

Name of the village: CIVIL STATION
Nature of acquisition: P E R M A N E N T
Purpose of acquisition: CONSTRUCTION OF STAFF QUARTERS AND OFFICE BUILDING.

A W A R D

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act. The land measuring 27 bighas 9 biswas situate in village Civil Station now under acquisition was put under notification u/s 4 of the Land Acquisition Act, 1894, vide notification No.F.15(60)/63-LSG dated 8.11.63 at the public expense for the public purpose namely, for the Construction of Staff Quarters and Office Building. Objections u/s 5-A were duly considered by the Delhi Administration and were rejected. The Delhi Administration issued a declaration u/s 6 of the said Act for the acquisition of above mentioned area vide notification No.F.15(60)/63-LSG/L&H dated 19.11.66. Later on it was found that kh.No.730/416, & 732/416/1 measuring 9 bighas 11 biswas is an evacuee property under the possession of Custodian according to the revenue record. The Secretary (L&B), Delhi Administration, Vikas Bhawan New Delhi vide this office letter No. 13519/LAB dated 26.7.67 was requested to exclude this area out of acquisition but it again intimated vide D.O.No. F.15(60)/63-L&H dated 25.8.67 by Assistant Housing Commissioner(II) to proceed with this area also. At present under the orders of Supreme Court of India dated 5.12.67 the final award is not to be made. Hence this area is not being acquired under this award. In pursuance of of above notification u/s 6, notices u/s 9 & 10 of the L.A. Act were issued to all the persons interested in the land now under acquisition. The claims filed by the claimants are discussed hereafter under the heading 'CLAIMS'.

1. M E A S U R E M E N T :

As mentioned above the area under acquisition as notified u/s 6 of the said Act was 27 bighas 9 biswas but at present only area measuring 17 bighas 18 biswas is to be acquired and the same has been found correct on the spot when measurement

contd...2.

was made by the field staff. Thus it can now safely be said at present that there is no difference in the area.

2. CLASSIFICATION OF LAND:

The details of khasra Nos. in form 7-A have been prepared under para 55 of the Financial Commissioner's order No. 28 which are as under:-

S.No.	Khasra No.	Area Big.Bis.	Kind of land
1.	373	5 - 12	G.M. Kothi
2.	386	1 - 13	-do-
3.	387	61- 05	-do-
4.	388	4 - 08	-do-

Total: 17 - 18

The land owners have not raised any objection regarding the classification and measurement of the land. At pre-sent there is no other alternative left with me except to agree with the classification and measurement as proposed by the Naib Tehsildar, Land Acquisition on the basis of the entries of Khasra Girdawri and other relevant record at the time of publication of notification u/s 4 which is as under:-

Kind of land	Area Big.Bis.
G.M. Kothi	17 - 18

3. P O S S E S S I O N :

The area ~~measuring~~ is being acquired at public expense for public purpose namely for Construction of Staff Quarters and Office Building and the possession has not so far been taken by the department concerned.

4. C L A I M S :

1. Shri Rajender Singh Jain:

Claims ownership of 1/2 of portion of kh.No.373 & demands the other 1/2 which was owned by Ajit Parahad and demands compensation @ Rs.200/- per sq.yd. for the land, and Rs. 1,25,000/-, Rs.2000/-, Rs.4500/-, & Rs.1800/- for building, trees, flower plants and grassy lawn respectively.

Has given his statement in support of his claim and a Map was also produced which does not show anything except buildings and different houses already constructed over this site. In the absence of any concrete proof, compensation shall be fixed according to facts and figures collected from the revenue record.

contd...3.....

2. Sh. Ajit Parshad Jain.

Claims ownership of 1/2 of portion of Kh. No. 373 & demands compensation @ Rs. 200/- per sq. yard for the land and Rs. 1,50,00/-, Rs. 3000/-, Rs. 2500/- and Rs. 1000/- for buildings, trees, flower plants and grassy lawn respectively.

As at S.No. 1

3. Shri Mohan Singh s/o Jit Singh

Put up an application for having some time in order to file an objection.

He did not turn up inspite of personal service effected on him. Hence no further action is called for.

4. Sh. Gulab Singh

as at S. No. 3.

- do -

5. Sh. Shanti Lal

as at S. No. 3

- do -

6. Sh. Dhani Ram

As at S. No. 3

- do -

7. Shri S.K. Dass.

Claims ownership of Kh. No. 386, 387 & 388 on account of partition among the other co-sharers and further states that compensation @ Rs. 150/- per Sq. yd be given and demands compensation for other items as mentioned in the application.

Sh. Om Parkash Goel supported the claim as mentioned by the claimant. It cannot be believed because the cost of building etc. is technical matter and cannot be relied upon. As far as the price of land is concerned it shall be fixed according to facts and figures collected from the revenue record.

The claims of the interested persons have already been discussed. As mentioned above, no solid proof in support of any claim has been produced by any of the claimant. No action can, therefore, be taken regarding the compensation demanded by them.

5. MARKET VALUE.

This area is of urban nature. The quality of whole of the area is same so the price of this area will be fixed at flat rate.

contd....4.

In calculating the amount of compensation to be awarded, certain points as mentioned u/s 23(2) of the L.A. Act are to be kept in view. In order to determine the market value many other factors enter into reckoning which are also necessary, for instance, the sale transactions in the village concerned, nearness of the land to any pucca road, the size and shape of the land under acquisition, rise and fall in prices due to demand of it in the market and the market value of the land acquired previously in the village concerned. The claims of the right-holders are also to be kept in view for fixing the market value.

The crucial date for fixing the price of the land in this case is 8.11.63. Land has already been acquired in this estate vide several awards and the following awards are relevant; the date of notification u/s 4 being either earlier to the one in the present case or a few months later than that:

S.No.	Award No.	Date of Notification under section 4.	Price fixed per bigha.
1.	1267	25.5.60	Rs. 15/- per sq.yd.
2.	1636	24.10.61	Block I Rs. 3200/- Block II Rs. 2500/-
3.	1952	17.6.64	Rs. 40/- per sq.yd.

Khasra Nos. 434/1/1 and 434/2/1 abutting on Alipur Road were acquired vide award No.1267 for establishment of Ludlow Castle School at the rate of Rs.15/- per sq.yd. These khasra Nos. are at a distance of about six furlong away from the land now under acquisition. The land involved was comparatively nearer to the Kashmere Gate shopping centre. Being dis-satisfied with this awarded amount the interested persons put up application under section 18 for making reference which are still pending for decision with the learned Addl. Distt. Judge. Land acquired under award No.1636 was divided into two blocks i.e. Block No.I & II. High level area was placed in Block No. I and low level area was p

contd...5...

in Block No.II and assessed at the rate of Rs.3200/- and Rs. 2500/- per bigha respectively. Interested persons were not satisfied with this awarded amount and put up applications u/s 18 for making reference to the A.D.J. for enhancement. These are pending for decision. Further the land acquired vide this award is at a great distance from the land now under acquisition and does not help in assessing the market value in the present case.

Land for widening and straightening of the Ludlow Castle Road was acquired vide Award No. 1952 @ Rs.40/- per sq.yd. The date of notification u/s 4 in this case was 17.6.64 or 8 months later. Only one reference under section 18 has so far been filed and is yet to be decided. The area abutting on Ludlow Castle Road is also attractive like the area now under acquisition for residential purposes and the market value allowed in this case would have to be kept in view while assessing the market value in the present case though it would necessarily have to be less in view of the difference in the date of notification under section 4.

Following transactions which can have some bearing on the fixation of the market value have taken place in the vicinity of the property under acquisition:

S.No.	Mutation No.	Date of reg.	Khasra No.	Area	Amount	Average per bigha
1.	428	20.2.59	466	8-16	50,000.00	5681.82
2.	459	15.12.59	468	16-15	180,000.00	19746.27
3.	478	18.11.59	371/1	1-17	23,523.20	12720.11
4.	488	4.11.60	414	5-06	250,000.00	47169.81
5.	499	16.3.61	370/1	8-15	165,000.00	18857.14
6.	493	5.1.63	377 to 380	5-01	226,500.00	44851.48
7.	482	6.2.61	433/1	3-11	126,000.00	35492-96
8.	483	22.3.61	433/1/1	7-00	246,820.00	37260.00

contd....6....

It would be seen that, there is a great disparity in prices and this is on account of the fact that in all these cases the price is inclusive of the price of super structures on the land which would vary from case to case. Unless the price of the latter is known it is not possible to determine the price of the land. For the purpose of fixing the market value in the present case the most relevant exemplar would be property sold vide mutation No. 493 as it is situated on Rajpur Road itself and very close to the property now being acquired. The latter are situated on the northern & southern side almost equi-distant from this. A copy of the sale certificate placed on the file reveals that these khasra numbers were an evacuee property and were put to auction on 20.5.58 and fetched Rs. 2,26,500/- The sale deed was executed on 5.1.63. The payment was adjusted against the claim of the auction purchasers. Generally a claim for one rupee was sold for -/10/- annas at that time. On this basis the net price would come to Rs. 1,41,562.50 including the price of a house standing on the site. For determining the market value of the land the price of the house would have to be deducted. The constructed area of the house in question is 4440 sq. feet and the construction is not of very high quality. Considering that the building on 47 Rajpur Road with an area of 7104 sq. feet and with a comparatively superior type construction has been assessed by C.P.W.D. at Rs. 45,554/-. It would be reasonable to put the price of this house at Rs. 28,000/-. By deducting this amount from the total cost of Rs. 1,41,562.50 the balance left would be Rs. 1,13,562.50 or about Rs. 22/23 per sq. yard. This should be the price on 20.5.58 and a suitable allowance would have to be given to arriving at the price as on 8.11.63.

contd...7.....

In the light of the above discussion I consider that the market value of the land under acquisition on 8.11.63 would be Rs. 36,000/- per bigha which is supported from the transaction leading to mutation No. 493 and the market value allowed in award No. 1952. I accordingly assess the same.

6. TREES: WELLS AND OTHER STRUCTURES:

TREES:

There are many trees like Neem, Janti, Safeda, Shehtoot and pipal etc. but all these trees can be used as fuel wood and the price of these trees is fixed as under:

S.No.	Khasra No.	Kind & Number of trees.	Weight in quintal	Price per quintal	Total Price.
1.	373	Neem 15	40	5/-	Rs. 200/-
2.	386	Neem 2	4	5/-	Rs. 20/-
		Janti 1	2	5/-	Rs. 10/-
		Kabli Kikar 3	2	5/-	Rs. 10/-
3.	387 & 388	Neem 13	14	5/-	Rs. 70/-
		Safeda 2	40	5/-	Rs. 200/-
		Shehtoot 9	4	5/-	Rs. 20/-
		Kabli Kikar 1	2	5/-	Rs. 10/-
		Shisham 1	1	5/-	Rs. 5/-
		Pipal 4	5	5/-	Rs. 25/-
		Sirgu 2	2	5/-	Rs. 10/-
Total:			116		Rs. 580/-

contd...8.....

W E L L S :- There is no well on the land now under acquisition.

OTHER STRUCTURES:- Prior to the date of publication of notification u/s 4 i.e. 8-11-63 there were super structures over the area now under acquisition. The claimants have claimed the cost of these super structures according to their estimates. The assistance of Assistant Engineer (Valuation), C.P.W.D., Vikas Bhawan, New Delhi was also sought for valuation of these super structures and he has proposed the price of these super structures. In the presence of the proposal by a proper technical person the claim forwarded by the concerned persons cannot be acceded to. The Assistant Engineer (Valuation), C.P.W.D., Vikas Bhawan, New Delhi has proposed the price of super structures now under acquisition as under:-

S.No.	Detail of structure	Khasra No.	Price assessed
1.	Bungalow Nos. 5, 7 & 9	386, 387 & 388	Rs. 89,222-00
2.	Bungalow No. 47	373	Rs. 45,554-00
Total:			Rs. 134,776-00

The above mentioned valuation for these structures including the price of all services like water supply etc. excluding fans which can be removed if owned by the owners. As the above mentioned cost of these structures has been proposed by the technical person, so there is no ground for me to differ with it. I also assess the same. The detail note showing the price of these structures is also attached herewith which shall be considered as the part of award file.

APPORTIONMENT:

The interested persons shall be paid compensation according to the latest entries in the revenue record of the land now under acquisition. Bungalow No. 5, 7 & 9 situate in kh.N.s. 386, 387 & 388 have been claimed by Shri S.K. Dass while the record does not corroborate his claim. Similarly there are certain other persons who have put up their claims for ownership of certain kh.Nos. which are not owned by them according to the latest entries in the revenue record. The compensation of all such khasra Nos. shall be kept under dispute and will be paid to the claimants only if they come to any amicable settlement and in case of their failure the matter shall be

contd....

referred to the competent court for adjudication.

MAUFI AND JAGIR:- Khasra No. 373 measuring 5 bighas 12 biswas is under Maufi in favour of Shri Amir Singh, Nihal Singh ss/o Rai Bahadur Wazir Singh and this khasra Nos. has been assessed @ Re. 1-37P per year. The Maufidars will also to be put to loss after acquisition and they have also to be compensated at a reasonable rate. I think that 20 times of the amount will be sufficient for this compensation and I assess Rs. 27-40 to be paid to the persons entitled.

LAND REVENUE DEDUCTION:

Khalsa amount of reduction from the land revenue does on account of land acquired worked out Rs. 8-31. There will be deduction of this amount from the Khalsa Rent Roll of the village w.e.f. taking over the possession of the land now under acquisition.

I N T E R E S T :

As the possession of the land has not been taken by the acquiring department so the owners and interested persons are not entitled to have any interest on this basis. However, according to the provisions of the Land Acquisition (Amendment & Validation) Act, 1967, simple interest @ 6% per annum is to be allowed on the market value of the land if the declaration u/s 6 has not been made within three years from the date of publication of notification u/s 4 of this Act. In this case notification u/s 4 of the said Act was published in the Gazette on 21.11.63 and the declaration u/s 6 on 1.12.66, and the payment of compensation is likely to be made on 20.3.68. The interested persons will get the amount of interest for the above period @ 6% per annum as indicated above i.e. 21.11.66 to 20.3.68 when the award is likely to be announced.

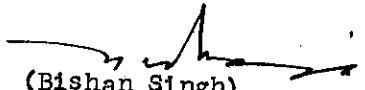
The aforesaid land will vest absolutely in the Govt. free from all encumbrances from the date of taking over the possession.

Subject to above remarks, the award is summarised as under:-


contd...10.....

1. Compensation for land measuring 17 bighas 18 biswas @ Rs.36,000/- per bigha.	Rs. 6,44,400-00
2. Compensation for Structures.	Rs. 1,34,776-00
3. Compensation for Trees.	Rs. 580-00
4. 15% for compulsory acquisition	Rs. 1,16,963-40
5. Interest @ 6% per annum w.e.f. 21.11.66 to 20.3.68	Rs. 62,252-65
6. Compensation for Maufi.	Rs. 27-40

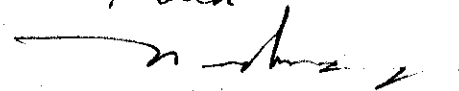
TOTAL: Rs. 9,58,999-45


(Bishan Singh)
Land Acquisition Collector:(N):
Delhi.

Forwarded to the Collector, Delhi, for information.


(Bishan Singh)
Land Acquisition Collector:(N):
Delhi.

Filed.


L.H.C.

30/3/68