

AWARD NO. 1074.

Nature of acquisition:- Permanent.

Village:- Dhirpur.

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In pursuance of Chief Commissioner, Delhi's notification No.F.15(85)/56-LSG(i), dated the 21st December, 1956 under section 4 of the Land Acquisition Act of 1894, 8.25 a-cres of land is under acquisition for a public purpose namely for the construction of a part of a bund from Shah Alam Bridge to Coronation Memorial at village Dhirpur. In furtherance of acquisition proceedings the same authority issued declaration under section 5 of the said Act vide notification No.F.15(85)/56-LSG(ii), of the even date. Because of the emergent nature of acquisition he was pleased to direct the Land Acquisition Collector, Delhi to take over the possession of the land specified in the notification under section 6 of the Act vide notification No.F.15(85)/56-LSG(iii) of the even date under section 17(1) of the said Act.

AREA.

On actual measurement at the spot the area has been found to be 35 bighas 3 biswas of which the field wise details are given below:-

Field No.	Area		Kind of soil.
	Bigha	Biswa.	
432/165/2	6	15	Ghairmunkin Shor
551/431/164	4	5	Ghairmunkin Shor
494/433/2	4	4	Ghairmunkin Shor.
554/166/2	3	1	Rosli
172/1	5	2	Banjar Qadim 4-2
			Ghairmunkin 1-0
495/433	8	12	Ghairmunkin Shor.
153/2	0	1	Rosli
170/1	2	7	Banjar Qadim 2-0
			Ghairmunkin 0-7
171/1	0	11	Banjar Qadim.
154/2	0	5	Rosli.
Total:-	35	3	

Its classification is as under:-

Rosli 3-7
Banjar Qadim 6-11
Ghairmunkin Shor 25-5
35-3

Field numbers 169, 456/429 and 168 also figure in the notifications under sections 4 and 6 of the Act. The first belongs to the Custodian of the Evacuee property which cannot be acquired and about which arrangement can be made by book transfer. The last two fall out side the bund and have not been covered by the scheme. A move about the corrigendum notification has been made to the Delhi administration about the deletion of these field numbers from the aforesaid notifications. This has been done through notification No. F.15(85)/56-LSG(i) dated the 7th October, 1960. Satisfaction has been made by the land acquisition field staff about the area of 35 bighas 3 biswas under acquisition which ~~has~~ is taken as correct.

COMPENSATION.

The following persons interested filed their written claims:-

Name of the claimant.	Date of claim.	Amount claimed.
Bhagwan Singh Bahl.	10.7.57	Rs. 4/- per sq. yard for 10990 sq. yards amounting to Rs. 43960/- of land and by another written claim of the even date for Rs. 21120/- for earth filling.
Narain Singh Lambardar, Sis Ram Lambardar, Durga, Bhim Singh, Siri Cha-nd, Hari Singh s/o Bule, Ram Gopal, Amar Singh, Ram Sarup, Smt. Bas-anti, Lekhu, Hari Singh s/o Muthri, Gagan, Ram Sarup, Ja-hel Singh, Munshi Ram, Jai Singh, Chuni right holders.	6.12.57	Rs. 7/- per sq. yard.
Bhagwan Singh Bahl	6.12.57.	Rs. 40,000 for filling earth and @ Rs. 4/- per sq. yard for 10 bighas 15 biswas.
Bhagwan Singh Bahl	19.5.58	Rs. 7632 as value of earth.
Randhir Singh, Nihal Singh, Duni Chand, Dharam Vir Singh sons of Ram Chander, Raghbir Singh, Shyam Singh sons of Risal Singh.	6.12.57	Rs. 8/- per sq. yard.

Jalil-ul-Rehman Asghar Jehan Begham Sikandar Jehan Begham Saied-ul-Rehman.	15.57	Rs. 3/- per sq. yard and Rs. 2000/- on account of earth of Tilla Lal Begh plus 10% on account of compulsory nature of acquisition. Damage due to severance on account of the construction of Bund from the rest of the land.
Narain Singh Lambardar	2.2.59	The rest of the land has been rendered unfit on account of water courses and 10 or 12 bighas covered by the Bund.
Batuk Nath	9.3.59	Rs. 1000/- for plot No. 440/182/1 plus 15%.
S.H. Chawla		Rs. 14/- per sq. yd. Note:- His field No. 493/433 has not been covered by the scheme.
Duli Chand S/o Ram Chand. Nihal Singh, Randhir Singh, Dharam Vir Singh.	24.7.59	Rs. 15 to Rs. 18 per sq. yd. as it was situated near t. Nirankari Colony, Ice factory, other factories and residential houses.
Narinder Singh	13.10.59	Rs. 8.25 nP per sq. y
Narain Singh	15.3.60	Rs. 5/- per sq. yd. for field Nos. 170, 171, 438/180, 436/179, 441/183, 444/187 which have since been entered favour of the Gaon Sabha
Narain Singh Pradhan Gaon Sabha on behalf of the Gaon Sabha Dhirpur.	16.7.60	Rs. 5/- per sq. yard.

S-hri Narinder Singh, General Attorney of Sardar
Bhagwan Singh Bahl through his statement dated the 24th July,
1959 reiterated the rate of Rs. 4/-. The persons interested
produced the following documentary evidence:-

Sl. No.	Registration No. with date of execution.	Area s-q. yards	Consideration money.	Rate per sq. yard.
1.	4232/24.7.53	416 $\frac{3}{4}$	Rs. 3125/-	Rs. 7.50 nP.
2.	4148/23.7.53	139	Rs. 900/-	Rs. 6.50 nP.
3.	4351/28.7.53	189	Rs. 1228/-	Rs. 6.50 nP.
4.	2664/16.5.53	216 $\frac{3}{4}$	Rs. 3125	Rs. 7.50 nP.
5.	12.5.53 Unattested	139	Rs. 900/-	Rs. 6.50 nP.
6.	13.5.53 Unattested	139	Rs. 900/-	Rs. 6.50 nP.
7.	19.12.58 Unattested	139	Rs. 1390/-	Rs. 10.4-

CHIEF DATA.

Shri Munshi Ram the then Naib-Tehsildar Land Acquisition vide his report dated the 5th November, 1957 proposed a rate of Rs. 579/14/10 per bigha for Banjar Qadim land and Rs. 1159/13/8 per bigha for Rosli land. Shri Shiv Raj the then Naib-Tehsildar later on vide his report dated the 21st July, 1959 proposed a rate of Rs. 200.20 nP per bigha for Banjar Qadim and Ghairmunkin lands and Rs. 350/- per bigha for Rosli land. Shri Ghanshyam Dass the then Naib-Tehsildar land acquisition proposed the original estimate at Rs. 3/- per square yard vide his report dated the 29th December, 1958 which was agreed to by the Tehsildar vide his report dated the 5th January, 1959.

DEPARTMENTAL REPRESENTATION.

The Executive Engineer, Delhi State Division No. I vide his letter No.F.A/3570 dated the 23rd May, 1960 wrote to say that the rates recommended by the Tehsildar were Rs. 5567/4/10 for Rosli and Rs. 2883/10/5 for Banjar Qadim and Ghairmunkin lands whereas in the recent award given for land acquired in connection with one from Coronation Pillar to G.T.Road, the rates allowed were Rs. 2880/- per acre for Rosli land and Rs. 1920/- for Banjar Qadim land. The land in the former case was in no way better than the latter yet the compensation proposed was almost double. They were agricultural or Banjar lands and did not deserve any special treatment.

FAIR AND REASONABLE VALUE.

I inspected the spot today and found the land lying between the Nullah and the parade road towards the east of the land of village Dhirpur being acquired for the same purpose. Near this land are situated the Peshawar colony including the Nirankari colony, the Ice factory and other factories. A piece of land has recently been acquired to the south of the parade road for the Rehabilitation of flood affected villagers of Jagatpur, Wazirabad and Gopalpur villages.

award No. 901 at the rate of Rs. 3/- per sq. yard. The relevant date was the 21st August, 1958. The relevant date in the present case is 21st December, 1956. Earlier another award No. 874 dated the 21st July, 1958 took place at the rate of Rs. 4/- for the land along the parade road and Rs. 3/- per sq. yard beyond it. Both the above mentioned awards are not relevant because the date of notifications under section 4 of the Act relates to the period which is about 2 years after. Of all the sale transactions that took place in this village the most relevant are given below:-

Sl. No.	Mutation No. with date.	Field No.	Rate per bigha.
1	276/16.11.51	159 (situated at a distance of about 300 ft. from the land under acquisition)	Rs. 1235/4/8
2.	287/12.12.52	1 bigha 7 biswas out of field No. 457/427 and 429 (situated at the distance of about 120ft. from the land under acquisition)	Rs. 2962/15/5
3.	288/12.12.52	1 bigha 7 biswas out of field No. 457/427 & 429 (situated at a distance of about 120 ft. from the land under acquisition)	Rs. 2962/15
4.	289/2.10.52	2 bighas 14 biswas out of field No. 457/427-429	Rs. 37037 per bigha. The land include the Machinery, the building where there is a Ice factory.
5.	275/26.10.51	456/429 (at a distance of 16 feet).	Rs. 3333/5/4

The sale transactions through mutation Nos. 275 & 276 are remote in time. Field No. 456/429 abuts on the pucca road and, therefore, its rate is high. All the land under acquisition is not such a type. This is a small piece of land measuring 18 biswas which can very well be utilized for residential purposes. Field No. 159 is situated in the

Contd..6.

interior of the residential area of the Nirankari colony. These mutations are not wholly dependable in this case. Mutation No. 289 relates to the land in which there was a building and where machinery was installed for an Ice factory. It is not truly representative. Mutation Nos. 287 and 288 also relate to a portion of field No. 457/427-429 which abuts on the pucca road and is situated towards the West of the land involved in mutation No. 289 towards Nirankari colony. The land under acquisition is not such a type. Of all the claimants the lowest rate is at Rs. 3/- per sq. yard made by Jalil-ul-Rehman etc. They cannot be given more than that. The proposal of Shri Shiv Raj Singh Naib. Tehsildar is too low and that of S-hri Munshi Ram is reasonable. The yearly average rate of sale transactions took place in this estate is given below:-

<u>Sl. No.</u>	<u>Year.</u>	<u>Rate per bigha.</u>
1.	1952	Rs. 793.73 nP.
2.	1953	Rs. 216.46 nP.
3.	1954	Rs. 1000.00 nP.
4.	1955	Rs. 818.35 nP.
5.	1956	-----

The average of the sale transactions for the last five years preceding the date of the notification under section 4 of the act comes to Rs. 647.07 nP. The reason for the low average rate appears to be that the major part covered by the sale transactions relates to the Banjar Qadi and Ghairmunkin lands situated far off from the land under acquisition which is near the ice factory, Grandley Electricals (India) Godown-cum-sub office, parade road, Kingsway Road, Peshawar and Nirankari colonies. But the fundamental difference that matters is that the land under acquisition falls within the orbit of the Delhi Land Reforms Act, 1954 and has agricultural character. It does not come to the level of urban area for valuation purposes. The claims of the persons interested are too exorbitant and the evidence

produced by them relates to the sale of small plots for residential purposes.

Keeping in view the claims of the persons interested, the evidence produced by them, the chief data provided by the Naib-Tehsildars, the departmental representation, the material on the file and my own observation of the spot, I consider a rate of Rs. 1160/- per bigha for Rosli, Rs. 580/- per bigha for Banjar Qadim and Ghairmumkin as fair and reasonable and award accordingly.

CROPS.

Shri Sis Ram son of Buje demanded Rs. 1000/- for the damage to his crops. The possession was taken by the department itself and we have no record for damage to crops.

The claimant himself admitted that it was destroyed because of its being merged under water. That was a natural calamity and nobody could help. In the circumstances he is entitled to no compensation.

SEVERENCE ALLOWANCE.

Sarvshri Jalil-ul-Rehman and Narain Singh demanded compensation due to severence but they have not put in any specific claim. Shri Bhagwan Singh Bahl demanded a huge amount for filling earth but that is not substantiated. Hence no severence allowance or other damage are due. There is no well, tree or structure in the land under acquisition.

SOLATUM.

15% will be added to the amount of compensation for its compulsory nature of acquisition.

INTEREST.

The Executive Engineer, Delhi State Division No.11 informed through his letter No.7532, dated the 15th October 1959 that the work was started on the 11th June, 1956 in anticipation of the issue of the notification but it was actually issued on 21st December, 1956 which might be treated as the date of possession. Interest would accrue from the 21st December, 1956 the date of the issue of the notification under section 4 according to the standing

instructions at the rate of 6% per annum upto the 20th November, 1960 the anticipated date of payment to the persons interested.

APPORTIONMENT.

Bhumidhari rights have since been declared in this estate. Compensation will be paid according to the declaration of bhumidhari rights reproduced in the statement prepared under paragraph 55 of Standing Order No. 28 which forms a part of the award except in the case of field Nos 153/2, 154/2, 170/1 and 171/1 which are tenant-ridden, without rent on account of ^{new} its being transferred ^{to be referred} with record to the District Judge for verification and payment to the right owners.

The award is summarised as below:-

Sl. No.	Kind of Soil	Area bigha biswa	Rate per bigha.	Amount.
1.	Rosli	3 7	Rs. 1160/-	Rs. 3886.00
2.	Banja-r Qadim	6 11	Rs. 580/-	Rs. 18444.00
3.	Ghairmunkin	25 5		
		35 3		Rs. 22330.00
Add 15% towards compulsory nature of acquisition.				Rs. 3349.50
Add interest @ 6% P.A. from 21.12.56 to 20.11.50.....				Rs. 6034.68
Grand Total:-				Rs. 31714.18

LAND REVENUE DEDUCTION.

An amount of 0.93 nP will be deducted from the Khalsa Rent Roll of village Dhirpur from Rabi 1957.

(Murari Singh)
Land Acquisition Collector,
Delhi. 15-10-60.

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Submitted to the Deputy Commissioner (Collector of the District), Delhi for information.

(Murari Singh)
Land Acquisition Collector,
Delhi. 15-10-60.

Seen
21.10.60

Recd.
for info of the
15.10.60