

IN THE COURT OF SHRI P.D. KHIRANA, LAND ACQUISITION COLLECTOR,
HABLA, DELHI.

ORDER NO. / ARD NO. 1962

Name of the village: DARYAPUR KALAN.

Nature of Acquisition: PERMANENT.

In accordance with the orders of Collector, Delhi, issued vide his order No.3(109)/64/Misc.(Reg.)-1032-1037 dated 24.10.1964, area measuring 381 bighas 5 biswas of village Daryapur Kalan was requisitioned under Sec. 29(4) of the Defence of India Act, 1952 for the efficient conduct of military operations. The possession of the land was handed over to the military authorities on 30.10.1964. Rent for one year and compensation for the crops has already been paid to the interested persons. It has now been decided to acquire the aforesaid land. Proceedings in this behalf have been taken up by me in exercise of the powers delegated to me by the Government of India, Ministry of Home Affairs vide Notification No.1828 dated the 10th June, 1955. Notices under sub-Section(2) of Section 57 of the Defence of India Act were served on the interested persons.

The details of Khata Nos. with ownership etc. as per revenue record as under:-

Kh.No.	Area	Name of the owner	Name of the tenant, if any.	Kind of Land.
<u>Rect.21</u>				
1/1/2	2.0	Gir Raj, Hem Chandra Khudkasht.		Mehri
4/2/2	.19	sons of Abhey in equal shares.		Mehri
<u>Rect.34</u>				
5/1	3.5	Ram Mehar, Ram Narain sons of Kirta, in equal shares.	Khudkasht	Mehri
<u>Rect.35</u>				
12/1	3.4	Jai Lal, Jai Narain Khudkasht.		Chaki
22	5.2	& Gher Singh sons of Pedar, in equal shares.		do
<u>Rect.21</u>				
5/2	2.0	Barve Ahtkal No.1350 Suraj Bhan, Ram Mehar	Khudkasht	Mehri
6/3	1.18	Jeet Ram sons of Noh.		Roohi
6/8	.8	Charhadi and Gmt. Bhago		Mehri
		sons of Bhagup equal shares.		Mehri

Rect.35		Jai Lal, Ex Jai	Khudkasht	
14	3.16	Narain, Sher Singh		Chahi Nehri
13	4.16	sons of Todar in		Chahi Nehri
12/2	1.12	equal shares.		Chahi Nehri
18	4.12			Chahi Nehri
			D.4.9bis.	G.M. Chah
19	4.16		-3bis.	Chahi Nehri
20	4.16			Chahi Nehri
21	4.16			Chahi Nehri
Rect.20		Mat. Nani widow of	Ram Karan s/o	
1	4.8	Shagwana.	Bhulloo r/o Chogha	Nehri
2.	4.8		Assam 1/5 share;	Nehri
3.	4.8			Nehri
4.	4.8			Nehri
12	4.16		Dalel s/o Lachhman	Nehri
13	4.16		r/o Katlooper, Distt.	Nehri
14	4.16		Rohtak - Assam 1/5	Nehri
17	4.16		Share.	Nehri
18	4.16			Nehri
19	4.16			Nehri
7	4.16			Nehri
8	4.16			Nehri
9	4.16			Nehri
10	4.16			Nehri
Rect.21		Jai Lal son of	Khudkasht	
2 11/1	3.5	Chissa.		Nehri
24/2	3.5			Nehri
Rect.34		-do-	-do-	
2/2	3.5			Nehri
Rect.34		Jai Lal, Jai Narain,	Khudkasht	
15	4.4	Sher Singh sons of		Rosli
16	4.16	Todar in equal shares.		Rosli
Rect.35		-do-	-do-	
11	4.16			Chahi Nehri
Rect.19		Ram Phal son of	Khudkasht.	
1/1	3.8	Bhulloo, Goverdhan		Nehri
10/2	3.12	s/o Gumani in equal		Nehri
11/1	3.12	shares of 1/2;		Nehri
20/2/2	3.12	Ruggan son of Hira		Nehri
		1/2 share.		
Rect.20		-do-	-do-	
5	4.8			Nehri
6	4.16			Nehri
15	4.16			Nehri
16	4.16			Nehri
Rect.21		Prabhu son of Kundan	Khudkasht	
7/1	3.5		Barwe Intkal	Nehri
14/2	3.5		No.1343 Bakphool	Nehri
			Jaganat Sarkar	
			ifz R.10,000/-.	
Rect.20		Mannoo Ram alias	Tulsi son of	
11	4.16	Munna, Tulsi son of	Phoolloo.	Nehri
20	4.16	Phoolloo in equal		Nehri
21.	4.16	shares.		Nehri
Rect.21				
15	4.16			Nehri
16	4.16			Nehri
25	4.16			Nehri

contd.

Rect. 56		Barve Intakal No. 1278	Khudkasht	Nehri
1/2	1.19	Raghuir Singh, Munshi Ram, Subha Chand sons of Jai Mal in equal shares of 3/4; Shrimati Sara widow, of Ruckanwar son of Mst. Phullo, Mst. Jasvanti daughters of Sardar Singh in equal shares of 1/4.		Nehri
Rect. 37		Mehar Singh son of Chhattar, Jagey son of Sirti Chand in equal shares of 1/2; Mst. Lachmai mother of Daryao Singh 1/4; and Raneshwar, sons Chand Ram sons of Risala in equal shares of 1/4.	Khudkasht.	Nehri Nehri Nehri Nehri Nehri Nehri
Rect. 38				
	4.16		4.12	Nehri
			.4	G.M. Mekan Pakka. Nehri Nehri Nehri Nehri
	4.16			
15	4.16			
16	4.16			
25	4.16			
Rect. 56		Munshi Ram, Kaptan Singh sons of Bhullan Singh in equal shares.	Khudkasht	Nehri Nehri Nehri
	4.16			
8	4.16			
15	5.13			Nehri
97 Rect.				Nehri
	4.0			
10	2.14			
Rect. 21		Barve Intakal No. 1350 Suraj Khan, Ram Mehar, Jeet Ram sons of Mst. Sharbati, Mst. Dhapo daughter of Ghiesu in equal shares.	Khudkasht	Nehri
5/1	2.0			
Rect. 19		Gaon Sabha	Nakbozza Gaon Sabha.	G.M. Shera
21	3.12			-do-
Rect. 20				-do-
22	4.16			-do-
23	4.16			-do-
24	4.16			-do-
25	4.16			-do-
Rect. 35				-do-
1	4.16			-do-
2	4.16			-do-
3	4.16			-do-
4	4.16			-do-
5	4.16			-do-
6	3.7			-do-
7	4.8			-do-
8	4.8			-do-
Rect. 36				-do-
1/1	3.14			
Rect. 119				
	3.4			

cont.

Rect. 34		Gaon Sabha	Subhash Chand son of Ibora	Mehri
7/2	1.11		Hajayaz Kabiz	G.M. Shore
1/1	5.0		C/o Gaon Sabha	-do-
	4.1			
Rect. 35		-do-	-do-	G.M. Shore
	4.8			G.M. Shore
10	4.8			
Rect. 34		-do-	Mehar Singh son of Chhattar etc., Hajayaz Kabiz C/o Gaon Sabha.	G.M. Shore Rasli
14/2	2.3			
17/1	1.2			

To sum up the kind of the land as it stood on the date of requisitioning is as under:-

Chani Mehri	43-03
Mehri	240-01
Rasli	16-14
G.M. Well	0-03
G.M. House	0-04
G.M. Rasta	3-04
G.M. Shore	82-13
Total:	386-02

Notices under Sec. 30(2) of the Defense of India Act have been served on all the interested persons. The claims and objections received in response to the notices are dealt with as under :-

1. Dalel s/o Lachman: He is Assami in Killa Nos. 7 to 10, 12 to 14, 17 to 19 measuring 48 bighas. He has claimed compensation at the rate of Rs. 5/- per sq. yd. and has also requested that he should be paid 81 paise a rupee and the remaining 19 paise be paid to the land owners Smt. Mahni. Under the Delhi Land Reforms Act, the position of an Assami is that he is not entitled to get any protection against eviction. As he has filed a claim, the amount will remain disputed for the present and will be decided later on.
2. Ram Karan: He is also an Assami of Smt. Mahni in field Nos. 1 to 4 of Rect. No. 20. He has also claimed compensation at the rate of Rs. 5/- per sq. yd. and has requested that 81 paise in a rupee should be paid to him. As already discussed above, an Assami is not immune from eviction under the Delhi Land Reforms Act. In view, however, of the fact that he has

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filed a claim for compensation, the amount will remain in dispute for the present and decided later on.

3. Jai Lal, Jai Narain, Sher Singh ss/o Toder: They have claimed compensation at the rate of Rs. 5,000/- per bigha.

4. Jage Ram and 3 others: They have claimed compensation at the rate of Rs. 5,000/- per bigha for the land and Rs. 3,000/- for structures.

None of them has furnished any proof in support of their claim for compensation.

ASSESSMENT OF COMPENSATION

According to Section 37(1) of the Defence of India Act, 1952, the compensation payable for the acquisition of any property shall be:-

- (a) the price which the requisitioned property would have fetched in the open market if it had remained in the same condition as it was at the time of requisitioning and been sold on the date of acquisition, or
- (b) Twice the price which the requisitioned property would have fetched in the open market if it had been sold on the date of the requisitioning, whichever is less.

The acquisition proceedings in this case have been taken up within one year of the requisition of the land in question. The provisions of Sub Section (b) of Section 37 would ordinarily be applicable to cases in which the period intervening the requisition and acquisition of land is very long and there might have been fluctuations in the price. In view of this, I assess compensation according to sub Section (a) of Section 37 according to the price which the requisitioned property would have fetched in the open market if it had remained in the same condition.

✓ There has been no sales during the years 1963-64 and 1964-65. I am, therefore, guided by the average of the preceding three years i.e. for 1960-61, 1961-62 and 1962-63, has been prepared and works out as under:-

Year	Area Big. Bis.		Amount	Average per Bigha.
1960-61	20	17	Rs. 7275-00	Rs. 343-52
1961-62	3	9	Rs. 300/-	Rs. 31-83
1962-63	17	0	Rs. 8000/-	Rs. 470-59

So far as the sales during the year 1963-63 is concerned, it relates to the area of Rect. No. 49 which is situated near the village whereas the area being acquired is away and on the other side of the canal. Similarly, the sale during the year 1961-62 relates to an area away from the area under acquisition. The relevant sales are that of the year 1960-61. The relevant sale is of Mutation No. 1314. Its average comes to Rs. 240/- per bigha. There is no doubt that there has been some appreciation in the price of the land. There have, however, been sales in the adjoining village of Bawana from which village land has also been acquired along with this for the same scheme. I assess compensation at the same rate for the same quality of land as allowed by me in the case of village Bawana.

Taking into consideration all the relevant factors, I assess its compensation as under:-

Chahi Nehri, Nehri, Rosli, G.M. Chah and G.M. Makan	Rs. 400/- per bigha
G.M. Shore	Rs. 50/- per bigha

No Compensation is awarded for land under G.M. Rasta since this land is being used for public purpose since long and it also belongs to the Gaon Sabha. The compensation of land would work out as under :-

S.No.	Class of land.	Area Big. Bis.		Rate per bigha	Compensation. Rs.
1.	Chahi Nehri, Nehri, Rosli, G.M. Chah, and G.M. Makan.	300	5	Rs. 400/-	1,20,000-00
2.	G.M. Shore	82	13	Rs. 50/-	4132-50
3.	G.M. Rasta	3	4	Rs. -	-
		386	2		1,24,132-50

COMPENSATION FOR TREES WELLS AND OTHER STRUCTURESTREES:-

These were some trees, for which compensation is assessed as under:-

S.No.	Field No.	Kind of Tree	Weight.	Compensation at the rate Rs.5/- per quintal.
1.	19/1	Neem 1	one quintal	Rs.5/-
2.	35/13	Jaal3	new plant	-
3.	20/19	Jaal 1	-	-
4.	20/11	Jaal 1	-	-
5.		Total		Rs.5/-

WELLS :-

There is only one well which is an old and in poor condition. I asses Rs.300/- (Three hundred) for the same.

STRUCTURES:-

There are only one room in filed No.38/5. This room is an old and is 18'x12'x9'. I ASSES Rs.500/- for the same.

APPORTIONMENT OF COMPENSATION

The Delhi Reforms Act is applicable to this village and compensation shall be paid to the Bhumidars according to the share entered in the revenue record. In case of any dispute, the matter shall be referred to the arbitrator.

REDUCTION OF LAND REVENUE.

Khalsa amount of reduction from the land revenue due on account of land acquired works out to be Rs.126-40. There will be reduction of Rs.126-40 from the Khalsa Rent Roll of the village from Khrif, 1965.

The land aforesaid will vest absolutely in the Government from all encumbrances from Khrif, 1965.

Subject to the above, the offer is summarised as under:-

1. Compensation of land	Rs.1,24232=50
2. Compensation for trees	Rs.5/-
3. Compensation for wells	Rs.300=00
4. Compensation for structures	Rs.500/-

Rs.1,25,037=50

contd 8/-

(8)

(PRABH DYAL KHURANA)
LAND ACQUISITION COLLECTOR (N)
Narala Circle, DELHI

Forwarded to the Collector, Delhi for favour of
information please.

(PRABH DYAL KHURANA)
LAND ACQUISITION COLLECTOR (N)
Narala Circle, DELHI.