

Village:- Dhirpur.
Nature of Acquisition:- Permanent.

In pursuance of Chief Commissioner, Delhi's notification No.F.15(26)/59-LSG(V) dated the 24th April, 1959, 114 bighas 9 biswas of land was notified for the construction of a part of a Bund from Shah Alam Bridge to Coronation Memorial (near village Dhirpur) in the Dhirpur estate. subsequently notification No.F.15(26)/59-LSG(II) dated the 9th April, 1960 under section 6 of the said Act was issued by the same authority for the same purpose and area but field Nos. 495/433/1 and 447/188 measuring 20 bighas 17 biswas were omitted. These field numbers were covered by corrigendum notification No.F.15(85)/56-LSG(II) dated the 7th October, 1960. There is no field number 147/188 and it was written in the notification under section 4 by mistake instead the correct number should have been 447/188 as given in the corrigendum notification mentioned above. Field No. 395/5 has been covered by the scheme and there is no structure in it. It is shown as a thoroughfare which is already a public purpose and need not be assessed to compensation. Similarly field No. 447/188 measuring 16 bighas 9 biswas is a Ghairmunkin Nullah which is also a public purpose and should not be assessed to any compensation. Therefore, no revised notification is necessary on this account.

MEASUREMENT.

The latest position according to the spot is given as under:-

Field number	Area		Kind of soil.
	Big.	Bis.	
395/5	9	11	Ghairmunkin path.
440/182/2	2	12	Banjar Qadim.
204/1	0	16	Sailah.
495/433/1	2	8	Ghairmunkin Sher.
173/2/1	16	0	Ghairmunkin sher.
553/166/1	3	0	Banjar Qadim.
554/166/1	1	18	-de-
432/165/1	22	11	Ghairmunkin Sher.
436/179	0	3	Banjar Qadim.
438/180	2	2	-de-
450/219/1	1	15	-de-
444/187	2	11	-de-

Contd.

447/188	18	9	Ghairmunkin Mullah.
494/433/3	16	7	Ghairmunkin Sher.
441/183	1	1	Banjar Qadim.
506/338/1	0	4	Sailab.
203/1	0	2	-de-
339/1	3	7	-de-
448/202/1	6	15	Banjar Qadim.
440/18/1	0	1	-de-
181	2	16	-de-

Total:- 114 15

Sailab	4	9
Banjar Qadim	24	14
Ghairmunkin Sher	75	15
Ghairmunkin Path	9	17

114 15

Field No. 153/166/1 contains no structure and the entries in the Harvest Inspection Register about ^{it} are contrary to the facts at spot where it is Banjar Qadim and therefore, shown as such above.

COMPENSATION.

The following persons interested filed their claims in this office:-

Name of claimant

Substance of claim.

Shri Durga s/o
Hansa

Filed claim for field No. 181 measuring 2 bighas 6 biswas of which Uday Chand was the owner and the claimant was the cultivator. This field number has been allotted to the Gaon Sabha and, therefore, he is not entitled to any compensation.

Aziz-ul-Rehman etc.
owners -bhumidhar.

Demanded compensation at the rate of Rs. 10/- per sq. yard. In all Rs. 50,000/- for field No. 448/202/1 measuring 6 bighas 16 biswas.

Narain Singh Pradhan,
Gaon Sabha Dhirpur.

Demanded compensation at the rate of Rs. 4/- to Rs. 5/- per sq. yard and again along with Sis Ram demanded Rs. 5/- per sq. yard.

Chuni s/o Nath,
Bhumidhar.

Demanded compensation at the rate of Rs. 5/- per sq. yard for field No. 440/182.

Dhan Singh s/o
Ram Jas, Bhumidhar.

Demanded compensation ranging from Rs. 4/- to Rs. 5/- for field No. 204/1.

Bansi, Lekhu, Hari
Singh, Bhumidhars.

Demanded compensation at the rate of Rs. 5/- per sq. yard for field No. 432/165/1 measuring 1 bigha 7 biswas.

Bharat Singh,
Bhumidhar.

Demanded compensation at the rate of Rs. 4/- per sq. yard for field No. 339/1 measuring 3 bighas 7 biswas. He also demanded damage due to excavation of earth from his land.

through his other application and as the land is being acquired, therefore, no such question arises.

On Prakash Chawla

Demanded compensation at the rate of Rs. 15/- per sq. yard for field No. 494/433 which has been vested in the Gaon Sabha.

Shri Aziz-ul-Rehman produced the following

evidence:-

- (i) Excerpt of jamabandi of Dhirpur of the year 48-49 wherein they are shown to have been entered as bhumidhars of field No. 448/202;
- (ii) Copy of mutation No. 363 through registered deed dated 13.3.59 for the transfer of 409/75 with an area of 19 biswas of Rosli for Rs. 6,000/- situated within the erstwhile Municipal Limits. It is away from the land under acquisition, by the road side and has no relevancy in this case;
- (iii) A copy of mutation No. 289 dated 14.9.52 about field Nos. 457/427, 429 measuring 2 bighas 14 biswas situated in Dhirpur for Rs. 1,00,000. There is a factory housed in a structure situated by the pucca road side at the end of the Nirankari Colony. The instance is not helpful because it includes the machinery and the structure and, therefore, the rate is wide of the mark;
- (iv) A copy of mutation No. 287 dated 18.3.48 in respect of the half share of field Nos. 457/427, 429 for Rs. 4,000/- took place previous to serial No.3 above and, therefore, has lost its significance;
- (v) A copy of mutation No. 303 dated 8.5.54 in respect of field Nos. 422/143 measuring 1 bigha 12 biswas (Rosli 1 bigha, Structure 12 biswas) for Rs. 1500/- The mutation has since been rejected and is, therefore, not representative, especially when the land is being used for shops and has no similarity with the land under acquisition and also because of its situation abutting on two roads;
- (vi) Mutation No. 311 dated 25.5.55 in respect of the transfer of field No. 458/426 measuring 1 bigha 18 biswas for Rs. 9,575/-. The mutation has since been rejected. The land is situated near the Nirankari colony abutting on the pucca road;
- (vii) A copy of mutation No. 270 in respect of the transfer of field Nos. 526/417/1 and 105/1 measuring 1 bigha 5 biswas for Rs. 15000/- on the basis of a registered deed dated the 29th November, 50 attested on 2.2.54. The land is situated within the erstwhile Municipal Limits and by the road side;
- (viii) A copy of mutation No. 363 dated 13.3.59 in respect of the transfer of field No. 409/75 measuring 19 biswas for Rs. 6,000/- situated

Contd....4.

within the erstwhile Municipal limits; and

- (ix) Copy of mutation No. 378 dated 9.2.56 in respect of the transfer of field No. 419/141/2, 1 measuring 7 biswas for Rs. 2,760/- situated outside the erstwhile Municipal limits. It is a very small piece of land situated by the road side covered by the Nirankari colony, about 3 furlongs from the land under acquisition and is not a safe criteria to be depended upon. They also produced copies of mutation Nos. 570, dated 18.7.56, 571, dated 18.6.56, 577, dated 26.6.56 and 578 dated 15.6.56 of village Dhaka. The lands involved in these mutations are situated within the erstwhile Municipal limits, in another estate, away from the land under acquisition and are, therefore, not dependable.

Shri Bhagwan Singh, Bhumidhar of field Nos. 495/433/1, 172/2, 553/166/1, 554/166/1 and 432/165/1 measuring 44 bighas 10 biswas produced the following evidence through his general attorney Narinder Singh:-

- (a) A copy of award No. 874 of Dhirpur acquired for the Rehabilitation of Flood Affected villages of Jagatpur, Gopalpur and Wazirabad;
- (b) An un-registered agreement about field No. 353 in respect of the transfer of 139 sq. yards for Rs. 900/- at the rate of Rs. 6.50 nP per sq.yd;
- (c) An unregistered agreement about 139 sq. yards out of Field No. 142 for Rs. 900/- at the rate of Rs. 6.50 nP per sq. yd. A directory of accounts for filling of earth to the tune of Rs. 22,065/6/-;
- (d) Shri Ram Narain stated on his behalf on the 14th November, 1960 that the land of Shri Bhagwan Singh was about 6 to 8' deep where the bund had been constructed. That he (Bhagwan Singh) sold out plots at the rate of about Rs. 7/-, Rs.8/- per sq. yard upto the nullah who constructed a bund of about 3' along the Nullah at his own expense. His statement was supported by Amar Singh, Har Dev and Narinder Singh;
- (e) Shri Narinder Singh son and general attorney of Bhagwan Singh demanded Rs. 10/- per sq. yard;
- (f) Rajinder Singh stated on behalf of Narain Singh that the rate of the land in question was from Rs. 10/- to Rs. 12/- a sq. yard. That he purchased 289 sq. yards of land for Rs. 3000/- through registered deed No. 4976 dated 23rd June, 1958 out of field Nos. 550/431 and 431/164. That Narain Singh got the land levelled. Khubi supported his statement. Narain Singh stated that he spend Rs. 16,000/- for raising the level of the land but except two biswas out of field No. 203/1 the other land of Narain Singh has not been covered by the scheme.

Shri Shiv Narain, patwari Dhaka produced copies

Contd....5.

Ex.C.2 to C.12 and stated that the land in question was within the erstwhile Municipal limits, but his statement, that whole of it was like this is wrong because ^{it} had been within it the Delhi Land Reforms Act could not be applied nor bhumidhari rights declared. According to the revenue papers the land under acquisition fell outside the erstwhile Municipal limits which was later on certified by the patwari himself.

CHIEF DATA.

The Naib-tehsildar, Land acquisition vide his report dated the 24th December, 1960 proposed a rate of Rs. 1886/- per bigha for certain field numbers situated near the Military Parade Road and Rs. 1160/- per bigha for Sailab and Rs. 580/- per bigha for Ghairmunkin and Banjar lands.

DEPARTMENTAL REPRESENTATION.

The Executive Engineer, Delhi State Division No.II, vide his letter No.FP53/9746, dated the 29th December, 1960 wrote to say that the award prepared by this office had been seen by his representative and they had no representation to make. The date of taking possession of the land was the 5th May, 1959. The funds ^{will} be provided to this office as soon as they receive the details of the award.

FAIR AND REASONABLE VALUE.

I inspected the spot on the 15th December, 1960 in the presence of Narinder Singh, general attorney of Bhagwan Singh, Sehdev, and Shri Tek Chand, Naib-tehsildar, Land Acquisition. A part of it is situated along the Military Parade road, another beyond the Nirankari colony and still another along the Coronation Memorial road, therefore, it is categorised in 3 blocks as under:-

<u>Block No.</u>	<u>Situation</u>	<u>Field Numbers.</u>
Block No.1	Situated a-long the Military Parade Road.	444/187, 441/183, 440/182/1, 440/182/2, 435/179, 181, 438/180, 494/433/3 and 495/433/1 measuring 30 bighas and one biswa.
		Ghairmunkin 16 bighas 15 biswas Banjar Qadim 11 bighas 6 biswas.

Contd....6.

This land has potentiality for building purposes but has no agricultural ^{Channel} ~~value~~. A award No. 1074 was drawn up for the acquisition of land for the same purpose about which the notification under section 4 of the Land Acquisition Act, 1894 was issued on the 21st December, 1956. The rates adopted therein were at Rs. 1160/- per bigha for Rosli and Rs. 580/- per bigha for Panjar Qadim and Ghairmumkin. Adjoining this block is situated the land of village Dhaka about which award No. 1056 was drawn up. The relevant date was the 24th April, 1959. The rates given therein are at Rs. 400/- per bigha for Sailab and Rs. 200/- per bigha for Ghairmumkin, for the land outside the erstwhile Municipal limits, the only difference being that this piece of land is situated towards the city ^{South of} ~~the Nullah~~ the Nullah while the land of Dhaka is situated beyond it and away from the built up area. Another fundamental difference is that this piece of land is situated by the road side while the land of village Dhaka outside the erstwhile Municipal limits is not. This piece of land is far superior to the Panjar and Ghairmumkin land of award No. 1074 because of its situation by the road side. Moreover, there had been an appreciation in the prices since the 21st December, 1956, about which, award No. 1074 was drawn up. The claims of the persons interested are exorbitant. Keeping in view the claims of the persons interested, the evidence filed by them, the chief data provided by the Naib-tehsildar, the Departmental representation the better situation of the land as compared to the land of award No. 1074 as well as the appreciation in the prices since 21st December, 1956, I consider a rate of Rs. 1500/- per bigha of this block as fair and reasonable.

Block No. II. Situated between the 495/423/3, 172/3, 454/166/
Nullah and the land 1, 432/166/1.
acquired through award
No. 1074.

This block is situated beyond the area acquired through award No. 1074. The relevant date was the 21st December, 1956. The rates adopted were as under:-

Rosli Rs. 1160/- per bigha.

Contd.,....7.

Banjar Qadim &
Ghairmunkin

.... Rs. 580/- per bigha.

Prices have appreciated since 21.12.56. The land of this block is inferior to the land acquired through award No. 1074 ^{which} and is situated ^{behind} the Nirankari colony. The appreciation of prices during the intervening period are neutralised by the inferiority of the land in question ^{as compared with} the land involved in award No. 1074. The claims of the persons interested are exorbitant. The proposal of the Naib-tehsildar appears to be sound. Keeping in view the claims of the persons interested, the evidence produced by them, the appreciation of prices since 21.12.56 of award No. 1074, the situation of the land and my own observation of the spot, I consider a rate of Rs. 1160/- per bigha for Sailab and Rs. 500/- per bigha for Banjar Qadim and Ghairmunkin. *fair and reasonable*

Block No. III. Situated along the 448/202/1, 203/1, path leading to the 450/219/1, 204/1. Coronation pillar ^{at} the Nullah.

This is inferior land to the rest because of its situation beyond the nullah. An instance of sale is available in this area. Field No. 203 measuring 6 bighas 15 biswas was mutated through mutation No. 371 dated the 1st October, 1959 for Rs. 2700/- ~~xxxxxx~~ at the rate of Rs. 400/- per bigha. This took place after the date of the notification under section 4 and, therefore, the rate should not go higher than this. The ^{demand} of the persons interested are exorbitant. ^{Separate} No proposal has been made by the Naib-tehsildar. Keeping in view the claims of the persons interested, the evidence produced by them, the proposal of the Naib-tehsildar, the departmental representation, the situation of the land, the instance of sale through mutation No. 371 and my own observation of the spot I consider a rate of Rs. 400/- per bigha for cultivated land and Rs. 200/- per bigha for uncultivated land *as provided reasonable*.

There is no structure, well or tree in the land under acquisition. No question of severance arises as this land is situated beyond the road or the land already acquired

Contd....8.

:- 8 :-

through award No. 1074.

SOLATIUM.

As provided in sub-section 2 of Section 23 of the Land Acquisition Act, 1894, 15% will be added to the amount of compensation for the land.

INTEREST.

Possession was taken over by the department on the 5th May, 1959 as intimated by the Executive Engineer, Delhi State Division NO. II, through his letter No. F.P.53/9746, dated the 29th December, 1960 as mentioned in the departmental representation. Interest would accrue from the 5th May, 1959 upto the 4th February, 1961, the anticipated date of payment to the persons interested.

AFFORTIONMENT.

Field No. 440/182/1 (1 biswa) is in the possession of Baithak Nath vendee and field Nos. 553/166 (3 biswas) and 506/338/1 (4 biswas) are in the possession of Amar Singh who has claimed no compensation. The compensation of these field numbers should be disbursed, after examining these persons, if they have no objection. About the rest the details are given in the statement prepared under paragraph 55 of Standing Order No. 28 which forms a part of the award.

The award is summarised as below:-

Bloch No.	Kind of soil.	Area Big.	Rate per Bis.	Amount of compensation.
I	Banjar Qadim & Ghairmumkin	30	1	Rs. 1500/- Rs. 45,075.00
II	Sailab & Banjar Qadim & Ghairmumkin.	3 43	11 9	Rs. 1160/- Rs. 4118.00 Rs. 580/- Rs. 25,201.00
III.	Cultivated area	0	18	Rs. 400/- Rs. 360.00
	Uncultivated area	8	10	Rs. 200/- Rs. 1700.00
IV.	Thoroughfare	0	17	NO COMPENSATION.
	Nullah	18 114	9 15	

Add solatium of 15%:-

Add interest @ 6% P.A. from 5.5.59 to 4th February, 1961.

Grand Total:-

Rs. 11,468.10

Rs. 9259.90

Rs. 97,182.00

LAND REVENUE DEDUCTION.

An amount of Rs. 3.05 nP will be deducted from the
Khalsa Rent Roll of village Dhirpur from Kharif, 1959.

(Signature)
(Murari Singh)
Land Acquisition Collector,
Delhi. 31.12.60.

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

(Signature)
(Murari Singh)
Land Acquisition Collector,
Delhi. 31.12.60.

Recd.
9/1/61

Recd.
9/1/61

Signature of Deputy Commissioner