AWARD NO. 732.

Subject:- Acquisition of land for construction of Septic Tanks at V. and Basidarapur.

This is a case for acquisition of land measuring 189 Bighas 9 39.48 acres situated in V. Khampur and Basidarapur.for the constructi Septic Tanks. The notification No. F.15(ii)/52-MT&CE dated the 19th S 1952, was issued under the provisions of Section 3 of the Resettlement placed Persons (Land Acquisition) Act, 1948. The same was widely publi the locality on 26.10.52 and notices u/s 4 of the Act, were served on persons interested in the land. The objections received thereafter wer considered and dismissed by me on 4.4.53.

MEASUREMENT & CLASSIFICATION.

Land measuring 112 bighas 12 biswas out of 189 bighas and 9 bisw situated in V. Basidarapur and is classified as under:-

Banjar Qadim	8 Bighas 9 Biswas.
Gairmumkin	104 " 3 "
Total	112 Bighas 12 Biswas.

CLAIMANTS.

The following are the claimants:-

Sarvshri.

1. Khazan s/o Baldev Caste Taga, r/o V. Basidarapur.
2. Chhajju s/o Chunni -do-
3. Jag Ram s/o Bhola -do-
4. Hari Singh s/o " -do-
5. Deba Ram s/o Sher Singh -do-
6. Bhagwan Sahai s/o " -do-
7. Subh Ram s/o " -do-
8. Ram Phool s/o Beg Raj -do-
9. Balkishan s/o Hukami -do-
10. Tilak Ram s/o " -do-
11. Tej Ram s/o Baldev Caste Ahir, r/o V. Shakurpur.
12. Bishan s/o Sheo Ram -do-
13. Teka s/o Nanuwa Caste Gujar r/o V. Lampur.
14. Lekha s/o " -do-
15. Ram Phal s/o Chet Ram -do-
16. Kishan s/o Faquira -do-
17. Than Singh s/o Jagat Singh, Taga V. Basidarapur.
18. Kanahya Singh s/o " -do-
19. Beg Raj s/o " -do-
20. Partap Singh s/o " -do-
21. Gokal Chand s/o Sham Singh -do-
22. Dharam Bir s/o " -do-
23. Shiv Nath Singh s/o Bhim Singh -do-
24. Sabha Ram s/o " -do-
25. Pirbhu Singh s/o Bahal Singh -do-
26. Mst Piari w/o Kalu Singh -do-
27. Hari Ram s/o Bhuri Singh -do-
28. Govind Pershad s/o " -do-
29. Ram Kanwar s/o " -do-

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(2)

1. Mst Chinta Devi r/o Tekha Caste Taga R/o V. Basidarapur.
2. Nathu s/o Khazana -do-
3. Kabul s/o Ganga Sahai -do-
34. Sajjan Singh s/o Sulhar -do-
35. Jagan s/o Udai Ram -do- 93
36 Hurmat s/o " -do-
37. Ramchader s/o Mir Singh -do-
38. Harsarup s/o " -do-
39. Jawali w/o Anti -do-
40. Baljit s/o Sira Ram -do-
41. Mst Nanu w/o Darjaw Singh -do-
42. Achhe Lal s/o Balwant -do-
43. Lakshmi Chand s/o " -do-
44. Raghunath s/o Phul Singh -do-
45. Hukma s/o Kalu -do-
46. Banwari s/o Tirkha -do-
47. Surjit s/o " -do-
48. Sham Singh s/o Chhellu -do-
49. Yad Ram s/o Ram Dass -do-
50. Bisham Bar s/o " -do-
51. Ram Kishan s/o " -do-
52. Jai Kishan s/o " -do-
53. Lakhi s/o " -do-
54. Cheta s/o Tara Chand -do-
55. Ram Sarup s/o Har Dayal -do-
56. Rughnath s/o " -do-
57. Nathu s/o Ramjas -do-
58. Bansi s/o Jai Sukh -do-
59. Mst. Nanhi w/o Ram Sarup -do-
60. Devi Sahai s/o Jahangir -do-
61. Dharam Singh s/o Ram Gopal Brahman r/o V. Basidarapur.
62. Bhagwana s/o Ram Gopal -do-
63. Panna Lal s/o " -do-
64. Rama Nand s/o " -do-
65. Piare Lal s/o Ramji Lal Brahman r/o V. "
66. Raghubar Dayal s/o " -do-
67. Des Raj s/o " -do-
68. Ram Sarup s/o Lakhi Ram, Saini r/o V. Basidarapur.
69. Asa Ram s/o Pranu Mal Vaish Agrawal "
70. Mansa Ram s/o Harphool Singh -do-
71. Harbans Singh s/o Lal Singh, Taga Advocate, Delhi.
72. M/s Gujran Wala Brick Kilan Co., Karol Bagh, Delhi.
73. M/s Sardar Bhatta Co., Kashmeri Gate, Delhi.
74. Shri Vishwa Nath Chokra, Brick Kilan Owner, Karol Bagh, Delhi.

CLAIM.

The claimants No. 1 to 68 through Shri Harbans Singh Tiagi a' claimed
compensation at Rs. 20/- per sq.yd. vide a written statement 4.6.53 con-
tending that the same was the minimum compensation acceptable. They
have also claimed damages equal to the market price of the the time of
issue of the aforesaid notification saying that they were landless
due to this acquisition. They have also prayed that the aid the present
market price of the land and that the compensation worked out on
the basis of the rates prevalent in year 1939. The duced any evidence,
h they were granted an opportunity to do so. 69 & 70 vide a
29.5.53 claimed a compe to Rs. 15,000/-
10 biswas he registered sale
90/- on 23.10.52

1.	Consideration Money paid to the vendee in the presence of Sub-Registrar	Rs. 4,500/-
2.	Registration & Stamp charges	150/-
3.	Brokerage	50/-
4.	Levelling & filling of the land	750/-
5.	Interest at the rate of 6% from the date of purchase.	540/-
	Total	Rs. 5,990/-

In support of item No. 4 they have produced Shri Ranbir Singh, a Govt. Contractor who stated beforeme on 26.10.53 that he had received Rs. 750/- for levelling the land of the calimants. One Shri Mangat Ram of Khari Baoli stated on 26.10.53 that he received Rs. 50/- for the striking of this bargain of land. The calimant No. 69 Shri Asa Ram stated on that date that he did not like to go in litigation and wished that the compensation amounting to Rs. 5,450/- along with the permissible interest spent by him might be paid to him in lieu of the land acquired from them. According to note of Patwari dated 5.2.54, claimant No. 71, Shri Harbans Singh Tiagi is the owner of land measuring 6 bighas 14 biswas purchased by him vide a registered sale deed dated 28.1.54 i.e. about one year and a half after land was notified for acquisition vide the above mentioned notification dated 19.9.52. As he purchased this land after the date of notification the question of serving him with the notices u/s 3 & 7 does not arise. Claimants No. 72, 73 & 74 are the owners of brick kilns , situated on the land to be acquired. They have claimed a compensation amounting to Rs. 59,157/8/- ,13,773/- and Rs. 59,604/8/- respectively. As these claims included construction work of brick kiln office, quarters and labour huts, these were forwarded to the Executive Engineer, Rehabilitation Division No. II who worked out the assessment of the structures seriatim.

These claimants adduced no evidence but represented against the method of working out the depreciation suggested by the Executive Engineer contending that the land was already on lease with them and they could get more land if their brick kilns were not acquired.

CONCLUSION.

As per report of the patwari, the persons interested No. 1 to 68 have held the land from before the 1st September, 1953. As provided in Section 7(e) of the Resettlement of Displaced Persons (Land Acquisition) Act, 1948, the compensation to be assessed is the market value of land on the date of notification or 1st day of September, 1939 with an addition of 40%, whichever is less.

R... reveal that Bajjer Qadim and Gairmumkin in this

...cording to the statement

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-----the average sale price of the land in this village is as below:-

Classification of land	Average sale price of land as arrived at from sale transactions which took place from 1.3.48 to 19.9.52 ~~660~~	Average sale price arrived at from the sale transaction, which tookplace in year 1937 to 1939 plus 40%.
Banjar Qadim	Rs. 1952/4/9 per bigha	Rs. 102/7/8 per bigha plus equal to Rs. 143/7/8 say Rs. 150/ per bigha kham.
Gairmumkin		

It will thus appear that the average sale price on 1.9.39 plus 40% is less and the compensation is, therefore, to be awarded accordingly. The claim of the claimants very much exceeds the above mentioned sale prices and is, therefore, not reasonable. In view of the above and according to the provisions of Section 7(e) of the Act the ~~Act~~ compensation to be offered for the acquired land is as below:-

Compensation for 104 bighas 8 biswas of land owned by claimant No.1 to 68 at Rs.150/-per bigha Rs. 15,660-0-0

Claimant No. 69 & 70 are the owners of land measuring one bigha 10 biswas They purchased this land vide a registered sale deed dated 21.12.51 i.e. 9 months prior to the date of notification. They spent Rs. 950/- more by way of registration, levelling and brokerage etc. The claimant No. 69 that he was prepared to receive compensation amounting to Rs. 5,450/- spent by him. The demand is reasonable, and I propose the same to be to these claimants.

Claimant No. 71 is the owner of 6 bighas 14 biswas. He purc land vide a registered sale deed dated 28.1.54 i.e. one year and a the issue of notification. The transaction is not to be believed interested will receive the compensation payable to the vendee i per bigha awarded to claimants No. 1 to 68. The amount of compe offered to this claimant would, therefore, be Rs. 1005/-.

Claimant No. 72, M/s Gujran Wala Brick Kiln Co., claime of Rs. 59,137/8/- under the following headings:-

1.	Cost of Brick kiln	Rs. 15,023-8-0
2.	Cost of office room etc.	1,389-0-0
3.	Cost of Well	1,200-0-0
	Cost of huts for labour	2,000-0-0
	[illegible] of land	9,250-0-0
		300-0-0
		[illegible]

...ed by the clai... three years. The...

for a further period ...

...t the land was available for brick work for many year...

...epreciation suggested by the Executive Engineer is not justifie...

...nable compensation would be the cost of structures with a reasonable

...ation. I am of opinion that Rs. 8,181/- as estimated by the Executive

...eer is the reasonable value with a deduction of 10% as depreciation.

The claimant has represented that Rs. 1492/- the cost of levelling

...7820 c.ft at Rs. 17/- per thousand c.ft. according to the P.W.D. schedule of

rate page 10 has not been commented upon and included in the estimate of t...

Executive Engineer. Rs. 1149/8/- have been claimed by the claimant in his

claim and he has amended this claim in the representation. I am of opinion

that Rs. 500/- would be the reasonable compensation with no depreciation and

allow this amount to the claimant.

2. COST OF OFFICE ROOM ETC.

The Executive Engineer has worked out Rs. 1060/- against Rs. 1,389/-

claimed by the claimant with depreciation of 24/25 in a rupee saying that th...

structure was to be used for only one year more. This method as disc...

above is not justified. The reasonable compensation would be the cost ...

building minus the deduction by way of depreciation. I am of opinion t...

Rs. 1,060/- is the reasonable value as worked out by the Executive Eng...

with a deduction of 20% as depreciation.

3. COST OF WELL.

Rs. 350/- with a deduction of 5/6 in the rupee have been

against Rs. 1200/- claimed by the claimant on this account for

discussed at item No. 1. The perusal of the assessment note

Rs. 350/- are only the labour charges and no amount has bee...

material used in the construction of well. Keeping in view

of a well and the depreciation I have allowed Rs. 1080/-

and I allow the same for this also.

4. COST OF LABOUR HUTS.

Rs. 2000/- have been claimed at Rs. 50/- pe...

P.T.P.

... have claimed ... .250/- as the lease money, ... land for different periods for the land to be used ... year ... us. The perusal of the copies of receipts produced by the ... show that none of these lease deeds was registered as required under the law. They cannot claim any damages on the basis of these documents. I, there- fore, see no reasonability in allowing any compensation on this account.

6. **WATER COURSES.**

Rs. 300/- have been claimed, for the water courses constructed by the ... for taking the water from the well to the brick fields. The amount claimed is exhorbitant. I am of opinion that one labour can construct similar water course in five days. I, therefore, allow Rs. 10/- as the labour charges on this account.

7, 9 & 10 **TRUCK TRACK - LOSS OF REMOVAL OF BRICKS & LOSS ON BRICK BATS.**

Rs. 18,000/- have been claimed by the claimant on this account. The Executive Engineer has stated that the owners may sell the bricks in a reason- able time and he would not object to this removal of bricks and use of this track in that period. In these circumstances, no compensation is, therefore, be awarded. The claimant may approach the Executive Engineer for allowing sufficient time for this purpose.

COST OF IRON EQUIPMENT.

Rs. 2,000/- have been claimed by the claimant against the construction ...himneys contending that these chimneys would be of no use if removed ...te saying that they had been got constructed according to the size ...k kiln. The Executive Engineer has assessed Rs. 100/- as the salvage ...he Government would not require these chimneys. The view of the ...ber is not justified, but the amount claimed is exhorbitant as ...ave been used for three or four years. In the circumstance ...that Rs. 200/- is the reasonable value and is allowed.

...LL.

...- have been claimed by the claimant on that account. The ...ued on 19th September, 1952 and the possession of the land ...6.11.53. The firm must have started some other business

P.T.O.

They could give publicity to their goodwill. Moreover, there are no provisions for entertaining any claim. The claim on this account is unreasonable and ignored. The compensation allowed to the claimant No. 72 is summarised as below.

Item No.	1	2	3	4	5	6	8	8
Amount allowed.	Es7,863/-	Rs.848/-	Rs.1080/-	Rs.350/-	Rs.-/-/-	Rs.10/-	Rs.200/-	

7,9,10 & 11 Nil. Total Rs. 10,351/-

Claimants No. 73 & 74 are similar to that of claim No. 72. I have discussed fully in the claim No. 72. The following statement will show the compensation allowed to claimant No. 73 & 74.

CLAIMANT NO. 73.

...e of the item in the ...m claim.	Amount claimed.	Amount assessed by Ex.Engineer	Amount awarded for reasons given in the discussion for claimant No. 72.
1	2	3	4
...t of brick kiln No. ...luding 1400/-the ... one well	Rs.15,423/-	for brick kiln Rs.7267/- ~~with a deduction of~~ for well Rs.614/- (with a deduction of 5/6 in a rupee.	Rs.7267/-with a deduction of 10% as depreciation i. Rs.6540/5/-plus Rs.500/- for dressing charges, Well-Rs.1200/-with 20% depreciation i.e. Rs. 960/-
...f brickkiln ...luding Rs. ...onstruction	Rs. 9,184/-	Rs.4104/-for brick kiln, 684/-for well(with a deduction of 5/6 in a -rupee)	Rs.4,104/- with a deduction of 10% as depreciation i.e.3,693/10/- plus Rs.-1200/-with 50% depreciation i.e. Rs.600/-
...stablish-...s	Rs. 6,041/-	Rs.3,900/- with a deduction of 24/25 in a rupee.	Rs.3,900/-with deduction of 20% i.e. Rs.3,120/-.
...No.3.	Rs. 500/-	Rs.202/- with a deduction of 5/6 in a rupee	It is a kucha well Rs.-400/- with a deduction of 50% i.e. Rs. 200/-
...rs'	Rs. 5,500/-	Nil	Compensation awarded in V. Khampur Raya.
	Rs. 250/-	"	Rs. 20/-
	Rs. 2,000/-	"	Nil
	Rs. 3,000/-	Salvage Value 150/-	Rs. 400/-
	Rs.13,875/-	Nil	Nil.
	Rs.39,000/-	"	"
	Rs. 9,000/-	"	"
	Rs...		"

1

162.

4, 745/671, 12 / 11

18, 19, 751/20, ...

...2, 53, 54, 5...

...1, 62, 6...

97/5

80/imant for 5/6 years and the compensation claimed is exhorbitant.

Thus thln with a depreciation of 20% is reasonable value and is allowed.

be Rs. 16,54 amount of compensation to be offered to this claimant would

CLAIMANT NO. 74.

Name of item. 1	Amount claimed 66 2	Amount assessed by the Ed.Engineer 3	Amount awarded for reasons given in case of claimant 4
1. Cost of brick kiln	Rs.15,018/-	Rs. 8,181/- with a deduction of 5/6 in a rupee.	Rs.8,181/-with of 10% for dep 7,363/-plus R
2. Cost of office	986/-	Rs.1320/-with a deduction of 24/25 in a rupee	Rs.1300/-with 30% as depre
3. Cost of huts for labour	2,500/-	Nil	Rs.10/- p as report Rs.300/-
4. Lease of land	10,800/-	"	Rs. 1
5. Water Courses	300/-	"	
6. Truck Tracks	2,000/-	"	Rs.20
7. Iron equipment	2,000/-	Rs.100/-	
8. Loss of removal of bricks	13,000/-	Nil	
9. Loss on brickbats	3,000/-	"	
10. Loss on Goodwill	10,000/-	"	
	Rs. 59,604/8/-		

The amount to be offered to this claimant would be Rs

TREES.

There are no trees on the land under acquisition th

allowing any compensation on this account does not arise.

OCCUPANCY TENANTS.

Land measuring 6 bighas 5 biswas is under the o

Sarup occupancy tenant u/s 5 of Act, XVI of 1887. He

(10 annas in the rupee) for this land with the land

INTEREST.

The possession of this land was transferred

53, the persons interested are entitled

6.11.53.

1.	Compensation for land owned by claimants No. 1 to 68	Rs. 15,660
2.	Compensation to be paid to claimants No. 69 to 70	5,450/
3.	Compensation to claimant No. 71	1,005/-
4.	" " No.72	10,351/-
5.	" " No. 73	16,545/15/-
6.	" No. 74.	9,297/-
	Total	Rs. 58,308/15/-
	Interest at 6% p.a. from 16.11.53 to 16.5.54.	1,749/ 4/-
	Total	Rs. 60,058/ 3/-

Sd. (Satish Chandra)
Collector, Delhi.
19. 3. 54.

Attested to be true copy.
Nandlal
Accountant 11/5/55

Land Acquisition Collector,
DELHI.

LAC(3)/15

DELHI STATE SECRETARIATE, DELHI.

Dated the 19th September, 1952.

NOTIFICATION.

No.F.15(11)/52-MT&CE. - 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 construction of Septic Tanks in Patel Nagar 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.

Name of village and province.	Total area Big.	Bis.	Field numbers.
asidara Pur. (Delhi).	112	12	1139/2, 1140/2, 1141, 1142, 1143, 1144, 3261/1145, 3262/1145, 1146, 1148, 1149, 1150, 1151, 2927/1152, 2928/1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163/1, 1164, 1165, 1166, .
hampur Raya. (Delhi).	76	17	748/10, 742/673, 674/11, 745/671, 12, 13, 14, 15, 16, 17, 18, 19, 751/20, 803/50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63/1, 64/1, 65, 66/1.

Contd.......

Bighas . Biswas.

Total area.189 - 9.

= (39.48 acres)

By Order

Sd- (K.K.SHARMA),
Secretary to t e Delhi State Government,
Local Self Govt. Department, Delhi.

.F. 15(11)/52-MT & CE. Dated , the 19th September, 1952.

py forwarded to :-

1- The land Acquisition Collector , Delhi with
ference to his let er No. 738/LAC dated 13.9.52.

The Secretary to the Govt. of India, Ministry of
Rehabilitation , New Delhi with reference to Shri V.P.
Sud's letter No. RHB /32(1)51 dated the 14th June, 1952.

Sd- (K.K.SHARMA),
Secretary to the Delhi State Government
Local Self Govt. Department, Delhi.

No. 796 /LAC. Dated Delhi the 13th. October,1952.

Copy forwarded to the Tehsildar,Delhi for wide publicity in the locality concerned. A report of compliance be submitted within a fortnight.

ok for compliance as one

4006
15/x

Bhag Singh

(BHAG SINGH)
LAND ACQUISITION COLLECTOR,DELHI.

T.C. Delhi for wide publicity and return after compliance with in a week

Teh Delhi