

AWARD No. 1629

Name of the village:

Basaidarapur.

Nature of acquisition:

Permanent.

This is a case for the acquisition of land in the estate of Basaidarapur required by the Government at the public expense for a public purpose, namely, for the Planned Development of Delhi. A declaration under section 4 of the Land Acquisition Act was made vide Notification No.F.15(111)/59-ESG dated 13.11.59. The substance of the notification was given due publicity and objections were heard by the Land Acquisition ~~xxx~~ Collector III. The report on the objections has already been made. A big area of about 34 thousand acres was sought to be acquired by means of this notification. Areas are being finally acquired out of this area by publication of notification under section 6 from time to time as and when the necessity arises. A declaration under section 6 of the Land Acquisition Act regarding the area involved in this award was made vide notification No.F.4(30)/63-LAH dated 15.6.53. Notice under section 9(1) was given due publicity and notices under section 9(3) and 10(1) of the Land Acquisition Act were issued to the interested persons. All the interested persons have responded to the notices issued to them.

MEASUREMENT & OWNERSHIP.

According to the notification, the total area to be acquired was 24 Bighas 2 Biswas. The notification consisted of 2 khasra numbers namely 2435/236 and 238. At the time of ~~calculation~~ <sup>Calculation</sup> of the area before the date of notification, the area of Khasra No.2435/236 was taken as 19 Bighas 19 Biswas, but actually it is only 19 Bighas 9 Biswas. In the <sup>latest</sup> jamabandi the area of Khasra No.238 was written as 4 Bighas 3 Biswas. From the verification of the field book, the area is found to be 2 Bighas 7 Biswas. A mutation of correction of area has already been entered by the Patwari of the Circle. The area of this khasra number is, therefore, 2 Bighas 7 Biswas.

2 Bighas 6 Biswas of the area of this Khasra number was released from the notification under section 4 of the Land Acquisition Act vide notification No.F.15(111)/59-LBG dated 1.7.60 under section 48(1)/ of the Land Acquisition. Only one biswa of the area of this khasra number is, therefore, taken for acquisition in this award. The total area, thus, comes to 19 Bighas 10 Biswas. The ownership of the land under acquisition is given below:-

Name of the owners	Khasra No.	Area Bigha-Biswa	Kind of land.
Sri Narain & Raj Kishore sons of Sheo Narain in equal shares.	2435// 236	19 - 9	Bagh Nehri.
	238//	0 - 1	Gairmunkin Path.
		<u>19 - 10</u>	

Although in the Girdawri of Kharif 1959, Khasra No.2435/236 is written as Bagh Nehri, but the garden appears to have been cut down and there are no trees on the land now. It is simply Nehri. Khasra No.238/1 is not also a Path in the present situation.

#### CLAIMS & EVIDENCE.

The owners claim compensation @ Rs.20/- per sq.yd. In addition to this they claim compensation for severence from Khasra No.237. Khasra No.237 is a temple and it is towards the Rohtak Road. No severence, therefore, takes place. The owners of the temple can enter freely as they have been doing so<sup>for L</sup>. They have also claimed Rs.30,000/- for the expenses of surveying, plotting, planning and the sanction of the lay-out plan. The plan has not been sanctioned and if they have done any expenses on these items, then they are not legally justified to claim it from the Government. They also claim interest from 13.11.59 to the date of payment which cannot be allowed because the possession hasnot been taken so far. In evidence of the rate, they have produced a copy of judgment of the Additional District Judge dated 20.2.63 in

which he awarded a rate of Rs.14.50 N.P. per square yard for a land situated near Patel Nagar Station in the estate of Basaidarapur. The land under acquisition is about 3 miles away from the land involved in that judgement and it cannot be taken as a basis for arriving at the Market Value of the land under acquisition.

MARKET VALUE.

The land under acquisition is situated about 100 sq. yards to the South of Rohtak Road. On the Eastern side of this land, there is an approved colony named Jaidev Park and on the Western an approved colony named Bhagwan Dass Nagar. No plots have been sold so far in these colonies, nor has much development taken place in these colonies. The land owners have given no evidence to prove that any sales have taken place in these 2 colonies. The land under acquisition is not an approved colony and will have to be given on the basis of gross area and not that of plots. Recent awards have been made by me for areas adjacent to the land under acquisition. In Award No.1553 and 1554, a rate of Rs.4000/- per bigha has been given by me for land similar in situation and kind. The land involved in these awards is hardly 200 yards away from the land under acquisition. The date of notification in all these 3 cases is the same i.e. 13.11.1959. I, therefore, award a rate of Rs.4000/- per bigha for the land under acquisition.

OTHER COMPENSATION.

There are small flower plants on this land which have no wood-value. There is neither any structure nor any well in the land under acquisition. No other compensation is, therefore, allowed.

APPORTIONMENT.

There is no dispute about the ownership of the land. The compensation will be paid to the owners in equal shares.

Contd....



(To be published in Part IV of Delhi Gazette)

DELHI ADMINISTRATION: DELHI

NOTIFICATION

June 15, 1963.

No.F.4(30)/63-L&H. 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 planned development of Delhi, 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.

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

SPECIFICATION

<u>Name of the village</u>	<u>Total Area</u>		<u>Field Nos.or Boundaries.</u>
	<u>Big.</u>	<u>Bis.</u>	
Basaidarapur	24	2	2435/236, 238.

By Order,

Sd/-  
( Jagmohan )  
Deputy Housing Commissioner,  
Delhi Administration,  
Delhi.

No.F.

June 15, 1963.

Copy forwarded to the:-

1. Recruitment and Services Department(in duplicate) for favour of publication in Delhi Gazette.
2. A.D.M. (Land Acquisition), Delhi.
3. A.F.A, Delhi Administration, Delhi.
4. Legal Adviser, Delhi Administration, Delhi.
5. Engineer-Member, D.D.A., New Delhi.
6. Land Acquisition Collector(I), Delhi.
7. Tehsildar (L&H Deptt), Delhi Administration, Delhi.

Sd/-  
( Jagmohan )  
Deputy Housing Commissioner,  
Delhi Administration,  
Delhi.

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