

OFFER NO. 9/3

Village: Basaidarapur.

Nature of acquisition: Permanent.

In pursuance of Notification No.F.15(15)/52-MT&OE (part II), dated the 2nd June, 1953, under section 3 of Resettlement of Displaced Persons (Land Acquisition) Act, 1948 issued by the Chief Commissioner, Delhi, 16.61 acres of land was notified for acquisition for the construction of a Drain from Ramesh Nagar Colony to the Najaf Garh Cut at Basaidarapur. Because of the mistake in the area the Executive Engineer, Development Division, C.P.W.D. through ^{his} letter No.9106-9/RM-2, dated the 1st July, 1953 to the Secretary to the Government of India, Ministry of Rehabilitation, New Delhi wrote to say that instead of 16.61 acres the area be read as 16.9 acres. Still the notification required corrections and through this office letter No.534/LAC, dated the 16th July, 1953, the Secretary to Delhi State Government, Local Self Government Department was moved and accordingly amendments in the above said notification were made through notification of the even number dated the 4th September, 1953.

MEASUREMENT:

By actual measurement at the spot the area was found to be 81 bighas 2 biswas comprising field numbers given in the statement prepared under paragraph 55 of Standing Order No.28, attached. The kind of soil involved is given below:-

<u>Kind of soil.</u>	<u>Area.</u>
	<u>Big-Bis.</u>
Chahi.	18 - 6
Rosli.	3 - 10
Banjar Qadim.	46 - 18
Ghairmunkin.	12 - 8
Total:-	81 - 2

Satisfaction about the area has been made by the field staff. The discrepancy in the field numbers and area need no correction, however, the field numbers which have been left out need to be deleted, about which a move is being made separately.

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COMPENSATION:

Through their written claims dated the 28th December, 1953, Sarvashri Ghasita, Chhatar, Rattan Lal, Prem Raj, Beg Raj, Tek Chand, Tilak Ram, Mohan Lal, Raghunath, Khan Singh, Ram Mehar, Shiv Charan, Bhola, Than Singh, Partap Singh, Meg Ram, Kanhaya, Furbhu Singh, Hari Ram, Gobind Ram, Ram Kumar, Gokal Chand, Dharam Vir, Sobha Ram, Sheo Nath Singh, Bansi, Devi Sehai, Vijay Singh, Kabul Singh, Sarvasmt. Chuni, Nandi, Sarvashri Ram Sarup, Her Dayal, Raghubir, Smt. Parshadi, and Harbans Singh demanded compensation at the minimum market value of the land at Rs.10.00 per sq.yard stressing therein that the prices prevalent in the year 1939 ^{it might} ~~may~~ not be adopted, firstly due to inflation of prices alround, secondly on account of expansion of the town of Delhi in that locality soon after, 1939. That the nature of the land turned into residential from agricultural and to acquire land in that locality on payment of 1939 prices or even on four or five times of the prices of 1939 was nothing short of confiscation which was the last act the Government should do..

In support of their claims they produced Shri Chhatar Singh, Patwari, Basaidarapur, who stated before the then Land Acquisition Collector, Delhi on the 15th January, 1954 that there was no factory or now abadi except the abadi-deh before 1939-40. After that a number of small and big work-shops and other residential houses and shops have sprung up. It is surrounded by the built up area of Romesh Nagar towards the East and Industrial area Scheme of the D.I.T., covering about 700 bighas and about 2500 bighas respectively. The Factory Area is shown as 'A,B,C,D' in Ex.P.1. 6 bighas 2 biswas of land was given on lease of Rs.1,200/- yearly rent through mutation No.1914, which was Ex.P-3. Another electrical equipment factory measuring 5 bighas 8 biswas was rented out through mutation No.791, which was Ex.P-2 at an annual rent of Rs.1,000/-. He also verified mutation No.2161, which was

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Ex.P-4, in respect of the transfer of 3 bighas 3 biswas of Rosli land for Rs.20,000/- through an oral transaction dated the 19th May, 1952. Shri Khazan Singh s/o Khan Chand out of the claimants stated before the then Land Acquisition Collector on the 5th February, 1954 that the valuation of the land under acquisition ^{may} not be assessed as agricultural land. Field number 2773/738 measuring 15 bighas was transferred several years ago out of which 2 bighas were covered by the scheme. Its value was about Rs.1,500/- per bigha at that time and the rates were Rs.10/- per sq.yard on the date he gave his statement. That the land was even and fit for building purposes; that abadis sprang up in its vicinity in the last 6 years but the Industrial area came under construction since 1940.

CHIEF DATA:

The Naib-Tehsildar, Land Acquisition vide his report dated the 27th August, 1958 proposed the ^{following} rates prevalent on the 1st September, 1939 plus 40%, which are less than the rates prevalent at the time of the notices issued under the notification under section 3 of the Act:-

<u>Quality of land.</u>	<u>Rate per bigha.</u>
Rosli.	Rs.155.00
Banjar Qadim.	Rs.136/3/4.
Ghairmumkin.	Rs.136/3/10.

DEPARTMENTAL REPRESENTATION:

The Executive Engineer, Development Division, C.P.W.D. vide his letter No.DD/Rn-1/1348-49, dated the 5th February, 1959 wrote to say that the Assistant Engineer of his Division personally inspected the award file and there was no objection to the proposed award.

FAIR & REASONABLE VALUE:

The land in question was inspected by me on the 23rd December, 1958 with Shri Shiv Raj, Naib-Tehsildar, Land Acquisition and found the drain to have been dug up. It passes through the built up area. The land under acquisition would ofcourse had its importance for building purposes but for its

acquisition for the present purpose. In Section 7 of the Resettlement of Displaced Persons (Land Acquisition) Act, 1948 the principle of assessment of the market value is to have due regard to the provisions of sub section 1 of section 23 of Land Acquisition Act, 1894, provided that the market value referred to in clause- 1 of sub-section 1 of section 23 of the said Act shall be deemed to be the market value of such land on the date of publication of the notice under section 3 or on the 1st day of September, 1939 with an addition of 40%, which-ever is less., provided further that where such land has been held by the owner thereof under a purpose made before the 1st day of April, 1948, but after the 1st day of September, 1939 by a registered document or a decree for pre-emption, between the aforesaid dates the compensation shall be the price actually paid by the purchaser or the amount on payment of which he may have acquired the land in the decree for pre-emption. Thus 3 data are to be prepared. No sale transaction took place during the period from the 1st September, 1939 to 1st April, 1948. Market value on the 1st day of September, 1939.

During the period of 5 years preceding the 1st September, 1939 only 5 transactions took place giving the following average of different kinds of soils:-

Sl.No.	Kind of soil.	Quinquennial average preceding 1.9.1939.
1.	Rosli.	Rs. 495/- per bigha.
2.	Banjar.	Rs. 39.56 per bigha.
3.	Ghairmunkin.	Rs. 97.24 per bigha.

But in all fairness we should keep in view the rates, which were prevalent immediately before the relevant date. 38 bigha 1 biswa (14 bighas 5 biswas of Chahi and 23 bighas 16 biswa of Rosli) were transferred through mutation No.940 took place ~~immediately~~ before the relevant date on the 13th September 1938 for Rs.2,400/- at the rate of Rs.63.07 nP. per bigha indicates the value prevalent at that time but it gives the average below than the average of the preceding years which

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comes to Rs.118.2 nP. The land in question is situated near the built up area and it could be utilised for that purpose therefore, the soil distinction should be ignored, and it would be proper to adopt an average rate as it was done in an offer made by Shri Bhag Singh written on the 14th June, 1951 at the rate of Rs.114/- and after adding Rs.40%, at the rate of Rs.159/9/6 per bigha. The rate proposed by him appears to be reasonable.

Market value on the date of the publication of the notice under section 3:-

The average of rental value for the period of 3 years preceding the date of the notice comes to Rs.6/5/9 per bigha. On that basis the capitalised value over 20 years' purchase comes to Rs.127/3/-, ^{but} as already mentioned the land under acquisition could be utilised for building purposes, therefore the rate of agricultural land should not be applied to it. The rates of sale of land prevalent in the year 1952 class-wise in this village are given below:-

<u>Sl.No.</u>	<u>Kind of soil.</u>	<u>Rates prevalent in 1952</u>
1.	Rosli.	Rs.2069/7/1. per bigha.
2.	Banjar Qadim.	Rs.1562/8/- per bigha.
3.	Ghairmunkin.	Rs.1388/8/1 per bigha.

The quinquennial average of the sale transactions preceding the publication of the notice comes to Rs.1713/3/11 per bigha.

Thus evidently the rates prevalent on the date of the publication of the notice under section 3 were ^{more} ~~less~~ than the rates prevalent on the 1st day of September, 1939 with an addition of 40%, therefore, the latter rates are adopted. The claims made by the persons interested are exorbitant and the evidence led by them not to adopt the rates prevalent in the year 1939, in view of the provisions of the Act, is not worth-consideration. A flat rate of Rs.159/9/6 per bigha is, therefore, adopted and will be offered to the persons interested.

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SEVERANCE:

No claim for severance has been made by any of the persons interested nor it is due.

There was no tree, well or structure in existence over the land under acquisition at the time of the notification under section 3 of the Act.

INTEREST:

Possession was taken over and handed over to the requiring department on the 13th June, 1953, therefore, interest will accrue from that date at the rate of 6% P.A. upto 9.4.1959, the date by which the department is expected to provide funds.

APPORTIONMENT:

The details of the persons interested are given in the statement prepared under paragraph 55 of Standing Order No.28 (attached). There are 3 non-occupancy tenants namely Deva Ram, Bhagwan Sehail ss/o Sher Singh and Kure s/o Badam. The land under acquisition is not governed by the Delhi Land Reforms Act, 1954. The tenants have made no separate claim. They were paying 1/3 batai at the time of the notification under section 3 of the Act. They were tenants from year to year and therefore, they are not entitled to any amount of compensation out of the share of the land-owner.

The offer is summarised as below:-

Sl.No.	Kind of soil.	Area	Rate per bigha.	Amount of compensation.
		Big-Bis.		
1.	Chahi.	18 - 6	A flat rate	
2.	Rosli.	3 - 10	of Rs.159/9/6.	Rs. 12,943.05 nP.
3.....	Banjar Qadim.	46 - 18		
4.	Ghairmunkin.	12 - 8		
		81 - 2		

Add interest @ 6% P.A.
from 13.6.1953 to 9.4.1959.

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Rs. 4,523.33 nP.

Total:-

Rs. 17,466.38 nP.

LAND REVENUE DEDUCTION:

An amount of Rs.4.47 nP. will be deducted from the Khals Rent Roll of village Basaidarapur from Kharif, 1953.

Certified by

(Murari Singh)

COMPETENT AUTHORITY.

Dt.18.3.1959.

The persons interested be called for the 9th April, 1959 for making the offer and the department be requested to provide funds before that date.

M. S.
(Murari Singh)
COMPETENT AUTHORITY.

Accountant for compliance.

Stamp: 21/4/59, Delhi

O F F E R No. 913 A

Name of the Village:

Basaidarapur.

Nature of acquisition:

Permanent.

This is a case for the acquisition of land in Village Basaidarapur required by the Government at the public expense for a public purpose, namely, for drain from Ramesh Nagar Colony to the Nazafgarh Drain for the Resettlement of Displaced Persons from Pakistan. A declaration to this ~~for~~ effect under section 3 of the Resettlement of the Displaced Persons Land Acquisition Act 1948 was made vide notification No.F.15(150)/52-MT&CE Part II dated 2.6.53. The possession of the land was taken on 13.6.53. Offer No.913 was made by the Competent Officer on the fixed rate of Rs.159.59 per bigha. The land owners refused the offer and requested that their case be sent to the Arbitrator for the decision. An Arbitrator was appointed by the Delhi Administration and the cases were sent to him for the fixation of the rate. of the cases has been decided so far. The Rehabilitation decided that an exgratia grant of rupees 40 lakhs be given land owners whose land has been acquired under the above Act, In addition to the amount of offers already made, provided the land owners withdraw their cases from the Arbitrator and accept the amount in full and final settlement. In case of those persons who did not withdraw their cases, the payment will be made according to the award of the Arbitrator. This fresh offer is being made on the basis of the decision of the Rehabilitation Minister. A scheme for the distribution of exgratia grant was prepared and submitted to the Delhi Administration for their approval. A flat rate of Rs.1100/- per bigha has been approved by the Delhi Administration vide Shri Jagmohan, Deputy Housing Commissioner's D.O.

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letter No.F.15(175)/60-LSG dated 8.2.62.

MEASUREMENT & OWNERSHIP.

According to the notification, the total area to be acquired was 81 bighas and 2 biswas. From further verifications this area is found to be correct. None of the land owners have accepted any amount nor any award has been made by the Arbitrator. The ~~exgratia~~ exgratia grant is, therefore, to be given for the whole area of 81 bighas and 2 biswas.

The ownership of the land under acquisition is given below according to the Revenue Record:-

Sl.No.	Name of the Owner.	Khasra No.	Area Bigha-Biswa	Kind of land.
1. ² <i>Chunni</i>	Mahavir Singh & Dharam Vir Singh sons of Khazan Singh sons of Khazan 1/12, Jag Ram & Hari Singh sons of Phula 1/12, Dip Ram & Bhagwan Sahai sons of Sher Singh 1/6, Bish Ram s/o Sher Singh 1/12, Ram Bhool s/o Beg Raj 1/4, Balkishan & Tilak Ram sons of Hukam 1/4. <i>Chunni s/o Chunni</i>	2705/597/✓ 2/2. 596/1 ✓	1 - 17 0 - 10 2 - 7	Rosli Chahi.
2.	Sagua, Himam & Mathan sons of Faqira Singh.	594/1 ✓	0 - 14	Chahi.
3. ²	Khazan Singh s/o Khan Chand 1/2, Ram Mehar & Shiv Charan sons of Munshi 1/2.	2702/597/✓ 2/2 2719/616/1/1 ✓ 2772/738/1 ✓	3 - 17 0 - 1 0 - 2 4 - 0	Chahi. Chahi. Banjarkadim
4.	Bhola s/o Kanihya.	2774/738/2 ✓	2 - 14	Banjarkadim.
5.	Tika & Lekha sons of Nanua 1/2, Ram Phal s/o Chet Ram 1/2.	2764/738/1 ✓	0 - 12	-do-
6.	Kishan s/o Faqira	2765/738 ✓ 2766/738 ✓ 2767/738 ✓	0 - 15 0 - 5 0 - 11 1 - 11	-do- -do- -do-
7.	Than Singh s/o Jagat Singh.	2782/738/1 ✓	0 - 1	-do-


8. Hari Ram, Gobind Parshad & Ram Kumar sons of Bhoore Singh. 593/2 2 - 4 Chahi.
9. Than Singh, Kanihya Singh, Beg Raj & Partap Singh sons of Jagat Singh 1/5, Gokal Chand & Dharam Vir sons of Sham Singh 1/15, Sheo Nath & Shobha Ram sons of Bhim Singh 2/15, Prabhu Singh s/o Bahal Singh 1/5, Sona Vati d/o Shm. Pyari 1/5, Hari Ram etc. at Sl.No.8, 1/5. 2753/738/2/2 2 - 11 Banjarkadim
2704/597/1 3 - 18 Chahi.
6 - 9
10. Achpal & Lakshmi Chand sons of Balwant 1/2, Raghu Nath s/o Phul Singh 1/2. 2703/597/1 1 - 3 Rosli.
11. Harbans Singh s/o Lal Singh. 2773/738/1 2 - 1 Banjarkadim.
12. ~~Kabul~~ s/o Ganga Sahai & Bachan Singh s/o Sulhar. 2768/738/1 0 - 18 -do-
2744/616/2/1 4 - 16 S.M.
13. Banssi s/o Jai Sukh 1/2, Ram Bhaj & Om Parkash sons of Ram Chander 1/4, Rameshwar Parshad s/o Vishambhar Sahai 1/8, Jai Sukh Ram s/o Chur Shyam 1/8. 2768/738/1 0 - 18 Banjarkadim.
14. Kabul etc. at Sl.No.12, 1/2, Banssi s/o Jee Sukh 1/4, Shm. Ram Pyari, Braham Chand & Daulat widow & sons of Devi Sahai 1/4. 2745/616/2/1 5 - 2 Gairmumkin.
15. Yad Ram, Bishambhar, Ram Kishan, Jai Kishan & Lakshmi sons of Ram Das 1/2, Chhote s/o Tara Chand 1/2. 2781/738/1 0 - 2 Gairmumkin.
16. Shm. Basanti widow of Richhpal 1/2, Raghbir Singh s/o Prithi 1/2. 2746/616/2/2 2 - 1 Gairmumkin.
2780/738/1 0 - 3 Banjarkadim.
2 - 4
17. Pyare Lal, Ragbhar Dayal, & Des Raj sons of Ramji Lal. 2756/738 1 - 4 -do-
18. Ram Kishan s/o Ganga Sahai. 2757/738 0 - 12 -do-
2758/738/1 0 - 15 -do-
1 - 7

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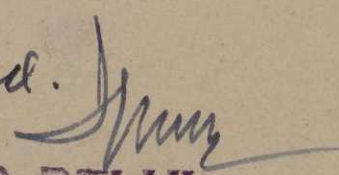
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accept the payment in full and final settlement of their claim. In the case of those persons who do not withdraw their cases, the payment will be paid according to the Award of the Arbitrator.


(Nand Kishore)
COMPETENT OFFICER, DELHI,
14.3.62.

Submitted to the Collector of District for information and filing.


(Nand Kishore)
COMPETENT OFFICER, DELHI
14.3.62.

Seen. Filed. 
COLLECTOR, DELHI.

2.5.62

ISSUED IN PART V OF DELHI STATE
DELHI STATE SECRETARIAT, DELHI.

Dated the 2-6 May, 1953.

NOTIFICATION.

No. F.15(15)52-MT&CE(Part II). 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 the construction of a drain from the Ramesh Nagar Colony to the Najafgarh Cutt 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.

Field Number.

Basidarapur
(Delhi State).

16.61 acres.

522, 524, 2705, 2704, 2702,
2703, 2719, 2745, 2744, 2743, 732, 2785, 2784,
597, 616, 615, 616, 616
2752, 2756, 2757, 2758, 2759, 2760, 2766, 2762,
738, 738, 738, 738, 738, 738, 738, 738
2765, 2772, 3000, 3001, 1517, 1518, 1519, 1512,
738, 738, 1511, 1511
1516, 2002, 2003, 1515, 1515, 1512, and 1511.

By Order,

Sd/-

(M.L. DAVE)
Secretary to the Delhi State Government, Delhi
(Local Self Government Department).

No. F.15(13)52-MT&CE(Part II). Dated the 2-6 May, 1953.

Copy forwarded to:-

- 1) The Land Acquisition Commissioner, Delhi, with reference to his letter No. 302/LAC dated the 29th. May, '53.
- 2) The Secretary to the Government of India, Ministry of Rehabilitation, New Delhi.
- 3) The Superintending Engineer, Rehabilitation Circle, Central Public Works Department, New Delhi.
- 4) The Secretary (R&R) to Delhi State Government, Delhi.

(M.L. DAVE)
Secretary to the Delhi State Government, Delhi.
(Local Self Government Department).