

Subject:- Acquisition of land for allotment to Refugee squatters dislodged from Roshanara Area, Delhi at Village Basidarapur.

Under the authority of the Chief Commissioner's notification No. F.15(5)/51-MLT dat d the 31st March, 1951, land measuring 353 bighas 17 biswas i.e. 75.8 acres situated in village Basidarapur is to be acquired under section 3 of the Resettlement of Displaced persons (Land Acquisition) Act, 1948, for allotment to Refugee Squatters dislodged from Roshanara Area. The notification was given wide publicity in the locality. The land owners represented to the Collector against the acquisition of Khasra No. 1509 part measuring 12 bighas 15 biswas comprising of a temple, pond, a garden and a Piao. The Collector released this Khasra No. from the acquisition by his order dated 31.7.1951 and the Secretary (L.S.G.) has been requested to delete the above mentioned Khasra No. through a corrigendum. In this way the land for which compensation is to be paid actually measures 351-bighas or 73.12 acres and the same is classified as under:-

Banjar Qadim	185 bighas 7 biswas.
Gairmumkin	165 " 15 "
Total.	351 Bighas.

CLAIMANTS.

The following are the claimants:-

- Landowners:-
1. Ranji Lal s/o Umaro Singh R/o Village Basidarapur.
 2. Pem Raj s/o " -do-
 3. Mohan Lal s/o Bhagwana -do-
 4. Tilak Ram s/o Hukman -do-
 5. Chatter Singh s/o Surat Singh -do-
 6. Rattan Lal s/o " -do-
 7. Bulaki s/o Udm. -do-
 8. Banwari s/o Parshadi -do-
 9. Tek Chand s/o Kehri -do-
 10. Gasita s/o Khushi Ram -do-
 11. Shamlat Thok Dilsukh Haseb Hissas Khawat.
 12. Shamlat Thok Budha.
 13. Shamlat Thok Ram Lal.
- Min-owners.
14. Birjeal Singh Kundan Singh, 24-Najafgarh Road, Delhi
 15. Shri Pem Raj s/o Ami Lal, Pahari Dhiraj, Delhi.

CLAIM.

The owners of land of claimants No. 1 to 13 have claimed a compensation at Rs. 5000/- per bigha in their written statements dated 27.8.51, 3.9.51, 9.9.51, and 19.9.51

Proprietors have held this land from before 1.9.39. As provided in section 3 of the Resettlement of Displaced Persons (Land Acquisition) Act, 1948, the compensation is to be assessed by the competent authority as the market value of land on the date of Notification u/s 3 of the Act, or on the 1st day of Sept

1939 with an addition of 40% which so ever is less.

According to the statements prepared by the patwardi the average sale price of the land is as follows:-

Classification of land.	Average price arrived at from the sale-transactions	Cost of land on 1st September, 1939
		1.3.48 to 1.3.51
Banjar Qadin	Rs 1254/9/4 per bigha	Rs. 62/1/- + 40% i.e. Rs. 88/14/- say Rs. 90/- per bigha.
Gairmumkin	Rs. 982/9/6 per bigha	Rs. 97/8/11 + 40% = 134/3/8 say 135/- per bigha.

It will thus appear that the average sale price on 1st September, 1939 plus 40% is less and the compensation is to be proposed accordingly.

The claim of the land owners No. 1 to 15 very much exceeds the above-mentioned sale price arrived at from the sale transactions, which took place from 1st September, 1938 to 1st September, 1939 and is, therefore, not reasonable. In view of the above and according to the provisions laid down in section 7(e) of the Act the compensation for the land to be offered for the acquired land is as follows:-

Compensation for 185 bighas 7 biswas of Banjar Qadin land at the rate of Rs. 90/- per bigha Kham:-

Rs. 16,681/8/-

Compensation for 165 bighas 15 biswas of Gairmumkin land at the rate of Rs. 135/- per bigha Kham.

Rs. 22,362/12/-

Rs. 39,044/4/-

Total

There are two brick kilns situated in the above mentioned land. The brick kiln owners i.e. claimants No. 14 & 15 have claimed compensation of Rs. 70,000/- & Rs. 4,600/- respectively.

CLAIMANTS NO. 14.

The complainants have claimed Rs. 70,000/- as compensation vide written statement dated 30.1.52. The claim included construction work of brick kiln, office quarters walls and the labourers huts; the same was referred to the Executive Engineer, Development Division, P. Block, New Delhi, who intimated the valuation serially. The perusal of the same revealed that only the charges of labour were taken into account, while the cost of material was omitted. The brick-kilns represented against the assessment made by the Executive Engineer. To avoid the representation was again forwarded to the Executive Engineer for assessing the value. Second time the Executive Engineer enhanced the amount of compensation from Rs. 1292/- to Rs. 1995/- excluding compensation for the land.

The claimant No. 14 claimed Rs. 4000/- as the cost of two walls. The Executive Engineer assessed Rs. 400/- as the price of these two walls with a further

depreciation of 50%, leaving the balance as Rs. 200/-. On further reference to the C.P.W.D. the Executive Engineer has intimated Rs. 1150/- as the compensation for these two walls with 10% depreciation leaving Rs. 575/- as the net compensation. The claimants No. 14 have produced Shri Raghubir Singh who has stated that he constructed a similar wall last year at a cost of Rs. 1656/-. He has also given details of different items of expenditure incurred by him. The claimant No. 15 has claimed Rs. 1200/- for a similar wall. The same is supported by the estimate prepared by an overseer with an experience of 20 years' service. The overseer stated on solemn affirmation that he has prepared this estimate keeping in view the market price and the depreciation there on. Rs. 1200/- per wall is reasonable and the same may be offered to the claimant No. 14 for each wall.

The claimant No. 14 has stated that he constructed the wall in November, 1950 and the depreciation at 50% allowed by Executive Engineer is in no way reasonable.

The age of an average wall is quite long. Two walls constructed by claimant No. 14 are 2 years old and those of claimant No. 15 are 8 years old. The depreciation at a flat rate of 5% is reasonable and may be allowed. The compensation for 2 walls of claimant No. 14 comes to Rs. 2,400/- less 5% i.e. Rs. 2280/- and may be offered as compensation.

II. The claimant No. 14 claimed Rs. 2500/- as the cost of digging the kiln. The P.W.D. authority assessed Rs. 215/- on this account and enhanced the same to Rs. 231/- on re-assessing. The perusal of the assessment reveals that cost of levelling, which has been claimed as Rs 3000/- by the claimants, has not been included in the valuation. I am of opinion that Rs. 100/- as levelling charges may be offered to the claimant in addition to Rs 231/- assessed by the P.W.D. authorities. Thus Rs. 251/- may be offered on this account.

The brick kiln has worked to its full term upto 30.9.52. The compensation for gas holes as claimed by the claimant is in no way reasonable.

(b) The claimants claimed Rs. 350/- for the construction of 3 passages for fillers and Nikas. These holes are built each time when the kiln starts working ceases. This item has been ignored by the P.W.D. authorities and may be offered with them.

The claimants have claimed Rs. 5000/- have been claimed by the claimants for constructing the walls of the kiln. The Executive Engineer assessed Rs. 386/- and on it allowed depreciation of 50%. He has further allowed Rs. 193/- as the cost of Rs. 64544/-

367 397
 sundried bricks used in the brick lining. The bricks at the time of acquisition were not sundried, but 2nd class burnt bricks. The assessment at the rate of Rs. 3/- per thousand is not reasonable. The rate of 2nd class bricks was Rs. 18/- per thousand at the time of acquisition and thus the cost comes to Rs. 1158/- against Rs. 193/- assessed by P.W.D. authorities. The brick kiln has worked for two years and a depreciation of 10% is reasonable. In this way Rs. 388/- cost of labour with no depreciation and Rs. 1158/- as cost of material with 10% depreciation i.e. Rs. 1044/- total Rs. 1430/- be offered to the claimant on this account.

4.5.66 The claimants claimed Rs. 11,500/- for the construction of office, and staff quarters. The Executive Engineer assessed Rs. 1250/- with 50% depreciation to be allowed on it. It has been enhanced to Rs. 1438/- by the present Executive Engineer. On checking the assessment I find that cost of pucca Bricks has been counted at Rs. 10/- per thousand including the carriage charges, which is quite unreasonable as Rs. 20/- to Rs. 25/- was the market rate prevalent in those days. In this way the cost of bricks (72500) at Rs. 20/- comes to Rs. 1450/- instead of Rs. 725/- allowed by the C.P.W.D. authorities. The buildings were two years old at the time of acquisition, 50% de-recostom is not reasonable, 10% depreciation may be allowed. The amount to be offered on this account would be Rs. 2163/- less 10% depreciation i.e. Rs. 1947/-.

7 & 8. Rs. 5,600/- have been claimed as the cost of 62 huts (Jhugies). The Executive Engineer has assessed the valuation at Rs. 5/- per Jhugy i.e. Rs. 310/- in all. The claimants have produced evidence that Rs. 35/- are spent on one Jhugy. Taking the evidence into consideration, I am of opinion that offer of Rs. 15/- per jhugy with one-third depreciation is reasonable and Rs. 620/- be allowed.

9. Rs. 3000/- for the construction of truck tracks have been claimed by the claimants. The Executive Engineer has observed that the tracks are natural ones. I allow no compensation on this account.

10. The claimants claimed Rs. 500/- for the construction of water courses to the brick fields from the wells. The Executive Engineer has allowed Rs. 25/- which in my opinion seems to be reasonable with no depreciation.

11. The claimant has claimed Rs. 1000/- against the security deposited by them with the C.P.W.D. authorities. He can claim the refund of the same from the department concerned. The question of allowing compensation on this does not arise.

12. The claimants have claimed Rs. 11,487/8/- as the lease money paid by

lease is reasonable and is as below:-

<u>Sl. No.</u>	<u>Area on lease.</u>	<u>Unexpired period of lease.</u>	<u>Amount.</u>
1.	2 Bighas 5 Biswas	2-6-0	
2.	2 " 1 "	2-6-0	625-0-0
3.	3 " 10 "	4-1-12	625-0-0
4.	1 " 7 "	4-1-12	1029-3-0
5.	3 " 12 "	4-1-12	416-13-0
6.	2 " 9 "	0-1-6	1029-3-0
7.	3 " 7 "	0-2-0	147-0-0
8.	3 " 7 "	0-5-0	355-0-0
			<u>977-1-0</u>
			5184-4-0

5184-40

If this land is acquired, subsequently R.A. will deduct the amount of compensation for the remaining period at that date.

Rs. 5184/4/- may be offered as compensation on this account.

13. Rs. 2500/- have been claimed for the cost of kindling the fire. The kiln has worked for the full term i.e. upto 30.9.52. The possession of the kiln was taken over on 23.12.52. Allowing compensation on this account is not justified.

14. The claimant claimed Rs. 20,000/- as transportation charges of 25 lacs bricks from the site vide written statement dated 30.1.52, as they were ordered to remove the bricks at once. They were allowed to dispose of their bricks, the possession of the remaining land was taken over on 28.4.52. The possession of the remaining land was not taken over till 23.12.52 at their request dated 9.9.52 that they would be able to dispose of their bricks upto that time. No compensation is therefore

no compensation is, therefore, permissible on this account.

Advance to labour. The claimants have claimed Rs. 8198/5/3, which they say been advanced to the labour. As already observed the kiln has worked for 11 terms and consequently this demand cannot be allowed.

Rs. 500/- as rent of kiln have been claimed. The Kiln was taken over on 1.5.21 i.e. after it had worked its full term. The question of allowing this does not arise.

The total compensation to be offered to claimants No. 14 is as under:-

1.	2.	3.	4, 5 & 6.	7.	8.	9.	10.	11.
2280/-	331/-	1430/-	1947/-	728.	620/-	-	25/-	-
12.	13.	14.	15.	16.				
8184/4/-	-	-	-	-				
					= Total = 11,817/4/-.			

CLAIMANT NO. 15:

claimant has claimed Rs. 4,600/- under 3 different headings. This is supported by the statement on solemn affirmation of an overseer with experience.

has demanded Rs. 2800/- as the cost of compensation for the killing. The P.T.O.

claim is supported by the statement prepared by the aforesaid overseer who stated that he had kept in view the market rates of the material and the depreciation. The cost of compensation as given in that statement is Rs. 2899/-. I have allowed Rs. 1761/- for the similar item to claimant No. 14. The same may be offered to claimant No. 15 on this account.

2. He has claimed Rs. 1200/- for sinking of a well and the repair of another old well. The statement produced by him shows that Rs. 1298/- was the estimated price of the well. I have allowed Rs. 1200/- for one well less a depreciation at 5%.

In view of the evidence brought forth by claimant No. 14, I am of opinion that the demand of claimant No. 15 is reasonable and may be allowed.

3. Rs. 600/- have been claimed against the cost of office building against the estimate of Rs. 650/- prepared by the aforesaid overseer. The rates of material as given by him are according to C.P.W.D. Schedules and needs no further cut. The demand of Rs. 600/- is reasonable and may be offered to him as compensation.

Thus the total amount to be offered to claimant No. 15 is as follows.

Item No.	1.	2.	3.	Total.
Amount.	Rs. 1761/-	1200/-	600/-	Rs. 3,561/-

The total compensation to be offered to different claimants would be as under

Claimants 1 to 13	Rs. 39,044/4/-
Claimant No. 14	11,817/4/-
Claimant No. 15.	3,561/-
	<hr/> Rs. 54,422/8/-.

7. The possession of land was taken over on 28.4.52 and 23.12.52 and consequently the landowners are entitled to interest at 6% per annum from the date of possession to the date of payment and the same will be intimated later. The Revenue Assistant will please work out share of individuals on receipt of approval from the Government.

Sd. (Satish Chandra)
Collector, Delhi.

Witnessed

(Surat Singh)
Land Acquisition Collector,
Delhi.

Name of the Village:

Basaidarapur.

Nature of Acquisition:

Permanent.

This is a case for the acquisition of land in Vill Basaidarapur required by the Government at the Government for a public purpose namely for the establishment of Rame colony for the Resettlement of Displaced Persons. A declaration to this effect was made under section 3 of the Resettlement Displaced Persons Land Acquisition Act 1948 vide Notification No. 15(15)/51-MI&CE dated 31.5.51 by the Chief Commissioner. The possession of the main area was taken on 28.4.52. Order 708 was made by the then Competent Officer on the following

Banjarkadim
 Gairmumkin.

Rs. 135/- per bigha.
 Rs. 90/- per bigha.

This offer was not accepted by the interested persons and the cases were referred to the Arbitrator for decision. The Ministry of Rehabilitation has decided that an Exgratia grant of rupees 40 lakhs be paid to the persons from whom the land was acquired under the above Act, provided they withdraw their claims from the Arbitrator and accept the amount in full and final settlement of their claims. A ~~skaim~~ scheme was prepared and submitted to the Delhi Administration for their approval. Shri J. S. Deputy Housing Commissioner vide his D.O. letter No. F.15/LSG dated 8.2.62 has intimated that a compensation of Rs. 135/- per bigha may be paid to the land owners of Basaidarapur in lieu of the offer, interest and the exgratia grant. Hence there is no necessity of drawing this fresh offer.

MEASUREMENT & OWNERSHIP.

According to the notification, the total area

acquired was 363 bighas and 17 biswas. According to the LSG I
 dum No.F.15(5)/51-MP&CE/dated 27.4.54, Khasra No.1509 was
 from acquisition and the total area to be acquired remain
 351 bighas. None of the land owners has accepted the offer
 the land and the Arbitrator has made no Award upto this time.
 Exgratia grant is, therefore, to be given to the whole area of
 351 bighas. Compensation for the structures has already been
 taken. According to the Revenue Record, the ownership of
 land under acquisition is as given below:-

Sl.No.	Name of the owner	Khasra No.	Area Bigha-Biswa.	Kind of land
1.	Ram Chander, Rama Nand, Hari Singh, Chhote Lal sons of Bulaqi 1/2, Banwari s/o Parshadi 1/2.	3168/1325/2	3 - 9	Gairmunk
2.	Chhattar Singh & Rattan Lal sons of Surat Singh 1/2, Chhote Lal, Ram Dass & Shiv Charan sons of Ghasita 1/2	1326/1/2/1	91 - 12	Banjara Gairmunk
3.	Beg Ram s/o Ramji Lal 1/12, Pem Raj s/o Umrao Singh 1/12, Mohan Lal s/o Bhagwana 1/6, Lal Singh, Mehar Chand & Ram Kishan sons of Tilak Ram 1/12, Tek Chand s/o Kehri 1/2, Chhattar Singh etc. at Sl.No.2, 1/2	1326/1/3/1	3 - 6	Gairmunk
4.	Tilak Ram s/o Hukma 1/2, Tek Chand s/o Kehri 1/2.	1326/1/4	48 - 8	Gairmunk
5.	Beg Ram s/o Ramji Lal 1/2, Pem Raj s/o Umrao Singh 1/2	1326/1/5	31 - 4	Banjara Gairmunk
6.	Mohan Lal s/o Bhagwana.	1326/1/6	34 - 4	Banjara Gairmunk

7.	Sham Lat Thok Dil Sukh (according to area of each land owner).	1508/1	40	-	18	Banjark Gairmumkin
8.	Sham Lat Thok Budha according to holding of each land owner.	1507/1	8	-	6	Gairmumkin
9.	Sham Lat Thok Ram Lal according to holding of each land owner.	1510/2/1	89	-	13	Banjark

Grand total....

351 - 0

Banjark Kadim
Gairmumkin.

The compensation for the structure and the trees etc
has already been paid. The amount of offer according to
Offer No.708 comes as follows:-

Compensation for 165 bighas
13 biswas of Banjarkadim land
@ Rs.135/- per bigha. Rs.22,362.75

Compensation for 185 bighas
7 biswas of Gairmumkin land
@ Rs.90/- per bigha. Rs.16,681.50
Rs.39,044.25

Interest @ 4% P.A. from
28.4.52, the date of
possession to 22.3.62, the
date of payment. Rs.15,463.67
Rs.54,507.92


Compensation for 351 bighas
of land @ Rs.1100/- per bigha. Rs.3,86,100.00
Compensation according to offer. Rs. 54,507.92

Exgratia Grant.....

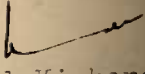
Rs.3,31,592.92

The exgratia grant will be paid only to the person
who withdraw their cases from the Arbitrator and are present

to compromise at the rate of Rs.1100/- per bigha. The land owners who do not wish to compromise will be paid according to the Award of the Arbitrator.


(Nand Kishore)
COMPETENT OFFICER,
DELHI.
12.3.62.

Submitted to the Collector of District for information and filing.


(Nand Kishore)
COMPETENT OFFICER,
DELHI.
12.3.62.

Recd. Filed. [Signature]
COLLECTOR, DELHI.
1-5-62

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$$1337, 1335, 1333, 1327, \frac{1326}{2} - \frac{1315}{2}$$

$$15-1371, \frac{1369}{1}, \frac{1343}{2} - 1342 - \frac{1341}{1} - \frac{1341}{2}$$

$$\frac{1415}{2} - 1414 \text{ NW } 1404 - \frac{1403}{2} - \frac{1402}{1}$$

$$\frac{1439}{1} - \frac{2461}{1438} - \frac{2458}{1435} - \frac{2454}{1432} - \frac{1418}{1}$$

$$1448 - \frac{1447}{2} - 1446 - 1445 - 1443 - 1442 - \frac{2463}{1441}$$

$$\text{NW } 1486 - 1483 \text{ NW } 1471 - \frac{2466}{1462}$$

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Taken on the possession of land.

as shown at site.

Haram Singh Sidhu
Sectional Officer 31/x/53
Development Division

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Returned after
Camp...

57/13
8/13
7K

OFFICE OF THE CHIEF COMMISSIONER, DELHI.

NOTIFICATION

Dated, Delhi the 31st March, 1951.

No.F.15(5)/51-MLT. Whereas it appears to the Chief Commissioner of Delhi that it is necessary to acquire speedily land for the resettlement of Displaced persons by the Government at the public expense it is hereby notified that the land specified below is to be acquired for allotment to Squatters displaced from Roshanara area on the seventh day after the date of publication of this Notification.

This notification is made under the provision of section 3 of the Resettlement of Displaced Persons (Land Acquisition Act 1948 to all whom it may concern.

Any person interested in the land who has any objection to the acquisition may file an objection in writing before the Collector, Delhi.

SPECIFICATION.

<u>Name of village and Province.</u>	<u>Total area</u>		<u>Field Numbers.</u>
Basidara Pur (Delhi State)	Big. 363	Biswas 17	1507/1, 1508/1, 1509 part $\frac{1510}{2} \text{ , } \frac{3168}{1325} \text{ , } \frac{1326}{1} +$ $\frac{1}{2}$

By Order,

Sd/- K.K.Sharma,
Secretary(Local Self Government) to the
Chief Commissioner, Delhi.

No.F.15(5)/51-MLT.

Dated, Delhi, 31 March, 1951.

Copy forwarded to:-

1. The Collector, Delhi, with reference to his letter No.96/LAC dated the 13th March, 1951.
2. The Secretary(Relief & Rehabilitation) to the Chief Commissioner Delhi.
3. The Secretary to the Government of India, Ministry of Rehabilitation, New Delhi with reference to his letter No. D. 3775/RHB. dated the 26th/27th March, 1951.
4. All members of the Advisory Council to the Chief Commissioner, Delhi.

Sd/- K.K.Sharma,
Secretary(Local Self Government) to the
Chief Commissioner, Delhi.

1071

No. 1133/39 /L.A.C.

Dated, Delhi the 6th April, 1951.

Copy forwarded to Tehsildar, Delhi for wide publicity in the village concerned to report. *The Patwari Halga Bandara should be directed to prepare and submit a copy of the same band regarding the land under negotiation.*

Bhag Singh
(Bhag Singh)
Revenue Assistant,
for Collector, Delhi.

/P.N.4.4.*

Handwritten notes in Urdu/Hindi script, including "9/4" and "206".

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Handwritten notes in Urdu/Hindi script, including "15/5" and "16-5-51".

Handwritten signature and date "16-5-51".

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Tehsildar

324