

A W A R D No. 1972

Name of the village.

BEGUMPUR.

Nature of acquisition.

Permanent.

Purpose of acquisition.

Planned Development of Delhi.

A W A R D

These are proceedings for determination of compensation under section 11 of the Land Acquisition Act. The land measuring 11 bighas situate in village Begumpur was notified for acquisition under section 4 of the Land Acquisition Act, vide Notification No.F.15(II)/59-LSG, dated 13.11.59 for a public purpose namely, for the Planned Development of Delhi. After considering objections U/s 5-A, the Delhi Administration issued a declaration under section 6 of the Land Acquisition Act for the acquisition of an area measuring 11 bighas vide Notification No.F.4(2)/62-L&H, dated 15.11.65. In pursuance of the above notification, notices under section 9 & 10 of the Land Acquisition Act were issued to all the persons interested in the land under acquisition. The claims filed by the claimants are discussed hereafter under the heading "COMPENSATION CLAIMS".

TRUE AND CORRECT AREA:

The land was measured on the spot by the Land Acquisition Field Staff alongwith a representative of the requiring department and the available area found at the spot is as follows:-

Field No.	Area Big.Bis.	Kind of soil.
154/2	0 - 10	Rosli.
207/2	1 - 9	-do-
239/2	1 - 00	Ghairmunkin Rasta.
Total	2 - 19	

CLASSIFICATION OF THE AREA:

ROSLI. 1 bigha 19 biswas.
GHAIKMUNKIN RASTA 1 bigha 00 biswas.
Total 2 bighas 19 biswas.

Contd....2/-

There is a discrepancy of 8 bighas 1 biswa between the area to be acquired and the area notified under section 6 of the Land Acquisition Act which is explained as under:-

1. ^{The} Khasra No.186/1 measuring 8 biswas has already been acquired through award No.1000A.
2. Land comprising Khasra Nos.428/201, 427/301/202, 425/406/300/202 area measuring 2 bighas 6 biswas is the property of the Archaeological Department, Government of India, and hence its acquisition does not arise as the Act does not contemplate or provide for the acquisition of any interest which already belongs to the Government.
3. Khasra No.239 measuring 4 bighas 3 biswas has already been acquired through award No.1001 of this village. Hence, question of its acquisition does not arise.
4. Field No.168/2 measuring 1 bigha 4 biswas is recorded as grave-yards, hence left out of acquisition.

COMPENSATION CLAIMS:

The following persons have filed claims for compensation:

S.N. Name of the claimant.	Compensation claimed.
1. Assistant Engineer, Archaeological Survey of India.	He stated that the Department had no objection to acquisition. As it is a Government land, the question of acquisition does not arise.
2. Sangram s/o Ram Dayal, Daulat Ram s/o Ram Chand, Abdul Rahim s/o Wazir Khan, Met.Haffijo w/o Chhotay Khan, Musadi s/o Taj Khan.	They have claimed compensation @ Rs.10000/- per bigha for Khasra No. 239 & 154 measuring 5 bighas 13 biswas.
3. Musadi s/o Taj Khan.	He has claimed compensation for Khasra No.207 area measuring 1 of bigha 9 biswas, but no rate mentioned in his claim.

DOCUMENTARY EVIDENCE:

No documentary evidence to prove the value of the land was filed by the claimants.

MARKET-VALUE:

The best evidence available to prove what a willing purchaser could pay for the land under acquisition would be

Contd....3/-

the evidence of genuine sales effected at the time of notification for acquisition in support of land under acquisition or in portion thereof or the sales of the land precisely parallel in all circumstances to the land under acquisition. If the evidence of sales of similar land in the locality with the similar advantages is available, the market value can be fixed with reference to the prices mentioned in them. The claimants have filed no sale-deed by way of exemplars which could have been helpful in evaluating the market value of the land. Consequently, their claims being not supported by any corroborative evidence are therefore, rejected.

Efforts were made at this end to find out the parallel sale-deeds in determining the market value of the land. The year wise average of sales during the last 5 years preceding the date of notification under section 4 of the Land Acquisition Act is as follows:-

S.N.	Year.	Area Big.Bis.	Consideration money.	Average per bigha
1.	1954-55	Nil.	Nil.	Nil.
2.	1955-56	Nil.	Nil.	Nil.
3.	1956-57	1 - 00	Rs.5000/-	Rs.5000/-
4.	1957-58	Nil.	Nil.	Nil.
5.	1958-59	173 - 13	Rs.516441/-	Rs.2974.03
	Total	174 - 13	Rs.521441/-	Average. Rs.2985.63P
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The average of five years comes to Rs.2985.63P per bigha kham.

There is only one transaction during the year, 1956-57 in which Subedar Major Raghunath Singh(claimant) sold 1 bigha out of field No.113 for Rs.5000/-for residential purpose. This land adjoins the village abadi and cannot be a guide in assessing the market value. During the year, 1958-59, there were several transactions involving an area of 173 Bghas 13 biswas and the average price per bigha comes to Rs.2974.03P.

Apart from the sales of similar land, the awards of the courts under section 26 of the Land Acquisition Act afford

Contd....4/-

a guide to the amount of compensation to be awarded. It has been held that "there cannot be clearer authority that the previous decisions in acquisition cases are relevant in subsequent cases where the market value of the lands in the same neighbourhood is in issue".

A large chunk of land in this village was put under the preliminary notification No. F 15(III)/59-LSC, dated 13/11/59 under which the present acquisition of land is also being made. Piece-meal acquisitions were made from time to time and one acquisition was made through award No. 1327 in which the Land Acquisition Collector fixed the value of the land at Rs. 3000/- per bigha kham. In six reference petitions namely, L.A. Case No. 101/63, Bharos etc V/s Union of India, No. 176/63 Chundi etc V/s U.O.I., 155/63 Ram Dutt V/s U.O.I., No. 104/63 Pirthi etc U.O.I. & No. 139/63 V/s Shiv Narain U.O.I., the District Judge made an enhancement of Rs. 2300/- per bigha kham and fixed the valuation at the rate of Rs. 5300/- per bigha kham. The main line of reasoning in these judgments was that Navjiwan Co-operative House Building Society which was vendee in some of the transactions had agreed to purchase certain fields of the village at Rs. 5300/- per bigha which showed that the land prices in this locality had gone up after July, 1959 and stood at about Rs. 5300/- per bigha in October, November, 1959. The present acquisition pertains out of the same preliminary notification and as such there can be no better guide than the award given by the court under section 26 of the Land Acquisition Act. Consequently, I fix a value of the land at the rate of Rs. 5300/- per bigha kham.

The question now arises as what should be the valuation in respect of plot No. 239/2 area 1 bigha which is recorded as G.M. Basta meant for public use (Makbuja - Sher-Am). The valuation of a road depends upon whether the road is public or private. If the road is private and appurtenant to the land under acquisition it would be included in assessment of whole plot, if the road is public then obviously no compensation is claimable in respect of it. It has been held that "if the owner of the soil throws open a

Contd....5/-

passage and neither marks by any visible distinction that he means to preserve all his rights over it nor excludes person from passing through it by positive prohibition he should be presumed to have dedicated it to the public". It is a very old public path and is being used as such from time immemorial and to user it has become a property dedicated to the public and as such no compensation is payable for it.

TREES WELLS AND OTHER STRUCTURES:

NIL.

15% FOR SOLATIUM: 15% solatium will be paid over and above, the compensation assessed under section 23(1) clause firstly.

APPORTIONMENT: Compensation will be paid on the basis of the latest entries in the revenue records.

INTEREST: According to sub-section 3 of section 4 of the Land Acquisition (Amendment & Validation) Act, 1967, simple interest at the rate of 6% is payable after the expiry of 3 years from the date of publication of notification U/s 4. The preliminary notification was made on 13.11.59 and hence the interest is payable from 13.11.62 to 30.6.67.

SUMMARY OF THE AWARD:

The award is summarised as under:-

S.N.	Area Big. Bis.	Rate per bigha.	Amount of compensation.
1.	1 - 19 (Bosli)	Rs. 5300/-	Rs. 10,085.00P.
2.	1 - 00 (Chairmukhin)	No compensation awarded.	
		Total	Rs. 10,085.00P.
3.	Add 15% for solatium.		Rs. 1,550.25P.
		Total	Rs. 11,635.25P.
4.	Interest 6% from 13.11.62 to 30.6.67.	G. Tot 1	Rs. 2,871.15P.
			Rs. 14,506.40P.

LAND REVENUE DEDUCTION:

The land under acquisition is assessed at Rs. 0.80P as land revenue which will be deducted from the Khasra Rent Roll of the village with effect from the harvest in which the year

Cents....6/-

[Signature]

department takes over possession of the acquired land.

The aforesaid land will vest absolutely in the government free from all encumbrances from the date of taking over possession of the land.



31.5.67

(G. BAHADUR)

LAND ACQUISITION COLLECTOR: (M)
DELHI.

Submitted to the Collector, Delhi for information.



31.5.67

(G. BAHADUR)

LAND ACQUISITION COLLECTOR: (M) DELHI

Seen + filed

M. Sharma

23.6.67

COLLECTOR, DELHI

استفاد (96) مورخہ 23/6/67
30/6/67

M. Sharma
4.8.67

महजरी कोरवाई नं ६७७७ जमवा जी. बलुपुर L.A.C (M.E)
 न्यू जोरि तीस हजारी दिल्ली

रजवाई नं १९७२ ग्राम बेगमपुर

आज दिनांक ९/७/७१ को हमराई जी रजुबीर सिंह N.T (L.A)
 व मेदीराण पटवारी L.A व शीराण पटवारी L.A व गोविन्द सिंह
 चपरासी L.A ग्राम बेगमपुर के मौले पर पहुँचे वहाँ महम्मद
 हाउसिंग की तरफ से जी S.K अब्द नायब तहसील कार व
 खस्तूरी लाल पटवारी मौले पर पहुँचे तथा मौले पर बेगमपुर
 वासिन्दगान की हाजिर में।

नम्बरान खसरा १५४/२ , २०७/२ , २३९/२ कुल पैदावी खसरा
 ०-१० १-९ १-०

२ बिघे १० बिघे का खसरा नं ६७७७ हासिल मौले जी S.K अब्द
 नायब तहसील कार व खस्तूरी लाल पटवारी महम्मद हाउसिंग कोतवा
 गया। मौले पर कोई खसरा मिसाद नहीं हुआ और इस अंश की
 मुतादी देहजा व मौले पर जी गोविन्द सिंह चपरासी L.A से का
 आवाज बुलन्द मुतादी मुतादी जारी गई।

आज पटवारी हमका मौले पर हाजिर व हमें भी पत्र
 से माग जात माग में अमल नहीं करा अके। निहाजा खसरा नं ६७७७ की
 खसरा वसूल तरीके अमल करावत माग जात माग पटवारी हमका
 को आज ही आमेगी कोरवाई पुनर्माग से जारी है। ९/७/७१

9-7-71 Pat.

9/7/71
 M.T. (L.A)

रजवाई नं १९७२
 9-7-71

9/7/71.

9/7/71
 L.A.C (M.E)

9/7/71