

AWARD NO. 1970

Name of the locality:
Nature of acquisition:

Civil Station.
Permanent.

INTRODUCTION:

The land in the locality of Civil Station bearing Khasra No.106/1 measuring 1 bigha and 16 biswas is required by the Government at the public expense for a public purpose, namely for the Planned Development of Delhi. A notification under section 4 of the land acquisition act was issued vide the notification No.F.1(15)/63-L&H dated ²5.4.1967. The substance of the notification was given due publicity and objections were invited from the interested persons. The objections were received and heard and a report was made to the Delhi Administration. However, the objections were rejected by the Delhi Administration and a declaration under section 6 of the Land Acquisition Act was made vide the notification No.F.1(15)/63-L&H dated 13.5.1967. Notice under section 9(1) of the L.A. Act was given due publicity and notices u/ss 9(3) and 10(1) of the Land Acquisition Act were issued to the interested person. Almost all the interested persons have responded to the notice given to them.

MEASUREMENT & OWNERSHIP:

According to the notification under section 6 of the Land Acquisition Act the total area to be acquired was 1 bigha and 16 biswas from further verification on the spot under section 8 of the Land Acquisition Act, the area under acquisition comes to 1 bigha and 16 biswas. I, therefore, hold ~~the~~ ^{at 2} the area under acquisition to be true ~~1~~ bigha and 16 biswas the details of which according to the revenue record is as given below:-

S.No.	Name of the Owner.	Name of the Khasra Area:	Kind of land.
1.	Government.	Notified Area Committee, Delhi Patedar C/o B. Resettlement of India, 1 - 16. Gm. A Film Studio Delhi- Patedar under the Supervision of M/S Chet Singh & Son Patta Holder w.e.f. 26.7.1949 to 25.7.2048 for 99 years.	Khasra No.106/1.

CLAIMS & EVIDENCE:

Shri Ajit Singh (through Raje Lal Advocate), sole Proprietor of M/S Chet Singh & Son has submitted the claim petition and demanded compensation @ Rs.200/- per sq. yard for the land, Rs.100/- per sq. yd. as loss on account of division of his land into two parts and Rs.5000/- for the structures.

On behalf of the land & Development Office, Delhi, Shri R.K. Mehra, Additional Standing Committee Government Counsel appeared and stated that the land in question belongs to Government, and they claimed compensation @ Rs.100/- per sq.yd. and requested that the value of the land should be paid to the Union of India.

In support of his claim, the Claimant Shri Ajit Singh has produced a certified copy of the judgement dated 8.3.66 of Shri M.L. Jain, Addl. District Judge, Delhi, a certified copy of the Lease Deed executed in favour of M/S Chet Singh & Son, a copy of the application dated 13.5.66 submitted before the Collector, Delhi, a copy of the reply No.F.160-Rev-R&A of dated 20.7.66 from the Collector, Delhi, a copy of the agreement of partnership dated 30.11.59 arrived at between Shri Chet Singh & Son and Shri Tila Raj Sethi. No evidence was produced on behalf of the land & Development Office.

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MARKET VALUE:

The land under acquisition is situated at a distance of about 5½ furlongs from the Khyber Pass near the bank of River Jamuna. It has got potential value for building purposes. Several sales transactions have taken place in the vicinity of this area during the last five years prior to the date of notification under section 4 of the Land Acquisition Act viz. ^{5.2}5.4.1967.

Year.	Area Big.Bis.	Total sale price.	Average per bigha.
1962-63.	--	---	-----
1963-64.	6 - 12	R.2,51,500/-	R.38,106.06
1964-65.	0 - 12	R.1,25,000/-	R.2,08,333.33
1965-66.	2 - 14	R.1,12,000/-	R.41,481.48
1966-67.	---	----	-----

From the above figures it will be seen that no sales were recorded during the years 1962-63 and 1966-67. During the ~~inter~~ intermediary period i.e. from 1963-64 to 1965-66 the rates were fluctuating. Besides, the rates involved in these transactions include the value of the land and the cost of the structures also. These sales have taken place in developed area of civil station, and the situation of the land in this area is far more superior to the situation of the land under acquisition. Hence the rates involved in the above ~~said~~ said sales transactions cannot be made relevant for arriving at the correct market value of the land under acquisition.

Vide the award No.1636 of village Civil Station the land measuring 20 bighas and 14 biswas was acquired, in which the rate of R.3200/- per bigha was allowed for the high level land. The land under acquisition is at a distance of only about 1½ furlong from the land acquired vide the award

No.1636. The land in both these awards are acquired for the same purpose namely for the construction of road connecting Ring Road to Wazirabad. Although the land acquired under the award No.1636 is situated on the Main Road near the Gurdawara, yet the situation of the land acquisition is rather important as it is surrounded by institutions like After Care Home, Nirwal Hospital, Mahila Ashram etc., Moreover the date of notification section 4 of the Land Acquisition Act of the award No. was 24.10.1961, whereas the date of notification under 4 of the present award is ²5.4.1967. One objection is recorded to have been filed against the award No.1 which has not yet been decided by the Addl. Distt. Judge, Delhi. Moreover considering the situation of the land acquisition and the growing ²land in the market value in Vicinity of the land under acquisition, I consider the rate of Rs.4800/- per bigha to be a fair and reasonable market value of the land under acquisition and I award accordingly. It may be pointed ^{sub 2} out that this rate is similar to the rate allowed in the Award Nos.1968 and 1969, as the land under acquisition is not only adjacent but is also similarly situated.

OTHER COMPENSATION:

There are two structures which are Kothas on the land under acquisition for which, a total compensation of Rs.500/- is assessed at the site. Hence I award Rs.500/- for the said structures.

APPORTIONMENT:

The entire compensation of the land will be treated as disputed and sent to the Addl. Distt. Judge, Delhi for adjudication as it has been claimed by the claimant B. Singh and by the Land & Development Officer, Delhi, and

Shri Tilak Raj Sethi who has filed his claim petition after the expiry of the date for filing claims & evidence.

'SUMMARY OF THE AWARD'

Compensation of land measuring 1 bigha Rs.8,640.00
and 16 biswas @ Rs.4800/- per bigha.

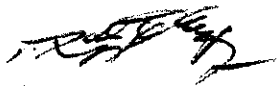
Compensation of the structures. Rs. 500.00

Total: Rs.9,140.00

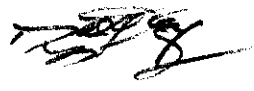
15% of the above as solatium for Rs.1,371.00
compulsory acquisition charges.

Grand Total: Rs.10,511.00.

The land is assessed to no land revenue.


(Zal Nowsherwanji)
Land Acquisition Collector,
Delhi/13.6.67.

Submitted to the Collector, Delhi for information
and filing.


(Zal Nowsherwanji)
Land Acquisition Collector,
Delhi/13.6.67.

Compared.

Shik Nani
N. S. N.
15-6-67

seen. Filed

N. S. N.

17.6.67

The award will be annulled
on 20-6-67. Prepare discharge document
and inform all concerned.

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Z 17/6/67