

AWARD NO. 5/1970-71

Name of the village	Basai Darapur
Nature of Acquisition	Permanent
Purpose of Acquisition	<u>"INTERIM GENERAL PLAN FOR GREATER DELHI."</u>

These are proceedings for the determination of compensation u/s 11 of the Land Acquisition Act. The land under acquisition is situated in village Basai Darapur and was notified u/s 4 of the L.A. Act vide notification No. F. 15(84)/57-LSG dated 3-9-1957 for public purpose namely for the execution of the Interim General Plan for the Greater Delhi. Declaration u/s 6 of the L.A. Act for an area measuring 2 bighas 18 biswas ~~was~~ in Khasra No. 3550/2365 was notified vide notification No. F. 1(20)/62- L & H dated 26-3-68. In pursuance of the aforesaid notification the notices u/s 9 & 10 of the Land Acquisition Act were issued to the interested persons for the land under acquisition. The claims filed by the claimants are discussed hereafter under the heading "Compensation Claims".

TRUE & CORRECT AREA.

<u>Field No.</u>	<u>Area</u>	<u>Classification of land.</u>
3550/2365	2 bighas 18 biswas	Banjar Qadim.

The area as notified u/s 6 of the Land Acquisition Act is 2 bighas 18 biswas. The spot verification made by the field staff also revealed the area of this land to be 2 bighas 18 biswas. I therefore hold that true and correct area which is being acquired ~~out~~ⁱⁿ of Khasra No. 3550/2365 is 2 bighas 18 biswas. From the spot verification by the field staff it is found that 3 biswas out of this land are under the nala.

COMPENSATION CLAIMS.

The following persons have claimed compensation.

S/Shri Chhatar Singh and Rattal Lal ss/o Surat Singh, Chhote Lal, Ram Das and Shiv Charan ss/o Ghasita have filed their claims jointly in respect of Khasra No. 3550/2365 measuring 2 bighas 18 biswas and have demanded market value @ Rs. 60 per sq. yard.

besides solatium and interest.

EVIDENCE.

The persons mentioned above have filed copy of lease deed dated 25-1-63 and attested by Notary Public in which Govt. owned plot No. 4/98 measuring 100 Sq. yards situated in Ramesh Nagar New Delhi was leased out in a consideration of/for a term of 99 years to Shri Tilak Raj Wahi.

MARKET VALUE.

The market value to be ascertained is the value to be paid to the owners of the land in dispute under acquisition, in its actual condition at the publication of the notification u/s 4 of the Land Acquisition Act. In the present case the notification u/s 4 was published on 3-9-57 under which an area of 406.12 bighas was acquired vide Award No.1680 dated 25.2.64 announced by Shri Ram Parshad L.A.C. Under award No. 1680 land in Khasra Nos. 3551/2365, 3553/2365, 3554/2365, 3555/2365 has been acquired and the present Khasra No. 3550/2365 is part of the Khasra No. 2365 and is adjacent to Khasra No. 3551/2365. The situation and kind of land under present acquisition is the same as that of 3551/2365. Thus the market value as assessed on 3-9-57 in Award No.1680 is relevant to the present case. Under Award No.1680 market value for land except nala was fixed at Rs. 3000/- per bigha and for land under Nala it was fixed at Rs. 1000/- per bigha.

In the following cases the market value of the land acquired under Award No.1680 was enhanced by the A.D.J. on a reference u/s 18 of the Land Acquisition Act.

1. L.A.C. Case No.120/68 Shri Jai Chand Muglani Vs. Union of India decided on 29.1.68.
2. L.A.C. Case No.138/68 Shri Krishan Raj Chopra Vs. Union of India. decided on 29.1.68.
3. L.A.C. Case No.359/68 Major R.P. Khanna Vs. Union of India decided on 19.7.69.
4. L.A.C. Case No. 368/68 Smt. Shukantla Bakshi Vs. Union of India decided on 19-7-69.

In all these cases the learned A.D.J. relied on the observation in A.I.R. 1958.

" Ordinarily a party will be generally entitled to get at lease the amount that he actually paid for a particular property provided he is able to satisfy the court that the transaction is a genuine one and was entered into having due regard to the market conditions prevailing at about that time",

He, therefore, in all these above four cases enhanced the awarded amount to the extent of prices actually paid by the claimants for their plots.

In L.A.C. Case No.120/68 Shri Jai Chand Muglani purchased a plot of 400 Sq. yards in Khasra No. 1298 for Rs. 2632. In L.A.C. Case No. 138/68 Shri Krishan Lal Chopra purchased a plot of 400 Sq. yards in Khasra No. 1289 for Rs. 1500/-. In L.A.C. Case No. 359/68 Major R.P. Khanna purchased a plot of 400 Sq. yards in Khasra No. 1282 for Rs. 3600/-. Similarly Smt. Shukantla purchased a plot of 400 Sq. yards in the same Khasra No. for Rs. 3600/-. It will thus appear that in all these cases the plots involved were small and small plots carry high prices. The prices therefore paid by these claimants and accepted by the learned A.D.J. cannot be applied to the land measuring 2 bighas 18 biswas under present acquisition. Moreover S/Shri Chattar Singh, Rattan Lal, Chhotey Lal, Ram Dass and Shiv Charan are owners of the disputed land under acquisition and have not purchased it from some one in the shape of small plots like Shri Krishan Raj & others.

S/Shri Chattar Singh, Rattan Lal and others have claimed a rate of Rs. 60/- per sq. yard for their land under acquisition. They have filed in evidence a copy of lease deed dated 25.1.63 for plot No.4/98 Ramesh Nagar, New Delhi measuring 100 Sq. yards leased out for a consideration of Rs. 5500/- for a term of 99 years by the Government in favour of Shri Tilak Raj Wahi. This lease deed cannot be taken into account in the present case for the reason that it was executed in 1963 after the date of notification u/s 4 i.e. 3-9-57 and that the plot involved is a

very small plot. Thus their claim for Rs. 60/- per sq. yard has not been substantiated by relevant evidence and cannot be accepted.

The area of the land under present acquisition is 2 bighas 18 biswas out of which 3 biswas of land are under the Nala. Following the rate awarded in Award No. 1680 for similar kind of land I am of the opinion that Rs. 3000/- per bigha for the land except nala and Rs. 1000/- per bigha for the land under nala would be reasonable and fair market price in this case.

OTHER COMPENSATION

There is no tree, well or any other structures in the land under acquisition.

APPORTIONMENT

The compensation will be paid according to the latest entries in the revenue record. In case of any dispute, the compensation will be sent to A.D.J. for adjudication.

INTEREST

According to Sub-Section (3) of Sec. 4 of the Land Acquisition (Amendment & Validation) Act, 1967 6% interest is payable from 3.9.60 to the date of payment as the preliminary notification was issued on 3.9.57 and declaration u/s 6 was issued on 26.3.68.

SUMMARY OF THE AWARD

Compensation for the land measuring 2 bighas 15 biswas at the rate of Rs. 3000/- P.B.	Rs. 8250.00
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Compensation for land measuring 3 biswas at the rate of Rs. 1000/- P.B.	Rs. 150.00
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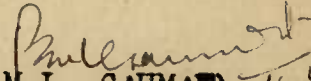
Total	Rs. 8400.00
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15% interest of the above as solatium for compulsory nature of acquisition.	Rs. 1260.00
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Interest at the rate of Rs. 6% p.a. on the market value of the land from 3.9.60 to 15.4.70 (9 years 225 days)	Rs. 4846.68
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G.T.	Rs. 14506.68
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The land is not assessed to any land revenue.


 (B.M.L. GAUMAT) 16.4.70
 LAND ACQUISITION COLLECTOR (DS) DELHI

16.4.70.

आज मिसन पेश हुई। शावाज लगाई गई।
निम्नलिखित व्यक्ति हाज़िर हैं।

1. श्री दशदेव जाल पत्र घसीटा। Chandras Dal
2. " राम दास पत्र घसीटा। राम दास
3. " चतर सिंह पत्र सूरत सिंह चतर सिंह
4. " रतन जाल पत्र सूरत सिंह रतन जाल

उपरोक्त व्यक्तियों के सबक खाई नं. - 7/1970-71

पद कर सुनाया गया।

श्री. श्री. श्री. (सु)

16.4.70

यार दिवस वाकान. ता. सुवाल सुवाल के समय
उपरोक्त श्री आर. श्री शिव चरणा श्री शिव
श्री. श्री. श्री. पत्र के कर Payment ले गया है।
इस लिए इसे सुवाल में 17/4/70 के notice
द्वारा श्री शिवचक्रवर्ती, श्री।

Shiv
M.T (4)
17/4/70

تجربہ صاحب نیدرلینڈز سن ملکر صاحب ہادر تاج مومنہ 19/11/70 بہرہ
شری گریج گند تا 20 جون 2000 موقعہ پر واقع نیدرلینڈز حاصل کرنے بابت رپورٹ
نمبر 5/1970 پیسے نیدرلینڈز بیلڈنگ ڈیپارٹمنٹ کی جانب سے شری
ایسٹور فیڈریشن محمد علی صاحب مدہ سردار شری اندرا ولسہ مجدد شری بیلڈنگ
ایسٹور گریج گند موقعہ پر قلم کار حاصل کرنے کیلئے موجود ہے۔ نمبر 3550/23/69
رہنہ ندری 18 جوی موقعہ پر خالی پایا گیا اور قلم کار حاصل کر کے جو نام
شری ایسٹور فیڈریشن صاحب نیدرلینڈز صاحب نیدرلینڈز بیلڈنگ ڈیپارٹمنٹ کر دیا گیا
موقعہ پر قلم کار دہلی کا وقت کی ندرت پر پیش نہ آئی۔ مجدد شری بیلڈنگ
سے موقعہ پر منادی کر دی گئی۔ نیووری ملکہ بومہ کا سرکار موقعہ پر حاضر نہ ہو سکا
قلم کار دہلی کی ایک نقل نیووری ملکہ محمد علی صاحب مدہ بیلڈنگ ڈیپارٹمنٹ
مکان کی طرف سے موقعہ پر کوئی حاضر نہ ہوا۔ 19/11/70

Signature
Naib Tehsil Dar
(Ld)
19/11/70

Signature
19/11/70

Signature
NT (Ld Pr)
19/11/70

Signature
Kgo. Ld B.
19/11/70

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((TO BE PUBLISHED IN PART IV OF DELHI GAZETTE))

DELHI ADMINISTRATION: DELHI

NOTIFICATION

Dated the 26 March, 1968.

No. F.1(20)/62-L&B:- Wherea-s it appears to the Lt. Governor of Delhi that land is required to be taken by the 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 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

Locality or village	Total Area		Field Nos. or Boundaries
	Big.	Bis.	
Besaidarapur	2	- 18	3550/2365

By order,

sd/-

(D.P. BANJUNA)
DEPUTY SECRETARY (III)
for SECRETARY (LAND & BUILDING)
DELHI ADMINISTRATION: DELHI.

No. F.1(20)/62-L&B

Dated the 26 March, 1968

Copy forwarded to the:-

1. Public Relations Department, Delhi Administration (in duplicate) for favour of publication in Delhi Gazette.
2. Additional District Magistrate (Land & Building), Delhi.
3. Land Acquisition Collector, Delhi Administration, Delhi.
4. Commissioner, Municipal Corporation of Delhi, Delhi.
5. Town Planner, Municipal Corporation of Delhi, Delhi.
6. Tehsildar (Land & Building Department), Delhi Admin., Delhi.

sd/-

(D.P. BANJUNA)
DEPUTY SECRETARY (III)
SECRETARY (LAND & BUILDING)
DELHI ADMINISTRATION: DELHI.

TEHSILDAR,
LAND ACQUISITION DELHI.