rd No. 2057

P/136-c

57

ure of Acquisition ... .Permanent.

rpose of Acquisition ... . Planned Development of Delhi.

me of the Village ... ... Begumpur.

Land measuring 12 Big 7 bis. in village Begumpur Tehsil Mehrauli, Distt. Delhi was notified for acquisition u/s 4 of the Land Acquisition Act in Delhi Administration Notification No. F.4(2)/62-L&H dated the 19th November, 1965. Objection u/s 5-A of the Act were heard, considered by Government and rejected. Declaration u/s 6 of the Act was made by the special Secretary (L&H Deptt.) Delhi Administration, Delhi vide notification No. F.4(2)/62-L&H, dated the 3rd October, 1966.

Notices u/s 9 & 10 of the Act were issued to the interested persons inviting their claims, which will be discussed at the appropriate place.

MEASUREMENT & CORRECT AREA:

The land under acquisition was measured on spot by the Revenue Field Staff and the area of 12 Big. 7 Bis. was found correct.

The classification of this area is as under:-

Banjar Qadim	00-13
Banjar Jadid	11-14

OWNERSHIP AND OCCUPANCY:

Sr. No.	Name of the Owner	Name of the Occupant.	Khasra Nos	Area	Nature of Soil
1.	Central Govt.	Bahadur, Sohan, Narains s/o Hemji Lal.	442/343/178	00-10	Banjar Jadid
			443/346/178	7-03	-do-
			347/178	2-01	-do-

As recorded in the revenue record the land stands in the name of Central Government and was not to be acquired, but in view of letter No. LAO/KGO/Rural/Alt./Begumpur/ Delhi/67/717, dated 20.6.67 from the Managing Officer (Rural), Office of the Regional Settlement Commissioner, New Delhi the land stands in favour of the Custodian as an acquired evacuee property and hence included in the acquisition.

Contd ....

59

2. Banzeer Khan, Amiruddins s/o Nanny Khan in equal share- 1/4 Iddu s/o Kalu Khan, Bhura Khan s/o Kalu in equal share. -1/2 Mohamd Karim s/o Nabi Baksh-1/4	Mussadi s/o Taj Khan	362/171/172/1a	00-09	Banjar Jadid.
3. Ali Mohammad s/o Nabi Baksh-1/3 Najemuddin, Mahruddin, Saiduddin, Wahuddin, sons, Mst. Chohmi Bee widow of Sheruddin in equal share. -1/3	Mussadis/o Taj Khan	363/172/1a	00-15	Banjar Qadim.
Mushat Sakina widow of Nemla -1/6 (without Mortgage) Abdul s/o Bulsria Mortgager) Chehat s/o Kazia (Mortgagee) without share in 'Shamlat Deh.' - 1/6	Mohd. Sheruddin	359/170/1a	1-06	Banjar Jadid.
4. Shamlat Thok Bagumpur according to shares of Khewat.	Ram Karan, Ram Dutt, Shareholders in equal shares.	179/1a	00-05	Banjar Jadid.

CLAIMS AND EVIDENCE:

S/Shri Abdul Shakoor s/o Jamir Khan, Mussadi s/o Taj Khan, Mst. Hafiza widow of Chotte Khan, Rafiquddin s/o Abdul Rahim have filed a joint claim demanding compensation @ Rs. 8,000/- per Bigha for Khasra Nos. 172/2, 359/170, 179 min., 362/171-72/2, 363, 347/178, 442/341/178., They have not substantiated their claim.

MARKET VALUE:

Value of the land is to be assessed as on 15.11.65 the date of Notification u/s 4. The interested persons have not filed any proof as regard to the Market Value of the land and hence we have to depend on the data available in the revenue record. The average sale price during the preceding five years of the material data is Rs. 4,281-22 paise. The details of which are as under:-

Contd-------3.

ar	Area Sold	Consideration	Average per Bigha Kham.
1960-61	146-02	5,79,961/=	3,969=62
1961-62	39-13	2,17,800/=	5,493=06
1962-63	00-16	900/=	1,125/00
1963-64	-	-	-
1964-65	-	-	-

From the above table it is evident that there were no sale transactions during 1963-64 and 1964-65. The trend of prices is downward during 1962-63.

Another material which can guide us in determining the market value, could be the previous Awards announced in the village, particulars of which are as under:-

Award No.	Date of Notification u/s 4	Area	Rate Awarded per Bigha.
1090	13.9.1948	79-03	Rs. 313-37 Rs. 250-69 Rs. 208-87
1327	13-11-1959	566-02	Rs. 3,000/=
1565	13.11.1959	6-05	Rs. 3,000/=
1647	13.11.1959	35-05	Rs. 3,000/=
1971	13.11.1959	2-19	Rs. 5,300/=
1409	15.12.1961	65-18	Rs. 3,500/= Rs. 3,000/= Rs. 2,000/=

Considering the above Awards from the point of view of the date of Notification u/s 4, Award No. 1409 is the case in which the date of Notification ~~is about four years. A piece of land~~ falls near to the material date in the present case, although with a difference of about four years. A piece of land acquired in Award No. 1409 also falls near to the major portion of the land under acquisition. The other Awards mentioned have no relevancy due to a wide gap in the material date, though the land of Award No. 1327 and 1601 adjoins the land under acquisition.

The decisions by learned A.D.J. in L.A. case Nos. 199/64, 571/66, and 160/64 relating to Award No. 1409, made under section 26 of the Act can serve as guiding factor for arriving at the fair market value of the land in question. In the above cases

/Contd.....4.

P/15

Kh. No. 113 Min. was enhanced from Rs. 3500/= to Rs. 6,000/- that of Khasra No. 366/102 from Rs. 3500/= to Rs. 5000/=. of the basis of difference in these two cases is that Khasra 113 Min. abuts on the 'Rastta' leading to the village Abadi while Khasra No. 366/102 does not enjoy this facility.

From the situation point of view the land under acquisition is in the interior and has no independent access from any side, whereas the land which is the subject matter of enhancement is ideally situated. The present land is inferior in its kind as compared to the land referred to in the judgement of the learned A.D.J., but enjoys potentiality being near to Malviya Nagar Colony. As a matter of fact the Market Value of the land in question should have been higher than the rate Awarded by the A.D.J. for the above, but the disadvantages counter balance any idea in the increases of Market Value. Hence considering all relevant factors, I am of the opinion that Rs. 5,500/= per bigha as the just and fair market price of the land and I Award the same.

APPORTIONMENT:

Compensation will be paid according to Naksha 'B' of the file which has been prepared consolidating the latest entries of the revenue record. Compensation in respect of the following Khasra Nos. will remain disputed for the reasons mentioned against each.

Khasra Nos.	Reasons of Dispute.
442/348/178/ 443/349/178/ 347/178	The land stands in the revenue record in the name of Central Government but as mentioned earlier it is an acquired evacuee property. Secondly the claimants in the case have also claimed compensation for these Khasra Nos.
362/171-172 358/170 363/17[illegible]	The claimants Abdul Shakur and others have claimed compensation for these Khasra Nos. The recorded owners are reported to have migrated to Pakistan.
179	This Khasra No. is the property of Shamlat – Thoke, Begumpur in which the share of the Custodian has also to be Apportioned.

The disputed compensation will be referred to the

Court of learned A.D.J., if the parties fail to arrive at any amicable settlement within a reasonable period.

TREES, WELLS AND STRUCTURES: Nil.

POSSESSION AND INTEREST:

The possession of the land has not yet been taken over, hence no interest is accrued.

SOLITIUM:

15% of solitium will be payable in addition to the Value of the land assessed under section 23(1) of the Act.

LAND REVENUE:

The land under acquisition is assessed to Rs. 5-16 paise as land revenue and the same is ordered to be deducted from the Khalsa Rent Roll of the village from the date the possession is taken over.

SUMMERY:

Compensation at the rate of Rs. 5,500/- per bigha for

12 Big. 7 Bis.......................... Rs. 67,925/00

15% solitium..........................Rs. 10,188/75

GRAND TOTAL:- Rs. 78,113/75

(Rupees Seventy eight thousand, one hundred thirteen and paise seventy five only).

(V.K. BHALLA)
Land Acquisition Collector (NW),
Delhi.

File
23/1/60

Announced today.
23/1/60