

AWARD NO. 996

Village:

BASAIDARAPUR.

Nature of acquisition:

Permanent.

In pursuance of notification No.F.15(84)/57-L.S.G. dated September 3, 1957, under section 4 of the Land Acquisition Act, 1894 issued by the Chief Commissioner, Delhi, 407.96 acres of land was notified for acquisition inter-alia in village Basaidarapur for the Execution of the Interim General Plan for the Greater Delhi.

Subsequently, declaration under section 6 of the Act was made vide notification No.F.15(122)/58-L.S.G.(iii) dated August 24, 1959, by the same authority, for the same purpose for an area of 132.05 acres, which was published in the Delhi Gazette dated September 2, 1959.

THE AREA OF THE LAND.

According to the entries in the revenue records, the area under acquisition measures 633 bighas 16 biswas or 132.04 acres. The difference of 1 biswa is due to the splitting of field number 2046 into two parts and is negligible. According to the information given through letter No.F.1(7)/Asc(R)/58/775, dated February 12, 1959, by the Assistant Settlement Commissioner(R), Delhi, field numbers 2046/2 and 2432/2052/2 measuring 7 bighas 4 biswas were still unacquired evacuee-property. For the acquisition of this type of land, the Custodian should be approached for sale by negotiation rather than try to acquire the property under the Land Acquisition Act, according to the directions contained in letter No.5(102)/59-Prop.II, dated the 7th October, 1959 from the Government of India, Ministry of Rehabilitation, Office of the Chief Settlement Commissioner, New Delhi. It would be better to settle it by private negotiations and by making adjustment and transfer. It will be referred to the Under Secretary (L.S.G.) Administration, Delhi. After leaving out this area, the remaining area comes to 626 bighas 2 biswas or 130.44 acres, the valuation is to be assessed. Its classification according to the entries in the last Jamabandi is given below.

below:-

<u>Kind of soil.</u>	<u>Area.</u>
	<u>Big-Bis.</u>
1.Chahi.	159 -12
2.Rosli.	358 - 0
3.Banjar Qadim.	79 - 5
4.Ghairmumkin.	29 - 5

	626 - 2

The details of the field numbers are given in the statement prepared under paragraph 55 of Standing Order No.28, which forms a part of the award. Satisfaction about measurement has been given by the land acquisition field staff and the area of 626 big 2 biswas is taken as correct.

C O M P E N S A T I O N :

(i) CLAIMS:- The following claims were filed by the persons interested:-

<u>Sl. No.</u>	<u>Name of person interested.</u>	<u>Amount claimed.</u>
1.	M/s.Sir Shadi Lal & Sons, through Sh.Sant Ram,General Attorney, through Sh.Bishan Chandra Gupta.	Rs.18,750.00 @ Rs.50.00 per sq.ya plus 15% on account of compuls acquisition.
2.	Sh.Ram Kishan Jain, Secretary, & General Attorney of M/s.D.L.F.Housing & Construction Pt.Ltd.	Rs.22,17,350.50 nP. for 12 1/2 biswas 12 biswas plus 15% + compensatio for wells, crops & vegetables and interest and other relief. Subsequently, through his stateme he with-drew his claim in favour of the real persons interested.
3.	-do-	Rs.34,45,475.00 for 227 bighas 16 biswas @ Rs.15.00 per sq.yard; Rs.5,16,821.25 nP. on account of compulsory acquisition at 15%; Rs.1,00,000.00 as compensation for wells, crops & vegetables etc. and Rs.40,62,296.25 in all with interest and any other relief.
4.	Sh.Risal Singh s/o Gokal through Babu Harbans Singh Tyagi.	Compensation for land @ Rs.5.00 per sq.yard, Rs.100/- for a Pipal tree, Rs.2000.00 for a pucca well + 15% towards compulsory acquisit and interest and loss of profit after the notification, which has not been specified.
5.	Some of the persons interested also stated about their claim in this office, such as Sarvashri Banwari Lal, Khushi Ram, Munna, Ram Kishan, Pirthi, Pem Raj, Chuni, Dina, Kirpa Ram, Kari, Bedi, Dhana Singh, Sohan Lal, Risal, Beg Ram, Mohar Singh, Ram Chand & Mohan Lal demanded Rs.10.00 per sq.yard. Sh.Sant Ram demanded same rate as given in his claim.	

Shri Ram Kishan stated on the 6th February, 1960 on behalf of the D.L.F. Housing & Construction Private Limited that they have no interest in 124 bighas 12 biswas. Shri Khushi Ram stated on the same day that the locality turned into an industrial area before 1940 and was included in the erstwhile Delhi Municipal Committee in the year 1954. That it was a building site at the time of the issuing notification under section 4 and its market value was between Rs.10/- to Rs.20/- per sq.yard at that time.

(ii) EVIDENCE:-

Shri Ram Kishan, Secretary & General Attorney of D.L.F. further explained the justification of his demand by analysing the valuation at Rs.11.00 per sq.yard of the undeveloped gross piece of land in Rajouri Garden's Colony situated in front of the land under acquisition. He described the land under acquisition to be surrounded on all sides by big colonies and large inhabitations, such as Rajouri Gardens, Ramesh Nagar, Tihar, Mansrover Garden, Kirti Nagar, Raja Gardens, Bali Nagar, Moti Nagar, Punjab Bagh, Shivaji Park, Tilak Nagar, Shankar Gardens, Shama Prashad Mukerji Park and a large number of other colonies on its four sides adding that it is most eminently situated for development into a residential colony and must be assessed as a building site. He produced a lay-out plan of West Rajouri Gardens (area under acquisition); (2) site and key-plan of the area under acquisition; the location of various colonies in the area and its better situation; (3) a statement of sales in Rajouri Garden with a lay-out plan of the colony indicating plots referred to in the statement; (4) certified copies of 4 sale-deeds, as referred to in the statement above:

- (a) a copy of Registered Sale Deed No.1409 dated 20th 1957 @ Rs.18.19 nP. per sq.yard.
- (b) a copy of Registered Sale Deed No.935 dated 9th A 1957 @ Rs.25.50 nP. per sq.yard.
- (c) a copy of Registered Sale Deed No.854 dated 26th M 1957 @ Rs.25.69 nP. per sq.yard.
- (d) a copy of Registered Sale Deed No.1427 dated 21st A @ Rs.24.28 nP. per sq.yard ;
- (5) a statement of sales in Raja Gardens alongwith certified copies of two sale-deeds mentioned therein (a) a copy of registered sale deed No.3197 dated 21.3.55, @ Rs.18.00, (b) a copy of registered sale deed No.3242 dated 21.3.55 @ Rs.20.00 per sq.yard

Shri Khushi Ram produced copies of counter-foils of mutations Nos.2338, 2336, 2586, 2337 and 2174 out of which m

No.2338,2586 took place after the date of the notification under section 4, while mutation No.2174 took place in the year 1949, which is too old. Out of the rest, mutation No.2336 took place on the basis of a registered Deed No.4232 dated 1.5.56, @ Rs.7750/- per bigha and mutation No.2337 took place on the basis of a registered Deed No.4231 dated 25th April, 1956 @ Rs.9687.50 nP. per bigha in respect of the parts of field number 1345. The lands involved in these transactions are situated very far off from the land under acquisition and have no relevancy to the fixation of valuation in the present case. He also produced a copy of registered Deed No.1889 in respect of the transfer of 180 sq.yards with construction situated at Basaidarapur for Rs.5000.00 executed on the 10th July, 1957. This again is not dependable because of the construction thereon and for its being a small plot.

Two witnesses were produced in support of the claim of Sir Shadi Lal & Sons, who described the rate at Rs.20.00 a sq.yard for the land under acquisition.

(iii) CHIEF-DATA.

The Naib-Tehsildar, Land Acquisition, vide his report dated the 17th March, 1960 proposed the following rates:-

Block No.1 consisting of field No.2157	Rs.4000.00 per bigha
Block No.2 -other than Block No.1 & 3.	Rs. 3500.00 " "
Block No.3 consisting of Field Nos.2087 and 2088	Rs. 3000.00 " "

(iv) DEPARTMENTAL REPRESENTATION:

The Secretary, Delhi Development Authority, Regal Buildings, New Delhi and the Deputy Commissioner, Municipal Corporation of Delhi Town Hall, Delhi were requested to file their departmental representation by the 24th instant, vide this office letter No.5907-908/60-LAB(Rev), dated March 9,1960, in order to enable me to draw up the award in this month and to disburse compensation to the persons interested on the 30th instant (before the close of the financial year). It has not been received so far nor any interim reply has been received from the Municipal Corporation of Delhi.

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FAIR & REASONABLE VALUE:

I inspected the spot on the 23rd January, 1959. The land under acquisition is situated towards the west of Najafgarh R. surrounded by Rajouri Gardens, Mahesh Gardens, Janta Colony and Raja Gardens. It has potential value and special adaptability for building purposes. It is gradually gaining importance and has the prospects of building site. The average annual rental for the triennium, preceding the date of the notification under section 4 of the Act, irrespective of classification, comes to Rs. 52.73 nP. per bigha. The rent is only in respect of agricultural area. As already mentioned, this land is gaining importance and being used for building purposes. Therefore, the criterion of annual rent does not apply to its valuation. Moreover, it is too low to be adopted in view of the prevalent prices in the locality.

Sale-transactions:- During the quinquennium preceding the date of the notification under section 4 of the Act, many sale transactions took place within and without the land under acquisition in this village. The year-wise break up of such transactions is given below:-

YEAR.	AVERAGE PER BIGHA.	MINIMUM AVERAGE PER BIGHA.	
1952	Rs. 2,080.03 nP.	Rs. 1,492.90 nP.	Rs
1953	Rs. 10,790.58 nP.	Rs. 112.43 nP.	P
1954	Rs. 2,413.19 nP.	Rs. 1,428.57 nP.	
1955	Rs. 3,397.12 nP.	Rs. 1,932.35 nP.	
1956	Rs. 2,063.20 nP.	Rs. 941.18 nP.	
1957 (upto 3.9.57)	Rs. 2,609.19 nP.	Rs. 500.00 nP.	

21 mutations in respect of the acquisition of land for the execution of the Industrial Area Part II provisions of the Resettlement of Displaced Persons Act, 1948 have been left out because the valuation was made at what the rates prevalent in the year 1939.

The average of the above mentioned is Rs. 52.73 nP per bigha. The prices differed from 1

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 his land at cheaper rates in an unauthorised man.
 ations should not have been sanctioned. Because
 Government land. He had no right to dispose it of
 The yearly and the total average is, therefore, not
 A statement about the transactions took place within
 under acquisition itself containing no objectionable
 is given below:-

Mutation No.	Date of Transaction	Field No./Nos.	Average per bigha.
2101	7.10.52	2120	Rs.1,492.90 nP.
2126	19.9.52	2119 and 2168	Rs.2,394.31 nP.
2267	27.2.56	2090	Rs.2,741.93 nP.
2268	1.2.57	2059,2061,2100, 2105,2058,2054, (1/4 share in all)	Rs.2,086.86 nP.
2269	12.2.57	3/4ths share in Kh. Nos. 2058,2059, 2061,2100,2105, 2054	Rs.2,083.93 nP.
2270	28.2.57	2056,2057,2066, 2101,2104,2054	Rs.2,629.43 nP.
2271	28.2.57	1961 and 2021.	Rs.2,692.94 nP.
2272	16.4.57	1999,2060,2015	Rs.2,735.56 nP.
2273	6.3.57	2089,2030,2019 and 1961	Rs.2,702.70 nP.
2274	20.4.57	1/2 share in 1961 and 2021.	Rs.2,676.06 nP.
2275	20.4.57	2073,2106 and 2109	Rs.3,043.48 nP.
2277	17.3.57	2067 and 2115	Rs.2,773.72 nP.
2276	17.3.57	2068 to 2072, 2074 and 2113	Rs.3,027.72 nP.
2278	24.4.57	1983,1997,2111, 2112 and 2116	Rs.2,8...
2297	9.5.57	2110,2112 & 2116	Rs.3,
2288	11.5.57	2114,1998,1997, 2112,2116 & 2119	

The average of these transactions cor
 while that of the year 1957 upto th

place in May, 1957 comes to Rs.3,786.57 nP. The average is derived after including the transactions of the year in April, 1957, it comes to Rs.3,436.31 nP. The above transactions show that prices are shooting up since 1952 from Rs.492.90 nP. per bigha to Rs.3,830.99 per bigha. 1457/4

Awards:- Out of the award available, Award Nos. 93, 709 and 732 were drawn up for the acquisition of lands under provisions of the Resettlement of Displaced Persons (Land Acquisition) Act, 1948, under a different criterion., therefore, the rates given therein are not helpful in this case. The details of the awards made under the Land Acquisition Act, 1894 are given below:-

S.No.	Award Relevant Date.	Kind of soil.	Rate per bigha.	Purpose.
2	11.7.1947	Banjar Qadim & Ghairmumkin. Rosli.	Rs.200.00nP. Rs.400.00 nP.	Construction of a road from Najafgarh Road to Delhi Cantt.
30.	22.9.53	Block No.1. Raja Garden Colony and land adjoining it.	Rs.3,800.00	Ring Road Phase IV
		Block No.2. Cultivated land beyond Raja Gardens upto Najafgarh Drain & Gora Deh.	Rs.2,800.00	
		Block No.3. Uncultivated land.	Rs. 800.00	
31	24.4.57	Ghairmumkin & Banjar.	Rs.3.50 per sq.yard.	

In the first two awards the relevant dates are far off, the place is too far off in a different direction. Award No.850 are helpful to the extent that the prices have since appreciated. It is further helped in raising the price to the extent.

The evidence produced by the persons interest relevant because some of the mutations took place after t of the notification under section 4, one is too remote and other two are in respect of the land situated in other loc the copies of the registered sale-deeds are about the disposal of land under structure or about small plots in the colony. Such like transactions are seldom adopted as a crite for assessing the valuation of land in general for large area for the importance of the land for building purposes, the or plots on Najafgarh Road should be classed higher than the re field No.2157 measuring 45 bighas 11 biswas all along adjoining and its importance is obviously greater than ~~that of~~ the of the frontage on the road. Next comes the entire are field Nos.2087 and 2088 measuring 28 bighas 2 biswas lyi which would cost a considerable amount to raise i for any useful purpose. In ~~the land itself~~ the latest rate is Rs.3,502.09 nP. per bigha and the highest is at Rs.3,830.99 nP per bigha before the date of the notification under section 4. The possibility of inflation cannot be ruled out. The importance of land varies with its distance from the road, qual soil and its level. Keeping in view the claims of the perso interested, the evidence produced by them, the chief-data provi the Naib-Tehsildar, Land Acquisition, the material available the file and my own observation of the spot, I consider the following rates:-

Sl.No.	Block No.	Specification.	Rate per bigha
1.	1.	Kh.No.2157 measuring 45 bighas 11 biswas.	Rs.3,500.00
2.	2	Other than Block Nos.1 and 3 measuring 55 bighas 9 biswas.	Rs.3,000.00
3.	3	Field Nos.2087 & 2088 measuring 28 bighas 2 biswas	Rs.2,500.00

and reasonable and award accordingly.

(vi) SEVERANCE: - There appears to be no justification allowing any compensation for damage due to severance be land under acquisition is situated in a compact block at Najafgarh Road.

(vii) W E L L S: - There are 5 wells in the land under acquisition, in field numbers 1960, 2019, 2066, 2051 and 2060. The wells in field numbers 1960 and 2066 were sunk after the date of notification under section 4 of the Act, without prior sanction and therefore, no compensation is allowed for these wells though they exist in good condition. About the rest, the matter was referred for expert guidance. The Deputy Commissioner(S), Municipal Corporation of Delhi vide his letter No.7952/7/CO dated March 25, 1960 supplied the estimates worked out by Smt. D.N.Tandon, Assistant Engineer, Municipal Corporation of Delhi according to which the well in field number 2019 was assessed at Rs.1,186.00, the well in field number 2060 was assessed at Rs.417.00 and the well in field number 2051 was assessed at Rs.673.00. I have no reason to differ from the expert opinion of the Assistant Engineer and award an amount of Rs.2,276.00 for all the wells.

(viii) Structures: - There are stray-structures in the land under acquisition. The matter was also referred for expert opinion. The same Assistant Engineer assessed the structure in field number 2019 at Rs.213.00 and agreeing with him I award the same amount. Structure in field number 2060 has not been assessed. It is a thatched hut and is not worth more than Rs.50.00, which I hereby award. There is a structure in field number 2066, which came into existence with the well after the date of the notification under section 4 and is, therefore, not assessed to any compensation.

(ix) T R E E S: - The Naib-Tehsildar, Land Acquisition proposed Rs.364.00 for 21 trees weighing 205 maunds. The rates are quite reasonable and agreeing with him I award the same amount.

There are some irrigation installations, such as Persian Wheels and Oil Engines, which are removable and no compensation is allowed for these items.

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(x) SOLATIUM:- As provided in sub-section 2 of Sec the Land Acquisition Act, 1894, 15% will be added to the value of land, wells, structures and trees, for its total nature of acquisition.

(xi) LAND REVENUE ASSIGNMENT:- Re.00.14 nP. is assigned perpetually and is transferable. Its capitalised value for 10 years' purchase comes to Rs.2.80 nP. which is awarded to assignees.

A P P O R T I O N M E N T:

The area under acquisition is not governed by the Land Reforms Act, 1954, therefore, nothing is payable to non-occupancy tenants. The Dholidari rights are substantial and the compensation thereof should go to the Dholidar. In case of dispute the matter shall have to be referred to the District Judge. About others, payment will be made according to the rates shown in the revenue records as reproduced in the statement under paragraph 55 of Standing Order No.28, which forms part of the award, except in the following cases:-

1. Compensation for the land of field number 2021 to the D.L.F. This much amount shall be paid out of the share of Munna, transferer would be paid to him.
2. M/s.D.L.F. claimed compensation for entire field number 2021 while its recorded share is only 7/12. In case of any amicable settlement before the date of acquisition, the matter shall have to be referred to the District Judge.
3. M/s.D.L.F. claimed compensation for entire field number 2114 contrary to the recorded shares. In case of any amicable settlement, the matter shall be referred to the District Judge.
4. Shri Prabhu & Keri demanded compensation for possession on field Nos.2029,2040,2039,2036, 1989/2 measuring 17 bighas 14 biswas, while in their application dated January 7, 1960 compensation of field numbers 2032,2036,2040 measuring 9 bighas 17 biswas should fall to the share of s/o Sunder Lal. In support thereof, they produced an order dated January 10, 1959 whereby compensation was paid according to possession in connection with acquisition. This is contrary to the record. Therefore, the matter shall have to be referred to the District Judge unless the persons interested in the land reach an amicable settlement.
5. Mutation No.2275 in respect of field Nos.2073,

Mohan and
Ram Singh

has been entered in favour of M/s.D.L.F. and is pending. Payment will be made to them on the decision of the mutation otherwise, the matter shall have to be referred to the District Judge.

6. Pirthi & Keri in their application dated January 7, 1960 claimed compensation for field number 1989/1 (2 bighas 9 biswas) and described Dharam Singh & Rugh Nath to be entitled to the compensation of field number 2038 min (1 bigha 7 biswas) and Sohan Lal, Mohan Lal for the compensation of field number 2038 min (1 bigha 7 biswas). This is against the entries in the revenue records and the matter shall have to be referred to the District Judge.
7. Compensation for entire field number 1960 has been claimed by M/s.D.L.F. Pt.Ltd. against the entries in the revenue records and the matter shall have to be referred to the District Judge.
8. M/s.D.L.F. claimed compensation for an area of 8 bighas 4 biswas out of field number 2157, while Sarvashri Pirthi and Pem Raj ss/o Dewan claimed compensation for the share of 45 bighas out of the compensation of M/s.D.L.F. Ltd. Unless they substantiate before the date of payment, the amount would go to M/s.D.L.F. according to the recorded share.

The award is summarised as below:-

Sl. No.	Block No.	Area in Bi-Bis.	Rate per bigha.	Amount of compensation
1.	1	45 - 11	Rs.3,500.00	Rs. 1,59,425.00
2.	2	552 - 9	Rs.3,000.00	Rs. 16,57,350.00
3.	3	28 - 2	Rs.2,500.00	Rs. 70,250.00
Add compensation for 3 wells.				Rs. 2,276.00
Add compensation for structures.				Rs. 20153.00
Add compensation for trees.				Rs. and the 4.00
				Rs. 18,89,928.00
Add 15% towards compulsory acquisition cost:				Rs. 2,83,489.20 nP.
Add compensation for Maufi.				Rs. 2.80
GRAND TOTAL:				Rs. 21,73,420.00 nP.

LAND REVENUE DEDUCTION:

An amount of Rs.221.45 nP. will be deducted from the Khas Rent Roll and an amount of Re.00.14 nP. will be deducted from the Maufi of village Basaidarapur from the harvest-season next following the date of possession.

(Murari Singh)
Land Acquisition Collector:
29.3.1960.

Submitted to the Collector of the District for information

(Murari Singh)
Land Acquisition Collector
29.3.1960

See 12/4/60

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موقعہ کی کارروائی کے لئے یہ سہولت دیا گیا ہے اور اس کے لئے ضروری ہے کہ

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Chander Supt Patwari L.A

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