

Award No. 1600
Name of the village Basidarapur.
Nature of Acquisition. Permanent.
Scheme Planned Development of Delhi

In pursuance of Delhi Administration Notification No.F.15(III)/59-L33 dated 13.11.59 made under section 4 of the Land Acquisition Act of 1894, 34070 acres of land in various villages was notified to be needed for a public purpose i.e. for Planned Development of Delhi. The land measuring 86 bighas and 19 biswas in village Basidarapur which is the subject matter of this Award was included in the aforesaid notification. Objections were received U/s 5(A) of the said Act and the same were submitted with a report for the decision of Appropriate Government. The Appropriate Government after considering the report made U/s 5(A) sub-section 2 being satisfied that the land in question was needed for a public purpose issued a declaration to that effect vide notification No.F.7(5)/61-L&H dated 17.2.62 under section 6 of the said Act. By the aforesaid Notification land measuring 86 bighas 19 biswas comprised in khasra nos. 1163/1 min, 3263/1167, 3264/1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1187/1188, 1189, 1190/1 min, 1191/1 min, 1192/1. in village Basidarapur was notified for acquisition. Notice U/s 9 (1) of the Land Acquisition Act was given due to publicity inviting claims from all interested persons. Notices U/s.9(3) and 10(1) of the Land Acquisition Act were served upon the known interested persons. The claims for compensation received in compliance with the notices shall be discussed in this Award under a separate heading "COMPENSATION CLAIMS".

2. MEASUREMENT & OWNERSHIP.

The area under acquisition as given in the notification under section 6 of the Act is 86 bighas 9 biswas. As a result of actual measurement carried by

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the Land Acquisition Staff, The actual area was found to be 87 Bighas 19 Biswas in place of 86 bighas 19 biswas. The difference in area was discovered in khasra nos. 3639/1163 1187/1, 1190/1, 1191/1, & 2567/1192/1. The details are as below:-

S.No.	Khasra No.	Details.
1.	3639/1163	Decrease of 1 Biswas due to working out of area.
2.	1187/1	Increase of 12 Biswas in area due to measurement and previous acquisition.
3.	1190/1	Decrease of 1 Biswas.
4.	2567/1192/1	Increase of 5 Biswas in area.
5.	1191/1	Increase of 3 Biswas in area.
6.	Totalling of area	Increase of 2 Biswas due to correction total in area.

The details of the khasra nos., ownership area and classification of soil is given as below:-

Name of the owner.	Name of cultivator.	Khasra No.	Area Big.Bis.	Quality of land.	Remarks
3	4	5	6	7	8
Sh. Ram Nivas, Mehri, Dayanand s/o Ram Chander in equal share..1/2	Maqbuza Malkan	1179	2 - 10	Ghairmunkin Khad.	-
At. Kalawati widow of Ram Rachhpal..1/2		1189	2 - 7	Ghairmunkin Khad.	
		Total:	4 - 17	Ghairmunkin Khad.	
Agwa. Himan, Malkan s/o Kira in equal shares.	Maqbuza Malkan.	1190/1	4 - 16	Ghairmunkin Khad.	
		Total:	4 - 16	Ghairmunkin Khad.	
Shu, Shankar, s/o Darba in equal share.	Maqbuza Malkan.	1180	5 - 8	Ghairmunkin Khad.	
		1188	2 - 14	"	
		Total:	8 - 3	Ghairmunkin Khad.	
Sunder Lal, Jan, Bishambar, Chhman s/o Msi in equal shares.	Maqbuza Malkan	1170	1 - 11	Ghairmunkin Khad.	
		1171	3 - 8	"	
		1173	2 - 7	"	

3	4	5	6	7	8
		1175	4 - 1	Ghairmumkin Khad	
		1177	0 - 16	"	
		1178	1 - 9	"	
		1191/1	2 - 9	"	
		Total:	16 - 1	Ghairmumkin Khad.	
Khazan Singh s/o Khan Chand..1/2	Maqbuza Malkan	2567/ 1192/1	0 - 9	Ghairmumkin Khad.	
Ram Mehar, Shiv Charan ss/o Munshi in equal shares..1/2		1172	7 - 8	(7-5) " Ghairmumkin Cha (0 - 3)	
		1176	2 - 11	Banjar Qadim.	
		1174	3 - 1	Ghairmumkin Khad.	
		Total:	13 - 9	Ghairmumkin Khad 10-15. Banjar Qadim 2-11. Ghairmumkin Cha 0-3	
Khazan Singh s/o Khan Chand..1/2 share.	Ishwar Chand s/o Shadi Ghair Morosi Bila Lagani on account of Dohli.	1169	1 - 16	Ghairmumkin Khad.	
Ram Mehar, Shiv Charan, ss/o Munshi in equal shares..1/2.		Total:	1 - 16	Ghairmumkin Khad.	
Man Singh, Kanhya Singh, Beg Raj, Partap Singh ss/o Jagat Singh, in equal shares.	Kanahya Singh - min. co-sharer through Gujran Walan Brick kiln Co., Ghair Morosi	1168	3 - 17	Ghairmumkin Khad.	
	Total:	3 - 17	Ghairmumkin Khad.		
Man Singh, Kanhya Singh, Beg Raj, Partap Singh s/o Jagat Singh in equal shares.	Beg Raj co-sharer min. through Gujran Walan Brick Kiln, Co., Ghair Morosi.	1168	3 - 18	Ghairmumkin Khad.	
		3 - 18	"		
Okul Chand, Charambir Singh s/o Shri Sham Singh in equal shares...1/3	Sardar Co., Kashmeri Gate Delhi Ghair Morosi	3263/ 1167.	11 - 8	Ghairmumkin Khad.	

3.	4.	5.	6.	7.	8.
Mst. Gaindo, Wd/o Shiv Nath, Shoba Ram s/o Bhim Singh in equal shares... 2/3.			11-8	Ghairmumkin Khad.	
Smt. Raja Devi, - Gujranwal n 3639/ Kulawanti, Kamawati Brick Kiln. 1163 d/o Parbhu Singh - Co. Ghair in equal shares. Moroosi.			5 - 1	"	
		Total:.	5 - 1		
Smt. Sona Dai Sardar Bhatta 3264/ d/o Piari Co. Kashmeri 91167 Gate, Delhi - Ghair Moroosi.			12 - 8	"	
			12 - 8	" N	
Shamlat Patti Thoroughfare 1187/1 Tagal, share M/S. Hans Bhatta according to Area Co. without Khwat. lagan.			2 - 5	Ghairmumkin Rasta.	
			2 - 5	" N	
NOTE: On the basis of Khasra Girdawari of Kharif 1959.					

The total area of land under acquisition is classified as under

Ghairmumkin Khad	Big. Bis
	83 - 00
Ghairmumkin Rasta	2 - 5
Banjar Qadim	2 - 11
Ghairmumkin Chah	0 - 3
Total:	87 - 19

COMPENSATION CLAIMED:

In compliance with the notices issued under section 9 & 10 of the Land Acquisition Act, 1894, the following interested persons have filed the claims enumerated below:-

Note:- The table prepared below gives full particulars of the claimants, their compensation claims, proof led etc.

Claimant	Kh.Nos. reg. which claim has been filed.	Date of filing with grounds.	Compensation claimed	Any other Document- any proof or any other proof led by the claimant, if any.
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3.	4.	5.	6.
1, Sujan	They have	15-10-62. Rs. 50/- per sq.yd.	

each- not mention-
asi. ed the kha-
wd/sra no. ex-
cepting
ehri 1191.
s/o

i d/o

Smt.
t. Raja
abhu

1172	Joint	Rs.50/-	Copies of	They have
7 Big.	Claim dt.	per sq.yd.	Order given	claimed
8 Biswas.	10.10.62		by Distt.	Rs.1000/-
1174	filed be-		Judge in	for 16
3 Bighas	fore L.A.C.		case No.35	Shisham
1 Biswas.	on 15.10.62		of 1960.	trees and
1176			2. Copy of the	Rs.4,000/-
2 Bighas			order passed	for a pacca
11 Biswas.			by the	well in Kh.
2567/1193 min.			learned Addl.	No.1172.
5 Bis., 1169			Judge in case	
1 Big.16 Bis.			No.9 of 1961.	
			3. Co y of the order	
			passed by the	
			learned Addl.	
			Distt. Judge in	
			case No.29 of	
			1959.	
1168 measu-	15.10.62	Rs.20/-	Copy of the	---
ring 7 Big.		per sq.	order of Addl.	
15 Biswas.		yd.	Distt. Judge in	
1187 min.			case No.29 of	
measuring			1959.	
1 Big.13 Bis.				
3263/1167	15.10.62	Rs.20/-	Copy of the	---
11 Big.8		per sq.	order of the	
Bis.		yd.	learned Addl.	
1187, 1 Big.			Distt. Judge	
13 Bis.			in case No.29	
			of 1959.	
3263/1167	16.10.62	Rs.20/-	Copy of the	---
11 Big.8 Bis.		per sq.	above referred	
1180(5 Big.		yd.	case No.29 of	
9 Biswas)			1959.	
1188, 1 Big.				
13 Biswas.				
1169 to 1180	Nil	Rs.30/-per	Two unattested	Has clai
total area		sq.yd.	copies of agree-	med Rs.
ash 36 Big. Kham			ment. First	4000/-for
and 7 Biswas.			agreement (lease	brick
He has stated			deed) executed by	kiln.
that out of			Khazan Singh in	Rs.2000/-
the above Kh.			favour of Shri	for pucca
Nos.1172,1174,			Bharat Singh s/o	water
1176 & 1179 were			Molarmal on 25.10.49	well
on perpetual			and second copy	Rs.200/-
lease and the			executed by Ram	for six
rest on temporary			Richpal in favour	big tree

lease with
him.

of Bharat
Singh s/o
Molarnal r/o
Model Basti.

of Tahli. ✓
Rs.1500/- for
pair of Chimneys.
Rs.2625/- for
105 huts of
labourers @
Rs.25/- per hut.
Rs.1500/- for
Godown and Office
Rs.15000/- for
Goodwill and Loss
due to stoppage
of work.

In addition to the above, Shri Khazan Singh son of Shri Kham Chand stated that the proof led by him related to village Khampur Raya and that the land in question is situated on the border of village Khampur Raya and Basidara Pur. He further stated that the land in question was surrounded by Patel Nagar, Kirti Nagar colonies, Pusa Road and Government Dairy Milk Scheme. The other claimants have also laid emphasis on the situation of the land in their written claims saying that the same was situated near the developed colonies, like Kirti Nagar, Patel Nagar etc. and as such they have demanded the market value of the land at various rates mentioned above. I have gone through the various orders passed by learned Additional District Judge in cases Nos. 35 of 1960, Case No.9 of 1961 and case No.39 of 1959 which have been produced by the claimants. These orders relate to the land acquired in village Khampur Raya and in my opinion the same cannot be taken into account while assessing the value of land in village Basidarapur, especially when the sales of land similar in quality and situation etc. are available in village Basidara Pur itself. The land referred to in the above orders is of high level which is situated on Road No.34 bounded on West by West Patel Nagar Railway Station and on East by D.T.U. Bus depot. As such land covered by the various orders of the learned District Judge

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enjoys better situation and has more market value when a comparison of those land is made with the land under acquisition.

Two unattested copies of agreements (lease deeds) have been produced by Shri Ved Parkash Mehta which are entirely useless pieces of evidence for assessing the market value of the land under acquisition because these agreements which were executed in year 1949 do not have any relevancy in determining the market value as the same confer lease rights.

For the above reasons, no value can be attached to the documentary evidence adduced by the claimants and in my opinion their claims are grossly, excessive, fabulous and highly unjust.

MARKET VALUE.

We have to find out the market value of the land under acquisition as prevailing on the date of notification U/s. 4 of the Land Acquisition Act namely 13.11.59. The year-wise statement of sales for the preceding 5 years before the date of notification U/s. 4 of the Land Acquisition Act, 1894 are shown as under:-

<u>Area sold. - Big. Bis.</u>	<u>Consideration money.</u>	<u>Average per bigha</u>
3	4	5
113 - 18	Rs. 263326-18 nP.	Rs. 3194-26 ⁸ nP.
98 - 9	Rs. 774141-00 nP.	Rs. 7862-29 nP.
465 - 12	Rs. 1603242-10 nP.	Rs. 3443-40 nP.
49 - 17	Rs. 153143-00 nP.	Rs. 3132-25 nP.
13 - 19	Rs. 37000-00 nP.	Rs. 2352-33 nP.
<u>741 - 15</u>	<u>Rs. 2934352-28 nP.</u>	<u>Rs. 3955-30 nP.</u>

From the above table it is evident that the average for the year 1958-59 comes to Rs. 2,652.33⁴ nP. sale deeds which took place in the year 1958-59 as below:-

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<u>Mutation No.</u>	<u>Date of Registration.</u>	<u>Area sold. Big. Bis.</u>	<u>Consideration money.</u>
2	3	4	5
2523	20.1.59	0 - 19	Rs. 5000.00 nP.
2527	16.3.59	1 - 13	Rs. 8000.00 nP.
2532	18.7.59	0 - 15	Rs. 6000.00 nP.
2587	17.9.59	0 - 7	Rs. 1500.00 nP.
2640	30.1.59	5 - 19	Rs. 2750.00 nP.
2680	28.5.59	3 - 15	Rs. 11000.00 nP.
2774	25.8.59	0 - 4	Rs. 1000.00 nP.
2775	25.8.59	0 - 4	Rs. 1000.00 nP.
2776	25.8.59	0 - 3	Rs. 750.00 nP.
Total:		<u>13 - 19</u>	<u>Rs. 37000.00 nP.</u>

The above table shows that mutations Nos. 2523, 2532, 2774, 2587, 2775 & 2776 relate to the sales of plots less than one Bigha of land, which may be having facilities of roads, lanes etc. with it. In the sales of such plots, prices are generally exaggerated and overstated by vendors in collusion with vendees either for defeating pre-emption claims or for fetching more prices by way of resales. As such, the prices quoted in the transactions of the sales of these small plots are generally deceptive and do not furnish correct basis for the determination of the fair and reasonable market value of the land. The remaining sale transactions give an average sale price of Rs. 1916-30 nP. per Bigha Kham irrespective of the classification of the soil.

The following table shows some of the various awards so far pronounced in respect of land acquired in this village.

<u>Date of Notification U/s 4 of the Land Acquisition Act.</u>	<u>Kind of land and Rate Per Bigha.</u>
2 F.15(III)/59-LSG dated 13.11.59	Abi Land @ Rs. 3000/- per Bigha. Rosli Land @ Rs. 2000/- Per Bigha. Ghairmumkin land @ Rs. 600/- per Bigha.

3	4
.3.63 U/s 15(III)/59-LSG dated 13.11.59	@ Land/Rs.4000/- per Bigha.
.1.63 U/s F.15(84)/57-LSG dated 3.9.57	Land @ Rs.3000/- per Bigha.
.3.63 F.15(III)/59-LSG dated 13.11.59	Land @ Rs.3500/- per Bigha.

The above table shows that the value of land in the above village **ranges** from Rs.600/- to Rs.4000/- per Bigha, and this may be due to the situation, quality and potentiality of land. The land under acquisition was inspected by me, and is similar in quality, situation and value to its adjacent land for which compensation was awarded in award No.1415. The date of Notification U/s 4 of the Land Acquisition Act of award No.1415 is identical with the date of Notification U/s 4 of the said Act of the land under acquisition. The Land Acquisition Collector in award No.1415 held as under:-

"It would be seen that average per Bigha of the preceding five years comes to Rs.3954.63 nP. Whereas average of the year of the notification is only Rs.2652.33 nP. A careful perusal of the statement given above would show that in the year 1955-56 there was an abrupt rise in the prices in this village. Most probably, this land was purchased for the purpose of establishing some Colony. The transactions in such cases are never genuine. The prices are very much aggravated by sales and re-sales of the land on which it is intended to construct a Colony. This point further becomes crystle clear by a cursory glance on the average of prices in the preceding and succeeding years. In the year 1954-55 the average was only Rs.3194.26 nP. and in the year 1956-57, it was Rs.3441.24 nP. only

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in the year 1955-56 it rose to the level of Rs.7862.29 nP. Again in the year 1957-58, it came down still lower to the level of Rs.3132.25 nP. per Bigha following by Rs.2652.33 nP. in the year 1958-59. The previous Awards also have been to the tune of Rs.3500.00 and Rs.3000.00 per Bigha.

591 Bighas 3 Biswas under present acquisition consists of the following classification:-

Abi.....	424 Bighas 18 Biswas.
Rosli.....	68 Bighas 9 Biswas.
Ghairmunkin.....	97 Bighas 16 Biswas.

In view of the above discussion and keeping in mind the situation and other factors with respect to the land under acquisition, I award the following prices:-

Abi.....	Rs.3000/-
Rosli.....	Rs.2000/-
Ghairmunkin.....	Rs. 600/-

15% of this value would be paid as solatium for compulsory acquisition!

The land under acquisition are pits (Khads) of the depths which range from 8 feet to 12 feet, which would be filled after incurring a lot of expenses.

Taking into consideration the quality and other factors of the land, the sales and relevant award referred to above, I am of view that Rs.600/- per Bigha for Ghairmunkin land ~~etc.~~ would be the fair and reasonable market price of the land under acquisition and award the same accordingly.

Khasra No.1176 measuring 2 Bighas 11 Biswas has been shown as Banjar Qadim, but spot inspection of the site has revealed that its quality is the same as of the Ghairmunkin land under acquisition, Rs.600/- per Bigha will also be paid as market value for this khasra also as well.

rees, wells & other structures.

rees Certain claimants referred to above have claimed

compensation for trees. No tree exist on the land under acquisition, and as such the question of awarding any compensation for trees does not arise. The claims put forth by various claimants are frivolous and totally false.

Wells.

There is an old, dilapidated well in khasra No.1172. The upper sides of the wall of this well have fallen, and it is in ruins and no irrigation can be done from it. I am of view that Rs.200/- is reasonable for this well, which I award accordingly.

Structures.

There exist no structures, brick-kilns, Chimneys, Huts, Godown or Office on the land under acquisition and as such the question of awarding any compensation for structures does not arise. The claims put forth by claimants for structures are entirely frivolous and baseless.

Mode of payment.

The compensation shall be paid on the basis of the entries existing in Statement 'B' which has been prepared from Revenue Records.

Apportionment.

Occupancy Tenants

No land is held by any occupancy tenants, so the question of apportionment on this account does not arise. There is a Dohlidar namely:- Shri Ishar Chand s/o Shadi, of khasra No.1169 measuring 1 Bighas 16 Biswas paying nothing to the owner on account of his holding the land. The Dohlidars are as a matter of fact, given land as gift by their "Jajmans" In their claim Shri Khazan Singh etc., have claimed full compensation for this Khasra no., and Shri Ved Parkash has claimed lease rights in respect of Kh.No.1169, as such

compensation of the above khasra no., shall be held to be disputed and would be remitted to the learned Distt. Judge, U/s 31 for disposal U/s 32 of the Land Acquisition Act. Regarding non-occupancy tenants, protection against ejectment by the land-lords has been secured under the Delhi Urban Area Tenant Relief Act, 1961. Vide section 3(1) of the Act, no person shall be liable to be ejected from any land held by him as a tenant except on one or more grounds mentioned in Clauses A to D in the aforesaid Act. Since these tenants cannot be ejected, unless they violate any of the conditions enumerated in the Clauses referred to above, they would be entitled to substantial amount of compensation for the land acquired which is in their possession. They would nearly have the same privileges as the occupancy tenants. I would therefore give them the benefit of Rs.0.81 nP. in a rupee, as compensation of the land to be taken from their possession. The compensation to the tenants at will shall be paid ~~in~~ in the presence of the owners[^] provided they (owners[^]) so agree and vice-versa. In case they do not come to an amicable settlement, the amount of compensation due to the[^] ~~owner~~ shall be held to be disputed and will be remitted to the learned District Judge U/s 31 for disposal U/s 32 of the Land Acquisition Act.

The revenue record does not show whether the old well situated in khasra No.1172 is owned by the owners or by M/s. Ved Parkash & Sons the alleged lessee. The compensation of the aforesaid well has been claimed by Shri Khazan Singh^{etc.} owners[^] as well as by M/s Ved Parkash, lessee, therefore, the same is held to be disputed and will be remitted to the learned District Judge U/s 31 for disposal U/s 32 of the Land Acquisition Act.

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Shri Ved Parkash Mehta has claimed compensation with regard to khasra No.1169 to 1180 and in support of his claim, he has produced two copies of the lease deeds. Shri Ved Parkash Mehta has alleged that khasra No.1172, 1174, 1176. & 1179 were on perpetual lease with him while the rest of the khasra nos were on temporary lease with him. In view of his claim, the compensation payable in regard to khasra No.1169 to 1180 is held to be disputed. According to the extracts of Khasra Girdawari in Kharif 1959 Hans Bhatta Co. is shown in possession of Khasra No.1187/1 without lagan and the same khasra number is also shown as thoroughfare. This number is owned by Shamlat Patti Tagel shares according to Rasad Khewat. As such the compensation of the above khasra no. is held to be disputed.

Interest.

Since the possession of land under acquisition has not been taken so far, therefore the question of payment of any interest does not arise.

The award is summarised as under:

By applying rates mentioned above, the price of the land under acquisition works out as under:-

and.	Area Big.Bis.	Rate per Bigha.	Amount of compensation.
	3	4	5
n Khad	83 - 00		
n Rasta	2 - 5		
n Chah	0 - 3		
am	2 - 11		
	87 - 19	Rs.600/-	Rs. 52770-00 nP.
			Rs. 52770-00 nP.
		Add 15% for compulsory acquisition "	7915-50 nP.
		Add compensation for the well....Rs..	200-00 nP.
		Grant Total	Rs. 60385-50 nP.

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Land Revenue Deductions.

The land under acquisition is assessed to Rs. 32.28 nP. as Land Revenue, which will be deducted from the Khalsa Rent Roll of village from the harvest in which its possession is taken.

Balbir Singh

(Balbir Singh)

19/7/63

Land Acquisition Collector: Delhi.

Submitted to the Collector, Delhi for favour of information and for filing please.

Balbir Singh

(Balbir Singh)

17/7/63

Land Acquisition Collector: Delhi.

Seen

HS Munnabhai
ADM CA Delhi

in Power of Collector

20/7/63

COLLECTOR, DELHI

The persons interested in the land may be summoned

for 26/7/63 - to him in award.

Balbir Singh
LAC
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20/7