

कायवाही कब्जा अर्वा नं० 13/1969 ग्राम वसन्त नगर !

आज दिनांक 30/1/76 वसुजिब हुकम जनाब L.A.C (MSW)
सहाय भीका पर वहेमरह भी वलवानसिंह कावगी 1-A, श्री ओम प्रकाश
पटवारी 1-A व श्री महानन्द प्रकाश चंपरासी (1-A) ग्राम वसन्त नगर
पहुंचे। गुलाबिक प्रोग्राम महकमा 1-B दिल्ली प्रशासन की ओर
से भी रामकिशन भरल मय स्टाफ व महकमा D.D.A की तरफ से
भी गुलाबसिंह N.T मय स्टाफ छोड़ दिए। वसुत पारन से से
प० दत्तर सिंह S/o कृपाशम व प० मुन्गी राम, मम्मचन्द S/o लेखा
भी भीका पर मौजूद हैं। राजम भारती Acquire गुदा वकये
अर्वा नं० 13/1969 वसुमला नं० असरा 147/27/1 (0-8),
148/27 (1-1) कुल तहदी। बिना वकिये की भीके पर
वजरीये जीब बन्दाजी पैसाइश करके निशानदेही हासिल की
गई। और तमीरात काबिजाज से वजरीये उमदाद Demolition
89 rupee D.D.A व पुलिस खाली करा कर कब्जा वकई
हारिल किया गया और वजिन्स ही मय मलबा हवाला
श्री रामकिशन भरल N.T (1-B) किया गया। भीका पर कोई
मजहमत पेश नही अडि मुनादी व मुताहरी बाका तबदील्ली
कब्जा वजरीये श्री महानन्द प्रकाश चंपरासी 1-A भीके पर
व देह हजा से वकवात मुलन्द कराई गई। पटवारी हलका
ववजय दीगल कार सरकार छोड़ नही आ सका है निहाजा
वक नकल कायवाही कब्जा पटवारी हलका की वजरीये तहसीलपर
सहाय सहरीती वरखे कमलप्रसाद पर कागजात जात मिजवाडि
जखे व रक नकल महकमा Acquiring की। कायवाही कब्जा
पुरी हो चुकी है निहाजा रिपोर्ट अर्ज है। 30/1/76

His Honor
N.T. (1-B) Balwan Singh J. 30/1/76
30/1/76
30/1/76
N.T. (1-B)
30/1/76

Y. N.T. (D.D.A) 30/1/76
M. N. T. (D.D.A) 30/1/76
M. N. T. (D.D.A) 30/1/76
M. N. T. (D.D.A) 30/1/76

30/1/76
30/1/76
30/1/76

AWARD No. : 13/1969
 NAME OF THE VILLAGE : BASANT NAGAR
 NATURE OF ACQUISITION : PERMANENT
 PURPOSE OF ACQUISITION : PLANNED DEV.OF DELHI.

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Delhi Admn. issued notification No.F.15(138)/61-LSG dated 24th May,1961 u/s 4 of the L.A.Act for land to be required by Govt. at the public expense for a public purpose, namely for the planned development of Delhi, for land measuring 981 big. 3 bis. in village Basant Nagar. Declarations u/s 6 of the Act were issued from time to time as & when a certain area was required. Similarly a notification No.F.15(138)/61-L&H dated 21st Dec,67 u/s 6 of the Act was issued in the present case for land measuring 1 big. 14 bis.

Notices u/s 9 & 10 were issued to the interested persons. Claims filed in response to the notices will be discussed under the appropriate heading 'Claims & Evidence'.
MEASUREMENT & CORRECT AREA :

On scrutiny of the Revenue Record it was found that the total area of the field Nos. notified u/s6 of the Act is 1 big. 9 bis. and not 1 big. 14 bis. as given in the notification u/s 6. Field staff also carried out measurement at the spot and the area 1 big. 9 bis. was found correct. The details of the Kh.Nos. and area under acquisition is as below:-

<u>Kh.No.</u>	<u>Area</u> <u>Big. Bis.</u>	<u>Classification of land.</u>
147/27/1	0-08	G.M.Abadi.
148/27	1-01	-do-
Total	1-09	G.M.Abadi.

Contd.....2

Contd.....4

OWNERSHIP & OCCUPANCY :

S.No.	Name of the owner.	Name of the occupant.	Kh.No.	Area Big.Bis.	Classification of land.
1.	Bhagwan Sahai s/o Sewag Ram 1/6 share. Mst. Hukum Kaur wd/o Prithi 1/6 share. Chhattar Singh s/o Kirpa 1/3 share. Mst. Manpholi wd/o Ram Gopal. 1/6 share. Chandgi Ram. s/o Maha Singh 1/6 share. Caste Brahmin r/o V.Basant Ngr.	Maqbuja Malikan.	147/27/1	0-08	G.M.Abadi.

2.	Mam Chand s/o Lekha 1/2 share. Munshi s/o Lekha 1/2 share Caste Brahmin r/o V.Basant Ngr.	Maqbuja Malikan.	148/27	1-01	-do-
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CLAIMS & EVIDENCE :-

S.No.	Name of the claimants.	Kh.No. & area.	Rate claimed.	Evidence.
1.	Munshi, Mam Chand ss/o Lekha r/o V.Basant Nagar through Sh.Leela Dhar Advocate.	148/27 (1-01)	Rs. 4,00,000/- for land & structures.	Extract of the copy of demand & collection register 1959-60 M.C.Delhi.
2.	Balram, Sultan, Chhoti, Lalchand, Seochan, Vidyand, Manju Ram through Sh. Leela Dhar Advocate.		They have mentioned in the application that they are only tenants of Sh.Manchand & Munshi ss/o Lekha. They do not claim any compensation.	

Contd.....3

however touched the average of Rs. 2500/- per bi

Contd.....4

3. Rajender Kumar
Bhardwaj Prop.
Mahavir Traders.
Timber Merchants
Basant Ngr. N. Delhi
through Sh. H. S. Yadav
Advocate. 148/27
(about
1.1/2 bis) Claims
86/100 share
in the
total
compensation. Nil.
4. Chhattar Singh s/o
Kirpa r/o V.
Basant Ngr. through
Sh. Leela Dhar Advocate. 147/27/1
(0-08) Rs 3,00,000/-
for land &
structures. 1. Extract of the
copy of demand
and collection
register M.C.
Delhi for
1959-60
2. House tax bill
for the year
1961-62.
5. Hukum Kaur wd/o
Pirthi r/o V.
Sekrona Tehsil
Balbgarh Distt.
Gurgaon. - Rs 50,000/-
at the rate
of Rs 50/-
per sq yd.
for land. Nil.

MARKET VALUE :

In order to adjudge the trend of the market value of the land in the area the revenue record was consulted for the sales having taken place a few years preceding the date of preliminary notification in the present case i.e 24.5.61. The position is as below

Year	Area Big. Bis.	Amount		Average per big.	
		Rs	Ps	Rs	Ps
1956-57	253-06	7,21,569-00		2,848-67	
1957-58	128-05	4,45,940-00		3,477-11	
1958-59	78-08	2,57,409-00		3,283-28	
1959-60	75-19	2,73,845-00		3,605-59	
1960-61	57-16	2,23,570-00		3,867-99	

With the above we find that the price in the year 1956-57 was about Rs 3000/- per bi but there has been a gradual rise in the subsequent years except during the period 1958-59 when there was a fall. The price range however touched the average of Rs 3900/- per bi

appx. during the period 1960-61. But these sales may not be similarly circumstanced and conditioned as the land under acquisition and therefore they could not correctly guide us in assessing the market value of the land in the present case.

There have been the following awards in this village relating to the preliminary notification dt. 24.5.1961 as in the present case:

Award No.	No. & date of notification u/s 4	Area acquired Big. Bis.	Rate awarded per big.
1221	F.15(167)/55-LSG(III) G.I(S.IV) dt. 24.5.61	4-04	Rs 3500/-
1226	F.15(138)/61-LSG 24.5.61	262-13	Rs 3500/-
1229	F.15(167)/55-LSG(I) G.I(S.VI) dt. 24.5.1961	229-14	Rs 3500/-
1252	F.15(138)/61-LSG 24.5.61	52-01	Rs 3500/-
1331	-do-	34-14	Rs 3500/-
1332	-do-	0-05	Rs 3500/-
1563	-do-	5-00	Rs 3000/-
1879	-do-	296-03	Rs 4000/-
1880	-do-	1-05	Rs 4000/-

Out of the above Awards, a scrutiny of Award No.1879 revealed that part of Kh.No.147/27 was acquired through this Award and of which another part 147/27/1 is under the present acquisition. Therefore the above award should serve us as the best guide in arriving at a fair market value of the land in the present case, and as such it is not necessary to discuss the details of other awards.

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Kh.No.148/27 though not acquired so far but being absolutely close to Kh.No.147/27 should compare well with it.

The Land Acquisition Collector in the said Award fixed the rate of compensation at Rs 4000/- per big.

The following decisions of the Court in respect of the various Kh.Nos. acquired through the said award are available:-

L.A. Case No.	Name of the parties.	Award No.	Village	Rate awarded by LAC	Rate enhanced by ADJ	Kh.No.
528/68	O.W.Khem Chand & others Vs. The C.C.Dahi.	1879	Basant Nagar.	Rs 4000/-	(Rs 4750/- per big. <i>market value</i> plus Rs 665/- stamp charges)	89/17/1.
464/66	Mam Chand & others Vs. U.O.I	1879	-do-	Rs 4000/-	Rs 4500/-	13/3/6, 90/177, 114/27, 138/27/2, 149/27, 140/27/1, 32/1/7, 33/10, 35.
386/67	Shibban & another Vs. U.O.I	1879	-do-	Rs 4000/-	Rs 4500/-	193/154, 191/156/127, 13/3/6 min, 114/27, 32/1/7, 33/10, 35 etc.
466/66 384/67	Roop Chand & others Vs. U.O.I	1879	-do-	Rs 4000/-	Rs 4500/-	208/190/3, 192/154, 13/3/6min. 114/27, 114/27/1 32/1/7, 33/10 35 etc.
469/66	Chariboo Vs. U.O.I	1879	-do-	Rs 4000/-	Rs 4500/-	13/3/6, 90/17, 138/27/2, 149/27, 140/27/1, 132/1/7, 33/10, 35, 145/27, 151/27.
385/67	Bhawani & Shankar Vs. U.O.I	1879	-do-	Rs 4000/-	Rs 4500/-	152/27, 211/132/11, 13/3/6, 90/17, 33/10, 35
480/66	Roop Chand & Devi. Vs. U.O.I	1879	-do-	Rs 4000/-	Rs 4500/-	13/3/6, 90/17, 114/27, 138/27/2.

In case No.528/68 of the above, the rate of Rs 4750/- per big. has been awarded by the Court ^{as} *actual Sale price* alongwith the stamp charges of Rs 665/-. This case could not be a guide for the land under acquisition as the Kh.No.89/17/1 is nearer to the road. In case No.464/66 Kh.Nos. 149/27, 140/27/1 for which the rate awarded is Rs 4500/-, are quite close to the land under acquisition. Other Kh.Nos. in this ~~case~~ case are away. The Kh.Nos. in case No. 386/67 are away from the land under acquisition. In case No.466/66 and 364/67 the position is also the same. In case No.469/66 Kh.No.149/27, 140/27/1, 145/27 and 151/27 are the nearest to the land under acquisition than other Kh.Nos. involved in the case. In Case No. 385/67 Kh.No.152/27 is nearest to the land under acquisition than other Kh.Nos. in the case.

In all the above cases except case No. 528/68 and case No.480/66 the rate awarded is the same i.e Rs 4500/- per big.

In case No. 480/66 Kh.No.138/27/2 and 114/27 are better located than the land under acquisition and out of these two, the former is nearer the road. Other Kh.Nos. in this case i.e 13/3/6 & 90/17 are also near the road. Therefore all these Kh.Nos. in this case do not compare with the land under acquisition. Judicial ~~discussions~~ ^{decisions} are best guides in arriving at the market value since it has been held that there cannot be a clearer authority than previous

Contd.....7

decisions in L.A.Cases are relevant in a subsequent case where the market value of the land in the same neighbourhood is in issue. Accordingly I assess the market value of the land @ Rs 4500/- per big.

OTHER COMPENSATIONS :-

TREES & WELLS :

There are no trees or well in the land under acquisition. Hence no compensation is assessed under this heading.

STRUCTURES :

There are the following structures on the land under acquisition. The Asstt. Engineer Valuation has assessed the valuation of these structures vide his letters No.AE(V)/II/28/69/49 dated 26.4.69 as Rs 14,170/- and Rs 11,702/- resp. which I consider to be reasonable and award the same accordingly.

<u>Kh.No.</u>	<u>Description of the Structures.</u>	<u>Compensation assessed by AE(V)</u>
147/27/1	Pucca House	Rs 14,170/-
148/27	-do-	Rs 11,702/-

Compensation of the above structures will be paid only after furnishing sufficient proof by the owners and on establishment that these structures were built before the date of notification n/s 4 i.e 24.5.61.

SOLITIUM :-

15% solitium will be payable on the market value of the land.

INTEREST :-

The case falls within the purview of Land Acquisition (Amendment & Validation) Act, 1967 as the notification u/s 6 was made three years after the date of preliminary notification. Interest would therefore, be payable at 6% per annum on the market value of the land w.e.f. 24.5.64 to 22.6.69 i.e the date tentatively fixed for announcement of the Award.

APPORTIONMENT :

Compensation would be paid according to the latest entries in the revenue record. The claimant Sh. Chhattar Singh has claimed the entire compensation for the land and the construction on Kh.No. 147/27/1. In view of this the compensation for this Kh.No. including the land & structures would be kept disputed.

The claimant Rajender Kumar Bhardwaj Prop. Mahabir Traders Timber Merchant has claimed compensation in respect of Kh.No. 148/27 at the rate of 86 paise in a rupee. The compensation for this Kh.No. and the structure over it will also remain disputed.

The amount will be sent to the Court u/s 30-31 of the L.A. Act if the disputes are not settled within a reasonable period.

LAND REVENUE :

The land under acquisition is assessed to a sum of 28 Ps. as Land Revenue. The same will be deducted from the Khalsa Rent Roll w.e.f the date the possession is taken over.

SUMMARY :

	Rs	Ps
1. Compensation of land measuring 1 big. 9 bis. @ Rs 4500/- per big.	6,525-00	
2. Compensation for trees or well	Nil.	
3. Compensation for structures.	25,872-00	
Total	32,397-00	
4. 15% solitium on the market value of the land including structures.	4,859-55	
5. Interest at 6% per annum on the market value of the land (i.e Rs 32,397/-) w.e.f 24.5.64 to 22.6.69 (5 yrs.30 days)	9,878-86	
G.TOTAL.	47,135-41	

(Rupees Forty seven, thousand One hundred thirty-five and paise forty-one only.)

V. K. Bhatta
(V.K.BHALLA)

LAND ACQUISITION COLLECTOR(MSW)
DELHI

Amend announced

today. File

V. K. Bhatta

3076769

OFFICE OF THE DEPUTY COMMISSIONER: DELHI
(LAND ACQUISITION BRANCH)

No. LAC/MSW/

Dated the June, 1969.

Award in respect of land measuring 1 big. 9 bis. in village Basant Nagar is submitted for approval. The land is covered by notification u/s 4 No. F.15(138)/61-LSG dated 24.5.61 and declaration u/s 6 was made vide notification No. F.15(138)/61-L&H dated 21st Dec, 67. The summary of the award is as below:-

	Rs	Ps
1. Compensation of land measuring 1 big. 9 bis. @ Rs 4500/- per big.	6,525-00	
2. Compensation for trees or well	Nil.	
3. Compensation for structures.	25,872-00	
Total.	32,397-00	
4. Solitium 15% on the market value of the land including structures.	4,859-55	
5. Interest at 6% per annum on the market value of the land (i.e Rs 32,397/-) w.e.f 24.5.64 to 22.6.69 (5 yrs.30 days)	9,878-36	
Grand Total	47,135-41	

(Rupees forty seven thousand, one hundred thirty-five and paise forty one only).

V.K. BHALIA
13/6/69
(V.K. BHALIA)
LAND ACQUISITION COLLECTOR (MSW)
DELHI

A.D.M(LA)

1 हज़ार दो (न) सय अर 10 पैसे
2-वर्ग मीटर जमीन का 200 रु. प्रति वर्ग मीटर
की दर

16/6/69 *E.S. (MSW)*

20.8.69
(20.8.69)

Talwar
Talwar (LA)

ADMLA

[TO BE PUBLISHED IN PART IV OF THE DELHI GAZETTE]
DELHI ADMINISTRATION: DELHI

NOTIFICATION

Dated the _____ December, 1967.

No.F.15(138)/61-L&B:- Whereas it appears to the Lieutenant Governor; Delhi that land is required to be taken by Government at the public expense for a public purpose, namely for the Planned Development of Delhi, it is hereby declared that the land described in the specification below is required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected at the office of the collector of Delhi.

SPECIFICATION

<u>Village or Locality</u>	<u>Total area Big. Bis.</u>	<u>Field Nos. or Boundaries.</u>
Basant Nagar	1- 14	147/27/1, 148/27.

By order,

Sd/-

(M.L.GROVER)

Deputy Secretary II(Land & Building)
Delhi Administration, Delhi.

No.F.15(138)/61-L&B

Dated the 21 December, 1967.

Copy forwarded to the :-

1. Public Relations Department, Delhi Administration, (in duplicate) for publication in part IV of the Delhi Gazette.
2. Additional District Magistrate(Land Acquisition) Delhi.
3. Land Acquisition Collector(Mehrauli Circle) Delhi.
4. Legal Adviser(Land & Building Deptt)Delhi Admn.Delhi.
5. Tehsildar(Land & Building Department)New Delhi
6. Central Record Cell, Land & Building Department, N.Delhi.

Sd/-

(M.L.GROVER)

Deputy Secretary II(Land & Building)
Delhi Administration, Delhi.

*Compared
L&B
K.G. (L.A.)
28/X/68*

Attested True copy.

20/10/67

NOTIFICATION

Dated the 24th May, 1961.

No. F.15(138)/61-L3G: Whereas it appears to the Chief Commissioner, Delhi, that land is likely to be required to be taken by Government at the public expense for a public purpose, namely for the Planned Development of Delhi, it is hereby, notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made under the provisions of section of the Land Acquisition Act, 1894 to all whom it may concern,

In exercise of the powers conferred by the aforesaid section the Chief Commissioner is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within 30 days of the publication of the notification file an objection in writing before the Collector of Delhi.

SPECIFICATION

<u>Village</u>	<u>Total area</u> Big Bis	<u>Field Nos. or boundaries</u>
Basant Naga-r	981 - 3	46/2, 47/2, 48/3, 57/5, 63/7 64/7, 65/7, 66/7, 67/7, 173/68 to 70, 174/68 to 70, 71/7, 72/8 73/3, 74/3, 184/75, 185/75, 76/9, 77/9, 78/9, 79/9, 80/10, 81/10, 196/82, 200/197, 201/197, 202/197, 83/10, 13/143, 14, 15, 16, 96/18, 97/18, 88/17/1, 89/17/1, 91/17, 92/17, 93/18/1, 219/102/19/1, 220/102/19/1, 179/21-22, 207/111/1, 112/25/1, 129/27, 135/27, 134/27, 133/27, 131/27, 130/27, 198/144, 199/144, 150/27, 151/27, 152/27, 210/153, 211/153, 212/153, 192/154, 193/154, 155/27, 145/27, 147/27, 142/27, 141/27, 191/156/27, 209/190, 208/19/1, 28/1, 29/1, 165/39, 164/39, 163/39, 170/40, 169/40, 168/40, 167/40, 194/166, 180/38, 181/40, 195/166, 171/41, 172/41, 44, 45, 42, 160/36, 161/37, 159/36, 175/31, 176/31, 157/30, 32, 35, 33, 1, 87/17/1, 90/17, 94/18, 95/18, 206/111/1, 114/27, 115/27, 116/27, 117/27, 118/27, 119/27, 120/27, 121/27, 122/27, 123/27, 12-4/27, 125/27, 126/27, 127/27, 210/132, 211/132, 136/27, 137/27, 138/27, 139/27, 140/27, 143/27, 146/27, 143/27, 149/27, 158/30, 34, 162/37, 43, 128/27.

By order,

Sd/-

(JAGMOHAN)

Dy. Housing Commissioner,
Delhi Admn. Delhi.

Compared
Lila Ram
Kgo. (L.H.)

Attested. True copy
20/10/61