

AWARD No. 1910

Award No. 1910 for the year 1966- by shri
Bishan Singh, P.C.S., Land Acquisition Collector, Delhi.

Case No. _____

Acquisition of land for the Planned Development
of Delhi.

Village : BASAIDARAPUR

A W A R D

Delhi Administration issued notification No.F.15(121)
59-LSG, dated the 13.11.1959 under section 4 of the Land Acquis
Act, 1894, for acquiring 34070 acres area in many villages and th
village is ^{one} of them. ~~Seperate~~ notifications under section 6 of the
above mentioned act are being issued by the Delhi Administration
as and when any necessity arises for acquisition. After consi-
dering objections under section 5A, a notification No.F.1(20)/
62-L&H(ii)/ dated 29.7.63 under section 6 of the said act was
issued for the acquisition of land measuring 51 bighas 1 biswa
in village Basaidarapur Tehsil and Distt. Delhi at public expens
for a public purpose namely for Planned Development of Delhi.
Acquisition proceedings in this village were suspended till
further instructions vide D.O. No.F.1(20)/62-L&H, dated the 3rd
April, 1965 from the Asstt. Housing Commissioner to the Land
Acquisition Collector of Narela circle. Vide letter No.F.1(20)/
62-L&H, dated the 23rd August, 1965 from the Deputy Housing Comm-
issioner, Delhi Administration, Vikas Bhavan, New Delhi, it was
desired that acquisition proceedings in respect of the area which
fall outside the regularised plan of Gaon Sabha should be starte
and the proceedings regarding the remaining area which falls in
larised layout of this colony will be taken up in due course
move of Municipal Corporation authorities, but the plan of the
out layout was not forwarded to this branch. On the other hand
he demarcation was given to Kanungo of Land Acquisition Branch
regarding the land which is to be acquired which includes Kh.No.13
1349, 1353, 2363, 2364/2 measuring 29 bighas 10 biswas and

regarding the acquisition of these khasra Nos. was given to the Assistant Housing Commissioner vide this office D.O. No.8967/LAB/Rev, dated 6.7.66 and no objection was raised for the acquisition of this area by him in his D.O. No.F.1(20)/62-L33, dated 12.7.66. It has also been intimated that further action is being taken by that department regarding the other area now left out of proceedings. This award is being drawn for the acquisition of area measuring 29 bighas 10 biswas

1. MEASUREMENT:

The area under acquisition as mentioned above is 29 bighas and 10 biswas and is found correct even on measurement by the field staff at site. The acquisition file has so far been prepared for this area. The land under acquisition lies in village Basaidarapur. Details of kh. Nos. in form 7A have been prepared under paragraph 55 of Financial Commissioner's standing order No.28 which are as under:-

S.No.	Name of the owner	Name of the tenant.	Kh. no.	area Big.Bis	Kind land
1	2	3	4	5	6
1.	Bhagirath, Balkishan, Harsarup, Ram singh, Harpal, Ss/o Chanda, in equal shares.....1/8.	Mehar singh, Co-sharer, Nathu	2363 min 2363 min 2364/2	05-17 08-00 06-08	G.M.Plots -do- -do-
	Khushi Ram s/o Cheta.... $\frac{1}{8}$, Mehar singh s/o Nanda.... $\frac{1}{4}$, Nathu s/o Ghasita ... $\frac{1}{2}$.	Co-sharer.			
2.	Ram kishan, Ram saran, Ss/o Kehri, in equal shares ... $\frac{1}{2}$, Munna s/o Hira.... $\frac{1}{2}$.	Ram kishan, Ram saran, in equal share	1347	3-01	Chahi
3.	Ram Kishan, Ram Saran, Ss/o Kehri.	Self cultivator,	1349	3-03	Chahi
4.	Munna s/o Hira	-do-	1353	3-01	chahi
TOTAL				29-10	

A portion of kh. No.2364 is already under approved colony, which is now being excluded from acquisition as desired by the Housing Deptt. and now ^{kh}no. given ^{to} that area is Kh.2364/1. Remaining portion of this kh. No. now under acquisition ~~now~~ bears kh. No.2364/2.

The measurement and classification of the land has been accepted by the 1st class. No objection was given from the department.

(3)

as ~~per~~ proposed by the Maib-Tehsildar, Land Acquisition on the basis of entries of kh. girdwari at the time of notification u/s 4 which is as under:-

CLASS OF LAND	AREA Big.Bis.
CHAHNI	09 05
G.M. Plot	20 05
TOTAL	29 10

2. CLAIMS:

The interested persons have filed their claims against acquisition of this land and have also mentioned regarding the high prices now prevailing in the locality which should be given to them. The claims of all interested persons are as under:-

S.No.	Name of claimant	Claims	Remarks.
1	2	3	4
1.	Khushai Ram and others.	The claimants have raised objection regarding 17 bigha out of kh. No. 2363 and 2364 and have stated that this area is surrounded by Mansarovar Garden colony, Moti Nagar colony and industrial area. The land is very valuable and compensation should be given @ Rs.25/-per.sq.yd and have demanded Rs.4000/-for the well.	The claimant has produced an un-estimated copy of the order passed by Distt. Judge on 7.10.61 but could not prove the land regarding which that order was passed. The land is quite adjacent to the land under acquisition. The claim is not being accepted. The claim does not seem proper. The value shall be fixed according to the
2.	Om Parkash	The claimant has stated that he purchased the plot from Sh. Sukh Ram Dass and wants compensation for the land.	The claimant failed to turn up. He has also not produced any record in respect of his claim. His name does not appear in the revenue records. No action is called for.
3.	Kharati Lal and others.	The claimant while putting his claim has requested for producing the evidence in respect of his land but has failed to give any proof.	No. kh. no. has been mentioned. Hence no action is called for.
4.	Dev Raj Chadha alongwith 40 claimants	This claim has been filed by Diwan Narain Dass advocate and they have requested for release of their area on account of the fact that houses have already been constructed by them.	As the land is to be acquired for public purpose at public expense, the question of deletion of the area does not arise. The demand is less. More compensation does not seem to be justified. These claims are not to be further considered.

6. Mohan Kumar He has not turned up inspite of personal service affected on him. The claimant wants to have compensation at the rate of Rs.100/- per sq. yd. for the area measuring 345 sq. yds purchased by him out of khasra No.2363. The revenue record does not show the ownership of the claimant. Hence no further action is called for.
7. Biswa Mittar He has claimed compensation @ Rs.100/- per sq. yd for 225 sq. yds purchased by him out of khasra no.2363. According to the revenue record, the claimant is not owner of any area. Hence the claim is false and no action is called for.
8. Krishan Gopal He has claimed compensation @ Rs.100/- per sq. yd. for 225 sq. yds out of khasra No. 2363 and 2364. According to revenue record, the claimant is not owner of any area. Hence claim is false. No further action is called for.
9. Mahs Raj Dewan He has claimed compensation @ Rs.100/- per sq. yd for 200 sq. yds out of khasra No. 2364. -do-
10. Asa Menta -do- -do-
11. Mohinder Singh Kiladari He has claimed compensation for 250 sq. yds out of kh. No.1345 @ Rs.100/- per sq.yd. The area mentioned by the claimant is not being acquisitioned. Hence no further action is called for.
12. Smt. Vidya wanti -do- -do-
13. Ram Krishan He has claimed compensation @ Rs.50/- per sq. yd. for an area lying in kh. No.1347, 1349 and 1354. No proof for his claim was given. Hence the claim is exhorbitant and fabulous.
14. Ram saran -do- -do-
15. Muna He has claimed compensation @ Rs.50/- per sq. yd for an area lying in kh. Nos.1347, 1353 and 1354. -do-
16. Smt. Shiv Bai There are two applications through her counsel R.L. Bhagat for adjournment for filing her claim which has not so far been produced by the claimant. The land does not stand in her name. As the claimant has failed to put up any proof, hence no action is called for.
17. Ram Narain -do- -do-
18. Sardari Lal He has claimed compensation for 125 sq. yards @ Rs.100/- per sq. yd. out of kh. No.1346. No area of this khasra No. is being acquired. Hence no further action is called for.
19. Lekh Raj He has claimed compensation for 100 sq. yds @ Rs.100/- per sq. yd. out of kh. No.134. -do-
20. Prakash Lal The claimant wants compensation @ Rs.100/- per sq. yd. for 163 1/2 sq. yds out of kh. No.1345. -do-
21. Ram Rang He has claimed compensation @ Rs.100/- per sq. yd. out of Kh. No.134 for 133 1/2 sq. yds. -do-

22. Mans Raj. The claimant wants compensation @ Rs.100/- per sq.yd. for 125 sq. yds out of khasra No.1345 xii This kh. No. is not being acquired. No further action is called for.
23. Diwan Chand. The claimant objects that the area of 225 sq. yds purchased by him from Shri Madan Lal Khanna coloniser. ~~He has stated either his kh. No. 1345, be not acquired if so, An equivalent land may be given to him for residential purpose.~~ *if the area is not left with him.* The land in lieu of acquired, if any, will be given by the Housing Deptt. He should rather approach the Deptt. concerned. As the land acquired for public purpose at public expense, the objection is baseless. Hence no further action is called for.
24. Hari Chand -do- -do-
25. Bhola Nath The claimant demands compensation for area out of kh. No.2916/23817 and 1354. As both these kh. Nos. are not being acquired, The objection hence is not called for and is considered baseless.
26. Uttam Chand The claimant wants compensation for kh. No.1345 This khasra No. is not being acquired. Hence no action is being called for.
27. Rajbans Lal The claimant has raised objection regarding land of kh. No.134. -do-
28. Jaswant Singh. The claimant has stated that House No.2121 situated in kh. No. 1123 is mortgage with him. The compensation should now be paid to him. The compensation ~~should~~ ^{is} to be paid, to him because kh. No 1123 is not covered by award.
29. Madan Lal The claimant has raised objection regarding kh. No. 1346. This kh. No. is not being acquired. Hence no action is called for.
30. Smt. Sunder Kaur The claimant has not mentioned any kh. No. No action is called for.

3. POSSESSION

This area is being acquired at the public expense for a public purpose namely for the Planned Development of Delhi and possession has not so far been taken by the department concerned. ~~I inspected the site on 25.6.66.~~

4. MARKET VALUE

The land of this village is of urban nature. In calculating the amount of compensation to be awarded, certain points as mentioned u/s 23(i) of the Land

contd...6/-

Acquisition Act are to be kept in view. In order to determine the market value, many other factors enter into reckoning, for instance, the size and shape of the land, its situation and the use to which it is put, its potential value and rise and fall in demand of land in the market. A certain amount of conjecture is inevitable though the courts should guard against going too far in this direction. The market value is also to be worked out by scrutinising the sale transactions of the village that took place during first 5 years preceding the date of publication of notification ¹³⁻¹¹⁻⁵⁹ under section 4 of the Act; situation and kind of soil, land acquired previously in the village, are to be taken into consideration in this connection. The claims of the Right-Holders already discussed are also to be kept in view for fixing the market value.

The yearwise statement of the average sale price for 5 years immediately preceding the date of notification i.e. 13.11.1959 under section 4 has been worked out as under:-

S.No.	Year	Area Big.Bis.	Amount	Average per bigha.
1.	1954-55	115-02	Rs.3,97,599=13	Rs.3454=38 ✓
2.	1955-56	150-17½	Rs.3,90,528=53	Rs.2582=21
3.	1956-57	416-16½	Rs.,10,38,732=05	Rs.2611=91
4.	1957-58	88-07	Rs.2,20,534=00	Rs.3175=26
5.	1958-59	10-10½	Rs.53,475=00	Rs.5080=76
		781-13 ¹¹ / ₁₂	Rs.22,10,868=76	Rs.2828=30

② The average sale price ^{during the two years} first preceding the notification u/s 4 comes to Rs.2828=30, but from the above table, prepared by the Naib-Tehsildar, Land Acquisition, it appears that the average price i.e. Rs.2582=21 during the year 1955-56 was the lowest and the average price i.e. Rs.5080=76 for the year 1958-59 was the highest. The perusal of all the transactions during the year reveal that in almost all the transactions; with the exception of two only very small area i.e. upto 5 biswas was sold and that is the main reason for high average price per bigha. These sales must have been inflated due to the fear of redemption and other expenses. Hence the average price

per bigha of this year can not be made the basis of these sales because small pieces of land are always sold on high prices.

Kaushi Ram and other land owners have desired that this area be assessed @ which was fixed by the Learned Additional District Judge in his judgement passed in case i.e. L.A.C. No. 1068 of 1962 Jodh Singh Vs Union of India. The perusal of the copy attested by the Notary Public which is on the file shows that this judgement relates to Kh. No. 2143/1 measuring one bigha and 14 biswas ~~14~~ which is adjacent to Nazafgarh Delhi Road and has very high potential value for factory and shops. The land under acquisition at present is far off that land. Hence the price fixed by the Learned Additional District Judge can not be considered the main factor for fixing up the market value of this land.

Some sale deeds also took place during the year 1965 which are as under:-

Mutation No.	Date of registration	Khasra NO.	Area sold.	Sale price	Average per bigha
2336	1.5.56	3624/1345/1	0-05	Rs. 1937=50	Rs. 7750=00
2337	25.4.56	3625/1345/1/2	0-04	Rs. 1937=50	Rs. 9637=50
2978	22.3.56	1346	0-10	500=00	Rs. 1000=00
3024	27.1.56	2363, 2364	4-00	Rs. 12000=00	Rs. 3000=00

Khasra No. 1345 is near the area which is now under acquisition. Khasra No. 1346 is quite adjacent to Khasra No. 1347 which is now under acquisition. Some area of Khasra No. 2363, 2364 is now also being acquired. From the above table, it is also revealed that according to sale deed mentioned above some of the area has been sold at Rs. 1000/- per bigha while the other was sold at very exorbitant rates. The area involved in all these cases except the last one is very small. Similarly the purchasers of small plots of land generally pay high price. Sometimes the purchasers want to show the excess sale amount due to the fear of preemption suits by any interested persons. The amount involved in all the above mentioned mutations has no force in fixing the exact market value.

contd....8/-

The following awards were announced in this village to other area against notification under section 4 of the Acquisition Act.

No.	Award No:	Date of notification under section 4	Rate per bigha.	
1.	850	22.9.53	Block "A"	Rs. 3300/-
			Block "B"	Rs. 2200/-
			Block "C"	Rs. 600/-
2.	891	24.4.57	Rs. 3½ per sq. yard.	
3.	996	3.9.57	Block "A"	Rs. 3500/-
			Block "B"	Rs. 3000/-
			Block "C"	Rs. 2500/-
	1272	3.9.57	Block "A"	Rs. 3500/-
			Block "B"	Rs. 3000/-
			Block "C"	Rs. 2500/-
5.	1320	3.9.57	The land other than Hala and G.M. Rasta Rs. 3000/- per bigha	

Hala and G.M. Rasta Rs. 1000/- per bigha.

awards no 850, 891, 996 & 1272 is not near the present site

The land mentioned in award No. 1320 is pertaining to the land which is situated adjacent towards southern side of Kh. 3ra No. 2363, 2364 parts of which are now being acquired. The area is bounded by Ramesh Nagar colony, Mansarovar colony and Saraswati (colony) etc. In this award cultivable land was assessed @ Rs. 3000/- per bigha. M. Hala @ Rs. 1000/- per bigha. No reference u/s 18 of the Land Acquisition Act against this award has so far been decided but at present references are pending in the court of Distt. Judge. I have also visited the land at site. The Chahi area measuring 9 bighas 5 biswas is under cultivation and is a source of annual income to the interested persons while other area measuring 20 bighas 5 biswas which is lying vacant is of the same quality but is not a source of agricultural income because it is lying vacant. Some preference is to be given while fixing the market value of the land. Hence chahi area and the other area will form Block No. I and II respectively.

After giving full consideration to the demand of the owners concerned and interested persons, the situation and quality of land, the sales of the land from within and surrounding the land under acquisition in years 1954-55, 1955-56, 1956-57, 1957-58, 1958-59 awards Nos. 850, 891, 996, 1272 and 1320 all other factors, I am of the opinion that the following rates would be quite reasonable and fair market price in this case:-

Block No. I (Chahi land)	-	Rs. 3100/- per bigha.
Block No. II (G.M. Plot)	-	Rs. 3000/- per bigha.

5. TREES, WELLS, AND OTHER STRUCTURES:

Trees:- There are trees like Amrud, Lemon, Anjeer which are of very ordinary type and can only be used as firewood. The detail of trees alongwith amount assessed is as

under:-

S.No.	Khasra No.	No. and kind of tree.	weight.	Amount assessed.
1.	1347	Kikar - 1 ✓ Amrud - 1 ✓ Maltā - 2 Anar - 1	1 quintal ✓ 17 quintals 1 quintal ½ quintal	Rs. 5/- Rs. 35/- Rs. 5/- Rs. 2½
2.	1349	Neem - 1	1 quintal	Rs. 5/-
		Total	20½ quintal	Rs. 108-50

All the above mentioned trees appear to be implanted

3 years back.

Wells:- No well is situated in the land under acquisition.

Other Structures :

There are some structures in the land which are mentioned as under:-

S.No.	Khasra No.	Kind of structure	Name of the claimant.
1.	2363	3 rooms (4 rooms are of lanter and 4 are of tin shed)	Shanti Devi w/o Baldevi singh, WZ-28A Sarawati Gardens, Delhi.
2.	-do-	2 rooms (1 is of kari roof and 1 is of tin shed).	Jai pal singh, s/o Bhatia, WZ-28B Sarawati Gardens.
3.	-do-	2 rooms of lanter roofs 2 kitchens double roof. one store and one store case.	Hala singh s/o Bhag singh WZ-29 Sarawati Gardens
4.	-do-	2 rooms, 2 kitchens double roofs and one stair case	Jagat singh Hanka chand Sarawati Ga

All the above mentioned structures have been covered by the interested parties after the publication of notification under section 4 of the Land Acquisition Act. Hence no value to be fixed for all these structures.

6. COMPULSORY ACQUISITION CHARGES:

The owners and other interested persons shall be to 15% in consideration of Compulsory Nature of Acquisition on the market value of land u/s 23(2) of the Land Acquisition Act, 1894.

7. INTEREST:

As the possession of the land has not been taken by the Acquiring Deptt. the owners and interested persons are not entitled to any interest.

8. MODE OF PAYMENT.

The owners and interested persons shall be paid compensation according to the latest entries in the revenue record of the village. Some of the interested persons have constructed structures in khasra No. 2363 and 2364, but their names do not stand in the revenue record. The compensation of these khasra Nos. will remain in dispute and shall be referred to the competent court if the parties do not come to any amicable settlement. No areas under mortgage.

9. LAND REVENUE DEDUCTION:

Khalsa amount of reduction from the land revenue dues on account of land acquired is to Rs. 12-09. There will be deduction of this amount from the Khalsa Rent Roll of the village with effect from the date of taking over the possession of the land. The land aforesaid will vest absolutely in the Government free from all incumbrances from the date of taking over possession.

Subject to the above, the award stands as under:-

1.	Compensation for Chahi land measuring 9 biswas 5 biswas	-	Rs. 28,675-00
2.	① Rs 3100/- per bigha Compensation for G.M. Plot measuring 20 biswas 5 biswas	-	Rs. 60,750-00
3.	② Rs 3000/- per bigha 15% Compulsory Acquisition charges.	-	Rs. 13,413-75
4.	Compensation for trees.	-	Rs. 102-50
Total.			Rs. 1,02,941-25

(BISHAN SINGH) 23/7
LAND ACQUISITION COLLECTOR (N)

Forwarded to the Collector, Delhi, for information.

(BISHAN SINGH) 24/7
LAND ACQUISITION COLLECTOR

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

DELHI ADMINISTRATION: DELHI.

NOTIFICATION

Dated the 29th July 1963.
No.F.I(20)/62-L&H(11):- Whereas it appears to the Chief Commissioner of Delhi that land is requested to be taken by Government 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 the 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.

SPECIFICATIONS.

Locality of Village.	Total Area Big. Bis.	Field Nos. or Boundary.
Basaidarapur	51---1	2363, 2364, 1347, 1353, 1349, 1344, 1345, 1346, 2925/2346 min, 2916/2397, 1354 Min.

By Order
Sd/- (JAG MOHAN)
DEPUTY HOUSING COMMISSIONER:
DELHI ADMINISTRATION: DELHI.

No.F.(20)/62-L&H(11)

Dated the 29th July 1963.

Copy forwarded to:-

1. Recruitment & Services Deptt. (in duplicate) for favour of publication in Delhi Gazette.
2. Engineer Member, Delhi Development Authority, New Delhi
3. General Manager, Engg. Northern Rly. H.Q. Office, Baroda House, New Delhi.
4. A.D.M.(LA), Delhi.
5. LAND ACQUISITION COLLECTOR I Delhi.
6. Tahsildar, Land & Housing Department, Delhi.

ATTESTED

SD/-
(J A G M O H A N)
DEPUTY HOUSING COMMISSIONER:
DELHI ADMINISTRATION: DELHI.

LAND ACQUISITION COLLECTOR (III) -
DELHI. 12/11/63