will be fit for residential purposes, because the flooding will stop. They cannot, however, claim the benefit of scheme under which this land is being acquired. The land, therefore, in its present situation is Zvery bad kind of land fit neither for agricultural purposes nor for residential Their claim to get compensation @ developed plots purposes. is, therefore, absurd. I have made award No.1165 on the basis of notification under section 4 dated 2.1.61 while the relevant date in this case is 10.1.61. The land under acquisition is similar to the land which was acquired under award No.1165, in situation and kind. There is no reason why the rate in this case should be more than the land acquired under Award No. 1165. I, therefore, award Rs. 3000/- per bigha for the area under acquisition.

#### OTHER COMPENSATION.

In addition to the compensation, on the above rates,

Contd.

the land owners will get solatium @ 15% of the value of land. The possession has not been taken so far, therefore, the question of payment of interest does not arise. It is, however, a fact that the land owners laid sewerage line through this area which had to be removed on account of this acquisition. The claim, however, is very much exaggerated. In one case, they state that they paid Rs.53.50 N.P. per thousand cubic ft. while in the other case they state that they paid Rs. 97/- per thousand cubic ft. There is no explaination why the double rate was paid in the second case. The quantity of the earth work for a length of 307 running ft. is enormous. It means for every running feet, they had to dig 750 cubic feet of earth, which means average width of 40 ft. and depth of 19 ft. There was no need of digging 40 ft. wide ditch for laying one ft. diamet Half the width would have been quite sufficient. Accor to their own statement, the depth of the biggest man-hole was 11 ft. 7 inches. I do not think it requires digging of more t 15 ft. depth. Assuming the depth to be 15 ft., the width to b 20 ft. and the length to be 307 ft., the total earth work come • to 92100 cubic feet or roughly one lac cubic feet. The rate should be Rs.53.50 N.P. The total cost comes as follows:-

1). Cost of one lac cubic feet of earth work @ Rs.53.50 N.P. per thougand.

2). Brick bats.

Rs.5,350.00

Rs. 13.59

Rs.1,381.50

Rs. 260.00

Rs. 139.40

Rs.7,144.49

<sup>3).</sup> Cost of laying 307 Rft.@ Rs.4.50 N.P. per running ft.

<sup>4). 5</sup> ft. C.I. Man-hole at 7 ft.initial depth.

<sup>5). 4.1</sup> ft. extra depth of man-hole.

In addition to the compensation for land I allow Rs.7,144/- as compensation on account of expenditure made by the Society on the land. No compensation for pipes, sale-tax, cartage and man-hole framecan be ablowed because it was removed by the society and used elsewhere. There is neither any tree nor any structure on the land under acquisition, therefore, no compensation on any other ground is allowed.

# THE AWARD IS SUMMARISED AS UNDER.

Total compensation	Rs.1,14,439.49
Compensation for laying of sewerage.	Rs. 1,07,295.00 Rs. 7,144.49
for compulsory acquisition.	Rs. 13,995.00
Cost of 31 bighas 2 biswas of land Rs.3000/- per bigha.  15% as solatium of the cost of land for compulsory acquisition.	Rs. 93,300.00

The land under acquisition is assessed to a Khalsa land revenue of Rs. 12.44. This land is being acquired for the Govt., therefore, it will be deducted from the revenue roll w.e.f. Kharif 1961.

( Nand Kishore )
Land Acquisition Collector I,

DELHI.

12.7.61.

Submitted to the Collector of District for information and approval, please.

fren Jung

( Nand Kishore )
Land Acquisition Collector 1,

COLLECTOR, TELHILLE J.

عدم ما معن المعنى زير المرا من المعنى المعنى المراد راد راد المراد المرد المراد المراد المرد المراد المرد المراد المراد المراد المراد المراد المراد المراد ا who visiones 14 g in presy ser and the pier on disservings and in the sale of with discount of was in the way is in the way of the thing المدين الما و تع كيف و قوير سي يورون بنها مي مان ما م - بنها من بيرما فور The waster of the without the service of the servic المنف فعلى من المراب المنافية على المرابية على المرابية ا من در الما من المعالم Karan clans 29/9 with it is pos in it is with the

inversor convi CPWigging Gyphia! L.A. out de A. J 29.9.61 Section Officer. C. P. w.D Const Divin . III N Delle The times the second will at سرى مرائن دور بالع אינונינים לי מנואן رال کی کی گرز in sold four sind of the said sing for the said sing Bom N. Th. 29 6, 66 a reside on two of IN - 50 12 28 1867 as 1867 2 Secret of 1867 29 80 ر مان ق من من المورار المرافع المورون المرافع المورون المرابع 5.0 En sills vision se ga gio winder la lo a Banny 60-1,200 - 1,200 600

(To be published in Part IV of Delhi Gazette) DELHI ADMINISTRATION, DELHI. NOTIFICATION. No.F. 15(156)/60 Les No.F. to the Chief Dated Commissioner, Delhi that land is likely to be required to be taken by the Govt.at the public expense for a pub purpose namely, for the remotioning of the form B-rain, it is hereby notified that the land in the locality described below is likely to be required for the above purpose. This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern. In exercise of the powers conferred by the aforarise the officers for the time being engaged in the indertaking with their servenes and workmen to enter upon and survey any land in the locality and do all other etc. required or permitted by that section. to the acquisition of any land in the locality may within the locality may be an in the locality may be an interest of the locality may within the locality may be an interest. bjection in writing before the collector of Delhi. mai Dera-(LECKIDELE) ADMINISTRATION ! Ho. F. 15 (156)/60-LSG(Vol. III) to demany, Copy forwarded total Recruitment & Services Depth (in duplicate) for the land Asquisition Colleges of Delia with references 10 Delia Complete Services Complete Connect too, dam Ragar House, New Dolls La Shrift Sale, Joshi, Shromaive Ragimeer, Com

(To be published in Part IV of Delhi Gazette.)

### DELHI ADMINISTRATION, DELHI. NOTIFICATION.

Lated

Whereas it appears to the Chief Commissioner of Delhi, that land is required to be taken by Govt. at the public expense for a public purpose, namely

# for the Resectioning of Rejefert Beats,

it is hereby declared 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, the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

office of the Collector of Delhi.

