

AWARD NO. 850

0.9
Amritsar
1137

Page: Basaidara Pur.
Nature of acquisition: Permanent.

144 bighas 11 biswas of land is under acquisition at the public expense for public purpose namely for the construction of Road Phase IV from Majafgarh Road to Rohtak Road by virtue of the notification No.F.15(15)/53-MTCE, dated 22.9.1953 under Section 4 of the Land Acquisition Act, 1894 about which declaration was made under section 6 vide notification No.F.15(53)/-LSC.II, dated 8.2.1957 by the Chief Commissioner, Delhi. This area includes 19 bighas (already acquired separately) along with other land for the Refugee Co-operative Housing Society Ltd., under Section 3 of the Resettlement of Displaced Persons (Land Acquisition) Act, 1948.

The details of field numbers and the soil with area are given in Appendix 'A'. The classification of this land is given below:-

Kind of soil

Area	
Bighas	Biswas.
47	7
7	12
0	15
67	13
21	4
<u>144</u>	<u>11</u>

Chahi
Rosli
Banjar
Banjar
Ghar Mumkin

TOTAL:

Amount claimed:

The following persons filed their claims in respect of land under acquisition:-

Name of claimant.

Amount claimed.

Awari Lal s/o Parshadi Lal
Ji Ram Lambardar.
Gopal Singh s/o Gokal Chand.
Shambhar Dayal s/o Phenda Singh
Aram Singh s/o Bhagwana.
Aram Singh s/o Manje Ram.
Aram Singh s/o Ram Gopal.
Ani Lal s/o Phiku.
Bhu Lambardar s/o Phiku.
Rathi Singh s/o Dewan Singh.
Bhi Ram s/o Chet Ram.
Bip Singh s/o Shankar Lal.
An Lal s/o Bhagwana.
Bita Singh s/o Khushi Ram.
Ram s/o Ram Gopal.
Singh s/o Jagan

Banjar land = Rs. 4/- per sq. yard
Rosli " = Rs. 6/8/-
Chahi " = Rs. 9/-/-

Sl. No.	Name of claimant	Amount claimed.
2.	Shri Vachasrati, Secretary, The Refugee Co-operative Housing Society Ltd.	Rs. 3987/- per bigha
3.	Shri Battan Chand Sood.	Rs. 25/- to Rs. 32/- per square yard. Rs. 19463/- for building.

There are some plot-holders who filed their claims as given below:-

Name of claimant.	Plot No.	Area	Value of plot.	Rate per sq. yard.	Amount claimed
Radish Singh	7	272 sq.yds.	Rs. 3262/-	Rs. 30/-	Rs. 8160/-
Arkash Chand	87	213 $\frac{1}{3}$ -do-	Rs. 2240/-	From Rs. 20/- to Rs. 25/-	Rs. 5333.33Rp.
Shri Vishan	107	-do-	-do-	-do-	
Shri Ram etc.	8&9	544 -do-	Rs. 9792/-	Rs. 30/-	Rs. 16320/-

In support of the above claims, the following documents were produced with the oral evidence:-

Registration No.	Plot or field No.	Area involved	Consideration money.	Rate per sq. yard.	Rate
2846	Field No. 2518/1862/3, 2496/1929, 2497/1929	887 bighas 13 biswas.	237500/-	Rs. 2.69Rp	
2009	Plot No. 23	272 sq.yds.	5,000/-	11.3	
4290	237	186 $\frac{2}{3}$ "	1,867/-	10.00	
4291	31	272 "	3,264/-	12.00	
4489	7	272 "	"	"	
3092	22	272 "	2,856/-	10.50	
3093	24	"	"	"	
7035	35	272	3000/-	11.35	
4150	87	213 $\frac{1}{3}$	2240/-	10.50	
3197	15	272	4896/-	18.00	
3242	42	214	4280/-	20.00	
285	8&9	544	9792/-	18.00	
408	107	213 $\frac{1}{3}$	2240/-	10.50	
2954	2	290	5,000/-	17.25	
2832	34	347 $\frac{1}{6}$	5638.75	16	

Chief data provided by the Maib Tehsildar (LA) is as agreed below:-

" A flat rate of Rs. 11/- per square yard for the area of Block 'X', a flat rate of Rs. 4/- per square yard for the area of Block 'Y' rate of Rs. 4/- per sq. yard for the area

should not

742 ✓ The Naib Tehsildar (Land Acquisition) divided the land under acquisition into three above-mentioned blocks. He formed block 'X' of the area which is adjoining the Najafgarh Road. He formed Block 'Y' about the land situated between the Block 'X' and the Khalasi Bridge. He formed Block 'Z' about the land situated between Khalasi and the boundry of village Madihur. He suggested rates at Rs.1/- per square yard about the banjar and ghair-mumkin land of Block 'Y'. The following awards are available in respect of the acquisition of land in this village:-

Sl. No.	No. of Award	Date	Rate per bigha
1.	708	9.6.1953.	Rs.90/- for Banjar land. Rs.135/- for Ghair Mumkin land.
2.	709	11.6.1953.	Rs.135/- for Banjar land.
3.	692	8.3.1952.	Rs.400/- for Rosli land. Rs.200/- for Banjar land. Rs.200/- for Ghair Mumkin land.

The Executive Engineer, Delhi State Division No.1, New Delhi vide his letter No.GCC-34/11771, dated 4.11.1957 wrote to say that no comments from his office were required to be made and as soon as the award was given, the payment would be made by the department.

I inspected the land under acquisition and found that it had got some potential value because new colonies had sprung up in its vicinity and it had close proximity to the abadi and Najafgarh Road. The land situated towards Madihur village between the Khalasi and boundry of Madihur was acquired for the house building purpose by the Refugee Co-operative Housing Society Ltd. in June, 1953 while the notification u/s 4 in the present case was issued on 22.5.1953. The rates according to the calculation on the basis of the principles laid down in the Resettlement of Displaced Persons (Land Acquisition) Act, 1948 were ~~Rs. 1900/-~~ ^{not acceptable to the persons interested} and therefore after a good deal of discussion, the parties came to an amicable settlement before the District Judge through their statements before him at the rates given below:-

"Rs.1900/- per bigha of cultivated land.

Rs. 800/- per bigha of the uncultivated land".

There appears to be no reason as to why the rates agreed to between the parties ^{about} in the same year i.e. 1953 should not

adhered to. The land acquired by the said Society measures 64 bighas 19 biswas out of which 15 biswas of land is Banjar Jadid and 64 bighas 4 biswas of land is Banjar Qadim. The rates of Banjar Qadim were agreed to at Rs.800/- per bigha which I think to be fair and reasonable and award accordingly for this area.

The capitalized value on the basis of the entire land of 20 years' purchase comes to Rs.490/- per bigha and after deducting the rent of brick-kiln and gardens it comes to Rs.218.75 per bigha, immediately before the publication of the notification u/s 4. The average rate according to the sale-transactions took place within the last 5 years preceding the date of the notification u/s 4 comes to Rs.1672/- per bigha. The land situated between the Khalasi and the Najafgarh Road has the following advantages of its situation:-

(i) The land adjoining the Najafgarh Road can be profitably appropriated for commercial purposes and a portion has in fact been turned into a profiting concern known as Raja Garden by Shri Rati Chand Hood. The rest of the land has the prospectus of turning into a residential area in the immediate future.

(ii) Besides its potentiality, the cultivated area, especially the irrigated one, gives a good yield while the unirrigated cultivated land is Gora-deh. The land is a fertile one, therefore the principle of the capitalized value on the basis of the annual rental of 20 years' purchase and the average of the last 5 years not apply to this land. However, the rates of the Banjar Jadid that which is Chair Mumkin should be lower than the built up the cultivated land. The land situated between the Khalasi and Najafgarh Road is broadly classified as below:-

Block No.	Particular of area.	Area involved.		Kind of soil with area
		Bighas	Biswas	
No.1	Raja Garden & land adjoining it towards the South.	16	2	Banjar Qadim : Chair Mumkin:
No.2	Gora cultivated land situated between the Raja Gardens and the Khalasi.	54	19	Chahi Rosli
No.3	Uncultivated area situated between Raja Gardens and the	8	11	Banjar Qadim: Chair Mumkin:

Shri Rattan Chand Sood on 13.12.1951 through Registration No. 2846 at the rate of Rs.2.69Np along with the other area. The prices have since arisen because of the demand for land due to the influx of the displaced persons from the Pakistan. Plots were sold out by him at the rate ranging from Rs.10.50 Np to Rs.12/- per square yard as given in the documentary evidence produced. The other documents relating to the period from 5.11.1953 to 10.7.1956 produced by the claimants are not relevant especially when the prices are towards the higher trend in the locality. Because of these transactions taking place after the date of the notification (22.9.1953), these are not taken into account and are hereby discarded. About the rates of the plots sold out before the date of the notification, these are too high. The reasonable and fair value is that, which is based upon a normal rate of the transaction entered into between a prudent and well-awakened seller to an equally shrewd purchaser. The valuation is not to be assessed on the basis of the needs of the purchaser or on the basis of clever means adopted by the seller. In the present case the land was purchased by Shri Rattan Chand Sood at the rate of Rs.2.69Np in the year 1951. It is quite obvious that though the prices increased, he is entitled to about double that rate and the persons who purchased the plots are entitled likewise. The value of the land in the surroundings is not so high as claimed but as indicated in the awards which are available and the amicable settlement recently arrived between the Refugee Co-operative Housing Society Ltd., and the persons interested of this village. The claims put up by the persons interested are exaggerated and the rate proposed by the Naib Tehsildar (Land Acquisition) is too high. I think Rs.3800/- per bigha to be reasonable and fair price of the land of the Raja Garden and the land adjoining it towards the South forming Block No.'1'. The land of Block No.'2' is a little bit removed from the Najafgarh Road and the built area. Though this land has also potential value but lesser than the land of the first block. Its productive utility and fertile soil of Gora-deh cannot be ignored. It has not so much potential value as that of Block No.'1' but it immediately follows that. I think Rs.2800/-/- per bigha as fair.

and reasonable value for the land forming Block No. '2'. The uncultivated area situated between the Raja Gardens and the Khalsi gives no out-turn or profit but it can be well utilized for building purposes. It has the same status as the land acquired by the Society mentioned above, of which the rate was Rs.800/- per bigha. I think the rate of this uncultivated area should be the same. I am of the opinion that Rs.800/- per bigha is the fair and reasonable value of the land of Block No. '3'. Accordingly I award the following rates:-

<u>Block No.</u>	<u>Rate per bigha.</u>
No.'1'	Rs. 3800/-/-
No.'2'	Rs.2800/-/-
No.'3'	Rs. 800/-/-

These rates quite fit in the approximate market value conveyed to the Delhi State Division No.1 through this office letter No.359/LACE dated 9.1.1956 at the flat rate of Rs.1800/- per bigha.

BUILDING:

There is one building belonging to Shri Rattan Chand Sood in the land under acquisition of which he claimed Rs.19,463/- while through his letter No.GCC-34/10089, dated 20.9.1957, the Executive Engineer, Delhi State Division No.1, New Delhi assessed its value Rs.17,609/-/- and agreeing with him I award accordingly.

TREES:

There were 11 Kikars, 2 Neem and 2 Janti trees which have since been cut off by the persons interested and therefore the question of their compensation or valuation does not arise.

SEVERANCE ALLOWANCE:

No severance allowance was claimed by any of the persons interested.

SOLATIU:

15% will be added to the compensation of the land and building for its compulsory nature of acquisition.

INTEREST:

According to letter No.GCC-34/12813, dated 3rd December 1957 the Executive Engineer, Delhi State Division No.1, New Delhi

obtained the possession of the land under acquisition on 11.10.55.

Thus the interest on the compensation amount would accrue from 11.10.1955 upto 25.4.1958, upto which date the payment is hoped to be made.

APPORTIONMENT:

The nature of rights involved are ownership, mortgagee, occupancy tenancy, non-occupancy tenancy and occupation rights of the District Board. Some land within the land under acquisition has been pawned with the Government in lieu of the taccavi loan & some land of the joint khattas is in the possession of the shareholders. In its being situated within the limits of North-West Municipal Committee, this village falls out of the province of the Delhi Land Reforms Act, 1954. The tenants have not acquired the same status which the other non-occupancy tenants within the orbit of the Delhi Land Reforms Act have acquired. With the acquisition of land their rights for cultivation cease. Hence they are not entitled to any compensation. About the occupancy tenants it has recently been decided at the time of the apportionment of the compensation for the land acquired for the Refugee Co-operative Housing Society Ltd. that 11/16th share of compensation would go to the occupancy tenants and 5/16th share would go to the owners. This was arrived at by mutual agreement of the parties. I, therefore, adopt the same in this village and hereby direct that the amount of compensation for the land under acquisition under the occupancy tenants to be apportioned as - Occupancy tenants 11/16th share and landlords 5/16th share. As regards the apportionment of compensation of the share-holders in possession, the amount of joint khata or of the Shamlat Patti Rayal, and Shamlat Patti Nagal and Rayal should be distributed strictly on the measure of right of the shares of the persons interested as given in the revenue records. The compensation of the land in possession of the District Board be given to the District Board. The compensation of the plots would go to the plot-holders as entered in the revenue records. The compensation to the mortgagee for the land under acquisition of his mortgagee rights would be

given in proportion to the entire area under mortgage with him and the rest would go to the land-owner (mortgagor). List of persons interested is given in Appendix 'C'.

The Award is summarized as below:-

Rate	Area in bigha	Amount of compensation.
Estimated Rs.800/- per bigha.	64 bighas 19 bis.	Rs.51,960.00
Rs.3800/- -do-	16 " 2 "	Rs.61,180.00
Rs.2800/- -do-	54 " 10 "	Rs.1,53,860.00
Rs. 800/- -do-	8 " 11 "	Rs. 6,840.00
		Rs.2,73,840.00
Compensation for building.		Rs. 17,609.00
Total:		Rs.2,91,449.00
Add 15% towards compulsory acquisition costs.		Rs. 43,717.35
Total:		Rs.3,35,166.35
Add interest @ 6% per annum w.e.f. 11.10.1955 to 25.4.1958.		Rs. 51,112.86
GRAND TOTAL:		Rs.3,86,279.21

LAND REVENUE REDUCTION:

An abatement of land revenue of Rs.49.78 Np will take place from Kharif, 1955 from the Khalsa Rent Roll of village Pur.

(Munari Singh)
Land Acquisition Collector, Delhi.
10.4.1958.

Submitted to the Deputy Commissioner (Collector of the District), Delhi for information.

(Munari Singh)
Land Acquisition Collector
10.4.1958.

SUPPLEMENTARY AWARD

Village:

Basaid

Nature of acquisition: Permanent.

6.9
Anandpur
1139

There was a building in the of which the possession was taken after the acquisition on the 10th April, 1958 and even after the award upto which the interest on the compensation for building and land here-under was counted from 11.10.1955. This happened by mistake and oversight, which needs correction. In the summary of the award at page 8 for "Add interest at the rate of 6% P.A. w.e.f. 11.10.55 to 25.4.1958" read "Add interest at the rate of 6% P.A. w.e.f. 11.10.55 to 25.4.58 except in the case of the compensation for building, the land under the building and cost of compulsory acquisition thereon and for figures "Rs.51,112.86 nP" against it read "Rs.47,744.81 nP" and for the Grand Total of "Rs.3,86,279.21" read "Rs.3,82,911.16 nP".

This should be read as a part of Award No.850.

(Murari Singh)
Land Acquisition Collector, Delhi.

Dated: 12th August, 1958.

Shri Rattan Lal, owner of the building be called on the 22nd inst; for hearing the above supplementary award. As he has already been paid the amount of compensation for the building, steps be taken for recovering the amount which was not his dues.

(Murari Singh)
Land Acquisition Collector, Delhi

L.A.A.

Announced to Shri Gagan Nath as directed by Shri Rattan Chand Sood the person interested - Murari Singh

8.9.58

Again announced to Shri Rattan Chand Sood
13.9.58.

Land Acquisition Collector, Delhi