

AWARD NO.

74/1972-73

Name of the Village:

Basai Dara Pur.

Nature of Acquisition:

Permanent

Purpose of Acquisition:

Laying Goods Avoiding Lines

INTRODUCTION

Land measuring 13,284 sq.yds. in village Basai Dara Pur (Delhi Improvement Trust Industrial Najafgarh Road) was notified u/s 4 of the Land Acquisition Act by the Delhi Administration vide notification No.F.1(26)/61-L & H-Vol.II dated 16-5-68 as the land was required to be taken at the public expense for a public purpose namely for Laying Goods Avoiding Lines. General notices u/s 4(1) of the Act were issued to the Jumla Malikan. Objections filed in response to the notices were heard and considered and a report u/s 5-A was sent to the Delhi Administration. Declaration u/s 6 vide notification of even No.F.1(26)/61-L & H dated 23.11.68 was issued thereafter. Notice u/s 9(1) was given due publicity and notices u/s 9(3) and 10(1) were issued to the interested persons, most of whom filed claims in response to the notices which are discussed under the head claims and evidence.

MEASUREMENT & OWNERSHIP

Measurement of the area notified was carried out by the field staff at the spot and the actual area found was 13284 sq.yds which would be the subject matter of acquisition in the present case.

The details of the land under acquisition are as below:-

<u>Plot No.</u>	<u>Area</u>	<u>Name of the claimant</u>
62 Min	286 sq.yds	Sh.Krishan Kumar s/o Shyam Lal 62 Najafgarh Road, Delhi.
63 Min	5778 sq.yds	Sh.Hans Raj Virmani s/o Diwan Singh 63 Najafgarh Road, Delhi.
64 Min	7220 sq.yds	M/s Ganesh Flour Mill Co.Pvt. Ltd., 64 Najafgarh Road, Delhi.

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CLAIMS & EVIDENCE

The following claims have been filed.

Sr. No.	Name of the claimant	Amount claimed
1.	Sh.Hans Raj Virmani	Land @ Rs.150/- per sq.yd., Rs.25000/-for boundary wall, Rs.50000/-for loss, Rs.75000/-for loss in business.
2.	Sh.Krishan Kumar s/o Sh.Shyam Lal	Land @ Rs.100/-per sq.yd., cost of bricks,labour Rs.5000/- cost of wall Rs.25000/-,cost of rebuilding the boundary wall Rs.2000/-.
3.	Sh.Raghubir Dutt and 67 others.	Rs.120000/-for structures and alternative accomodation.
4.	M/s Ganesh Flour Mills Co.Ltd.	Land @ Rs. 150/- per sq.yd.

EVIDENCE

M/s Ganesh Flour Mills Co.Pvt. Ltd had examined Shri D.P. Mehta Architect regarding the estimate Ex.G.1 for quarters, sewer lines,temporary structures and trees, etc prepared by him. The estimate is for Rs. 77,700. M/s Ganesh Flour Mills also examined Shri Deep Chand Sharma Purchase Superintendent, Ganesh Flour Mills about the ownership of company, building structure etc. The occupants of temporary structures over the land under acquisition are employees of the company and they have no title to receive the compensation.

Shri Krishan Kumar has examined himself as owner of plot No. 62. He filed attested copy of the sale deed Ex.A1 and also copy of deed of disclaimer Ex.A.2 executed by his brother in his favour. Shri Krishan Kumar also examined Shri Chander Narain Kanoojia,Architect who proved his report Ex. A.W1/3 and the estimate Ex.A.W.1/4 prepared by him and filed site plan Ex.AW1/1 and Ex.AW1/2. Shri Krishan Kumar also examined Shri S.P.Lal, U.D.C.in the office of R.S.C.,Jam Nagar House who stated that plot No. 40,Najafgarh Road, Industrial area was auctioned on 24.4.60

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in favour of M/s Santekh Singh Sardar Singh for Rs. 340000/- and the sale certificate was issued on 23.12.61. He has identified the signatures of Shri M.L. Vij, Managing Officer on letter Ex.AW2/1.

Sale deed Ex.A-1 relates to plot 62 measuring 4.59 acres purchased by Shri Shyam Lal, father of the claimant Shri Krishan Kumar for Rs. 1,13,855/- and the sale deed was registered on 10.9.51. This sale deed was executed 17 years before the date of notification u/s 4 and can offer no guidance regarding the market value of land on the material date. Shri Krishan Kumar has also filed estimate Ex.AW1/4 of the structures in plot No. 62 prepared by Shri Chander Narain Kanoojia, Architect. This estimate is irrelevant as there are no structures on the land under acquisition in plot No. 62 except a compound wall which has been got evaluated by Assistant Engineer (Valuation), C.P.W.D. The sale of plot No. 40 measuring 4743 sq.yds in Najafgarh road, Industrial Area on 24.4.60 for Rs. 3,40,001/- through public auction in favour of M/s Santekh Singh Sardar Singh by the Department of Rehabilitation has also been proved. The sale certificate was issued on 23.12.61. Out of the sale price Rs. 25,772/- was paid in cash and the remaining amount of Rs. 3,14,229/- was adjusted towards compensation payable to the auction purchaser and their associated as reported by the Managing Officer, Department of Rehabilitation vide d.o.No.MO(P)/Najafgarh/Auc/RS/D dated 30.8.71. This sale took place 8 years before the date of notification u/s 4 in the present case. The average sale price comes to Rs. 71/- per sq.yd. This is an exorbitant price for land keeping in view the trend of prices. It has been reported by the Managing Officer (R) Shri P.N. Oberoi vide his d.o. No.MO(P)/Auc/40-Najafgarh/Rd/RS/190 dated 18.1.72 that

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Shri Santekh Singh auction purchaser had his own plot behind this plot No. 40 and was also in occupation of 3/4th portion of the plot and running an industrial concern there. The other 1/4th portion was under un-authorised occupation. As the auction purchaser was in occupation of the part of the plot, it appears that he was determined to purchase it at any cost and this resulted in fetching such a high bid for this plot. In these circumstances this sale can not be said to be a reasonable exemplar of the market value of land in this area.

MARKET VALUE

The market value of the land under acquisition is to be determined with reference to the price prevailing at the date of the preliminary notification which in the present case is 16.5.68. The evidence of genuine sales affected about the time of notification either in respect of land under acquisition or a portion thereof or the sale of land precisely parallel in all circumstances to the land in question, can be the best evidence in arriving at the market value of the land.

The evidence filed by the claimants regarding the market value of land under acquisition has been discussed above under the head 'evidence' and is found to be of no help in determining the market value on the relevant date.

There have been several awards in this village but all of them except award No. 14/70-71 related to notification u/s 4 issued in the year 1957, 1959 and 1961. Award No. 14/70-71 pertains to notification dated 6.4.68 u/s 4 in this village. Part of the land in plot No. 63 min and 64 min under present acquisition has been acquired vide award No. 14/70-71. For these reasons this award No. 14/70-71 is most relevant in determining the market value of the land under acquisition.

In Award No. 14/70-71 the L.A.C. considered 21

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sale transactions of this village which took place in 1966-68 and out of these sale transactions the L.A.C. relied on the following transactions for the reason that the land involved in these transactions compared favourably with the land acquired in award No. 14/70-71 in view of its size and dimension and proximity.

Sr. Mutation No. No & date	Date of registration	Kh.No	Area	Amount	Average per big
1. 3618/8.2.68	27.10.67	3392/2751/ 734	3-01	32500/-	10655.7
2. 3619/8.2.68	27.10.67	3392/2751/ 734	3-01	32500/-	10655.7

For these considerations elaborately discussed in award No. 14/70-71 the L.A.C. assessed the market value of the land acquired therein at Rs. 11/- per sq.yd. Against award No. 14/70-71 two reference petitions u/s 18 L.A. Act are reported to have been forwarded to the Court of A.D.J. Delhi where they are still pending. Since the date of notification u/s 4 in the present case is only about a month posterior to the date of notification u/s 4 in award No. 14/70-71 and part of the land under acquisition was acquired vide award No. 14/70-71, I consider it fair and reasonable to fix the market value of land at the rate of Rs. 11/- per sq.yd and assess the same.

OTHER COMPENSATION
STRUCTURES.

There are structures in plot No. 62 min, 63 min and 64 min existing prior to the date of notification u/s 4. The claimant M/s Ganesh Flour Mills Co.Ltd has filed an estimate Ex.G.I for the structures of plot No. 64 min, prepared by architect Mehta & Associates. This estimate amounts to Rs. 77,700/-. Scrutiny of this estimate reveals that the rate of Rs. 18/- per r.f.t. for the compound wall is very much on the high side as the C.P.W.D. schedule rate for 1967 is 85/- per 100 cubic feet. A sum of Rs. 5,000/- has been included in the estimate towards miscellaneous

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expenses, details of which have not been furnished and the amount seems to be unjustified. The value of trees assessed by the architect is also very high keeping in view the wood content of the trees. 30 % depreciation suggested by the architect on the building is on the high side in view of the general condition of the structures. The estimate Ex.G.1 can not be accepted for the above reasons as the basis for evaluating the structures.

The A.E.(Valuation),C.P.W.D. has assessed these structures as follows:-

Plot No. 62 Min	-	compound wall	=	Rs. 350-00
Plot No. 63 Min	-	compound wall	=	Rs. 620-00
Plot No. 64 Min	-	rooms & boundary wall etc.	=	Rs.21000-00
Totals:-				<u>Rs.21970-00</u>

I agree with the above assessment of the A.E. (Valuation) and allow the same.

TREES

There are trees in plot No. 64 min which have been assessed by the N.T. as follows:-

Kind of Tree	Weight in quintal	Rate per quintal	Total Amount
2 Jaman	1	Rs. 5/-	Rs. 5-00
4 Shatut	4	Rs. 5/-	Rs. 20-00
1 Beri	1	Rs. 5/-	Rs. 5-00
43 Seesam	40	Rs. 5/-	Rs. 200-00
1 Amrood	1	Rs. 5/-	Rs. 5-00
Totals:-			<u>Rs. 235-00</u>

I agree with the above assessment and allow the same.

SOLATIUM

15% solatium will also be payable over and above the market value of the land towards compulsory nature of acquisition.

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INTEREST

No interest is payable in this case, as the case does not fall within the purview of the Land Acquisition (Amendment & Validation) Act, 1967 nor it is governed by provisions of section 17 of the Act.

APPORTIONMENT

The compensation will be paid to the interested persons on furnishing proof of ownership. M/s Ganesh Flour Mills Ltd and S/Sh. Raghbir Dutt and others have both claimed compensation for the structures in plot No. 64 min. If no settlement is arrived at between the parties within a reasonable period, the amount of compensation will be sent to A.D.J. for adjudication of the dispute u/s 30/31 of the L.A. Act.

'SUMMARY OF THE AWARD'

Market value of land measuring 13,284 sq.yds at the rate of Rs.11/- per sq.yd.	Rs. 1,46,124-00
Market value of structures	" 21,970-00
Market value of trees	" 235-00
15% solatium on the market value of land	" 25,249-35
Total:-	" 1,93,578-35

The land under acquisition is not assessed to any land revenue.

B.M.L. Gaumat
(B.M.L. GAUMAT) 9.1.73
LAND ACQUISITION COLLECTOR(DS)
DELHI.

Announced & filed today

B.M.L. Gaumat
9.1.73
LAC (DS.)

*Compared
by
N.T. (CA)*

कार्यवाही का रजि. नं. 74/72-73 मौजा बलई पारा पुर
दिल्ली

आमि आदिग्रहारा आदिनारी (अ.स.) के आदेश दिनांक 9/1/73 के
अनुसार आज दिनांक 7/9/73 को बहमरा श्री गिरिराज धारा
KPMH मौजे पर का रजि. दालि करन पड़िया मौजे पर
प्रोग्राम के अनुसार Northern Rly Patel Nagar Delhi के
कार्यालय से श्री R. P. Jain I. & W. Special व श्री यमन
लाल सैनी A.I. & W. Special Northern Rly. Patel Nagar
का रजि. लेने के लिये होजर मिले / मौजा देरवो से पा
जाया कि लाल नं. 64 रजि. 7220 Sq yds मौजे पर Build
up हैं जिसका का रजि. Demolition Squad को मदद से
लिखा जायेगा / इन रजि. के दो इन्क बन्नाया लाल
62 min (286 Sq yds) & 63 min (5778 Sq yds) मौ
पर खाली पाया जाया / इन दो नो लोटा पर जो चार दिवारी
बह मोल काग ने पहेल हो हटा कर अपनी जमीन में लगा लो
इन चार दिवारी का प्रतिक जो Award में लगा हुआ हो बह मोल
को न देया जावे / लाल नं. 62 min (286 Sq yds) & 63 min
(5778 Sq yds) कुल रजि. 6064 Sq yds का का रजि. वाका
दालि करन तथा दो नो लोटा के मोटा तबका धुमा कर का रजि.
बहवाल श्री R. P. Jain I. & W. Special Northern Rly. Patel N.
New Delhi के कर देया जाया / मौजे पर का रजि. के समय कि सी. उ.
को रुकावट पेश नहीं हुई / का रजि. कार्यवाही को मुतादी व मु ली
देहजा में बजाये श्री पारस चौधरी N. Rly से करा दी गई / का रजि.
कार्यवाही मु कम्पल कर दी गई हैं

Chaman Lal Saini
7/9/73 A.I. & W. Special
P.N.A.

पारस
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7. 9. 73

Signature
M. T. (L.R.)
पारस 7/9/73

Signature
KPMH
7/9/73