

AWARD NO 2 / 79-80

Name of the village:-

Civil Station.

Nature of acquisition:-

Permanent.

Purpose:-

Planned Development of  
Delhi.

### INTRODUCTION

Land measuring 47 bighas and 12 biswas comprised in khasra numbers 103(3-12), 104(2-6), 839/105/1min and 839/105/3 min (33-19), 106/2(2-11), and 118(5-4) situated in the locality of Civil Station is required by the Government at the public expense for a public purpose namely : The Planned Development of Delhi. A notification under-section 4 of the Land Acquisition Act vide No.F.11(34)/76-L&B/LA(p)(1) dated 29.8.78 was issued by the Delhi Administration. Simultaneously the provisions of sub-section 1 of section 17 of the said Act were applied to this land and as provided under section 4(4) of the said Act the provisions of section 5(a) were dispensed with. A declaration under-section 6 of the Land Acquisition Act was made vide notification No.F.11(34)/76-L&B/LA(P)(2) dated 29.8.78. Notice under-section 9(1) of the Land Acquisition Act was given due publicity and notices under section 9(3) and 10(1) of the Land Acquisition Act were issued to the interested persons. The interested person Shri Ajit Singh has responded to the notice. In pursuance of section 17 of the said Act the physical possession of the land was handed over to the Land and Building Department of the Delhi Administration on 15.12.1978.

### MEASUREMENT AND OWNERSHIP

According to the notification under-section 6 of the Land Acquisition Act the total area to be acquired was 47 bighas and 12 biswas. As required

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under-section 8 of the Land Acquisition Act further verification made on the spot. The area notified for acquisition under-section 6 of the Land Acquisition Act has been found to be correct as 47 bighas and 12 biswas. Hence the present award is in respect of 47 bighas and 12 biswas only. I, therefore hold the area to be acquired to be true at 47 bighas and 12 biswas. According to the revenue record the details of the area are as under:-

Name of the owner.	Name of the pattedar.	Khasra No	Area	Kind of soil.
Government	Notified Area	103	3-12	GM Sand.
	committee, Delhi	104	2-06	GM Sand.
	Patedar c/o	839/105/1min)	33-19	GM Pahar.
	Resettlement	839/105/3min)		
	of India, A film Studio,			
	Delhi-Patedar	106/2	2-11	GM Pahar.
	under the super-	118	5-04	GM Sand.
	vision of M/S		-----	
	Chet Singh & Sons,		47-12.	
	Patta-holder,			
	w.e.f. 26.7.1949			
	to 25.7.2048			
	for 99 years.			

### CLAIMS AND EVIDENCE

Shri Ajit Singh through Shri Inderjit Gulati, Advocate, sole proprietor of M/S Chet Singh & Son, 19-Faiz Bazar, Daryaganj, New Delhi has submitted the claim petition and demanded compensation at the rate of Rs. 200/- per square yard for the land alongwith interest and statutory solatium together compensation for trees to the extent of Rs. 5000/-.

The claimant Shri Ajit Singh, sole proprietor of M/S Chet Singh & Sons has produced copy of the judgment dated 2.11.1973 passed by Shri J.D. Jain, Additional District Judge, Delhi in cases LAC 303/68, LAC 252/67 and LAC 306/68 'Ajit Singh Versus Union of India.'

MARKET VALUE

The land under acquisition is situated at a distance of about 5 1/2 furlongs from Khyber Pass near the Bank of River Yamuna. It has got potential value for building purposes. Several sale-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 i.e. 29.8.78.

Year	Area	Total sale price	Average per sq.yd.
1973-74	-	-	-
1974-75	5316 sq.yds	Rs.7,40,002.00.	-
1975-76	-	-	-
1976-77	42 sq.yds	Rs. 17,000.00.	-
1977-78	186.3 sq.yds	Rs. 77,000.00.	-
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	5544.3.sq.yds	Rs.8,34,002.00.	Rs.150/- per sq.yd.

From the above figures it will be seen that no sale-transactions took place during the years 1973-74 and 1975-76. During the intermediary period i.e. 1974-75, 1976-77 and 1977-78 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 sale transactions cannot be made relevant for arriving at the correct market value of the land under acquisition.

In this revenue estate some pieces of land has acquired by the Government in the years 1967, and on 13.6.67. The details of these awards-

Award No.	Date of Not.u/s 4.	Area	Amount awarded.
1968	17.2.1967	16.4 Biswas.	Rs.4800/-per bigha
1969	17.2.1967	0.18 biswas	Rs.4800/-per bigha
1970	5.4.1967	1.16 Biswas	Rs.4800/-per bigha

The market value of the land in all the three awards has been determined by the L.A.C. at the uniform rate of Rs.4800/- per bigha. Feeling dis-satisfied the present interested person Shri Ajit Singh as sole proprietor of M/S Chet Singh and Son has moved separate references under-section 18 of the Land Acquisition Act for enhancement in compensation in all the cases.

These three reference petitions were decided by the Court of Shri J.D.Jain, Additional District Judge Delhi vide his judgment dated 2.11.1973. The learned Judge awarded the amount of compensation in the three cases at Rs.17,000/-per bigha besides enhancement having been granted in case of super-structure, machine room and damages on account of cost of foundation etc.

It is an admitted fact that the land under acquisition is part of the land acquired vide award Nos 1968, 1969 and 1970. The amount of compensation awarded in all the three cases was uniform at the rate of Rs.4800/- per bigha but in reference petitions having been preferred by Ajit Singh the amount of land has been enhanced at Rs.17,000/-per bigha. The date of notification in the three cases is 17.2.67 and 5.4.67 where as the date of notification under-section 4 in the present case is 29.8.78. It has been reported that against the decision of the Judge, the Government

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filed appeal in the Hon'ble High court of Delhi. The Government has however admitted the enhancement of compensation to the extent of Rs.16,000/- per bigha while appeal has been preferred against the enhancement to the extent of Rs.1,000/-per bigha. It is now admitted fact that the Government has accepted the enhancement to the extent of Rs.16,000/- per bigha. It is a common knowledge that the price of land in well developed colonies would be more sharp and fast than in areas flanking them and sprawling on their out-skirts.

I have carefully gone through the decision of the learned Judge dated 2.11.1973. This decision has been delivered by the learned Judge in L.A.C.No.303/68, L.A.C.252/67 and L.A.C.306/68. The reference petitions in all the above said three cases were for enhancement of the compensation of the land acquired vide award Nos 1968, 1969 and 1970 in which awards the Land Acquisition Collector awarded uniform rate at Rs.4800/- per bigha. The Notification under-section 4 in all the three cases was of the year 1967. While determining the market value of the land acquired vide the aforesaid award the learned Judge took a view that 20 to 25 per cent rise per annum in the price of land would reflect the correct position. Taking into consideration the rise in land prices to the extent of 20 to 25 per cent per annum and after weighing the situation of the land the learned Judge assessed the market value of the land acquired vide awards aforesaid as in the year 1967 at Rs.17000/- per bigha. It is a fact beyond doubt that the land under acquisition is part of the land already stood acquired vide the aforesaid awards.

Keeping these facts in view, I hold that the judgment of the learned Judge dated 2.11.1973 would be a better guide to determine the fair and reasonable market value of the land under acquisition. As earlier stated that the Government has preferred appeal only to the extent of Rs.1,000/- per bigha enhancement and not for the entire enhancement, it would be assumed that the Government has admitted the enhancement at Rs.16,000/-per bigha. It is observed that the probable market value of the land has to be assessed on well defined principles in the light of the evidence on the record. It is manifestly clear that the land is situated near the Banarsi Das Estate with the topography of Civil Station, Delhi would know that Banarsi Dass estate has come up as a well developed modern colony. It may however observe that Alipore Road on which the erstwhile Rudlow Castle is located, constitutes the life line of the Civil Station being the main highway on which commercial establishments, hotels, residential bungalows and Government Offices are situated. Next comes Rajpore Road. Government offices and residential bungalows are situated theretoo. So by no stretch of reasoning, one can lean against the land rate prevailing. In these localities for determining the market value of the land in dispute, which as observed earlier is not only far away from these places, but is just on the outskirts of the town. So judgment dated 2.11.1973 pertaining to the reference petitions preferred by Ajit Singh claimant for enhancement regarding the acquisition of parts of the land under acquisition vide award nos 1968, 1969 and 1970 would constitute

the best piece of evidence for determining the probable market value of the land in dispute. The learned Judge assessed the market value of pieces of land at Rs.17,000/- per bigha vide his order dated 2.11.1973 while an appeal to the extent of Rs.1,000/- has been filed by the Government, it would therefore be assumed and presumed safely that the market value of the land would be to the extent of Rs.16,000/- per bigha. Hence having regard to the totality of circumstances and basing my reasoning on the judgment of the learned Judge dated 2.11.1973, I come to the conclusion that the fair and reasonable market value of the land would be Rs.16,000/- per bigha on the relevant date. The claim of the claimant Ajit Singh demanding Rs.200/- per square yard is frivolous in view of the fact that he has not produced any evidence to substantiate his contention except the judgment of the learned Judge making the basis for assessment of the market value of the land in the instant case. For the foregoing reasons, the claimant is held to be entitled to the following amounts:-

- (a) compensation at the rate of Rs.16,000/- per bigha for the land;
- (b) interest at 6 per cent per annum on the amount awarded w.e.f. 15.12.1978 till the announcement of the award.
- (c) 15 per cent on account of compulsory acquisition.

As regards apportionment of compensation between the Union of India and the claimant Ajit Singh, Shri Ajit Singh shall get 75 per cent of the compensation in respect of the land while the Union

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of India is held to be entitled to 25 per cent in the land acquired under this award.

SUMMARY OF THE AWARD

Compensation of land measuring 47 bighas 12 biswas @ Rs.16,000/- per bigha.

Rs.7,61,600.00.

15 per cent solatium for compulsory acquisition charges:-

Rs.1,14,240.00.

Interest at the rate of 6 % per annum w.e.f. 15.12.78 to 19.3.1979.

Rs. 13,677.50.

Total:-

Rs.8,89,517.50.

The land is assessed to no land revenue.

(Nathu Singh)  
Land Acquisition Collector, Delhi.

Submitted to the Collector, Delhi for information and filing.

(Nathu Singh)  
Land Acquisition Collector (DS), Delhi.

Award amount is the  
percent and <sup>mark</sup> filed

under protest

Amul  
3/5/79

3/5/79.

Those who are not print notices of 12/2/79  
be used