

WARD NO 123/80-81.

NAME OF VILLAGE : DHEERPUR
NATURE OF ACQUISITION : RESUMPTION
PURPOSE OF ACQUISITION : PLANNED DEVELOPMENT OF DELHI.

There are proceedings for determination of compensation u/s 11 of the Land Acquisition Act, 1894. The land measuring 980 bighas 02 biswas situated in village Dheerpar was notified u/s 4 of the L.A. Act vide notification No.F.15(304)/61-LAH(11) dated 4.9.1967 for a public purpose namely Planned Development of Delhi. The substance of the notification was given due publicity as required under the law and the objections were invited from the interested persons. After considering the objections u/s 5-A of the L.A. Act, the Delhi Administration issued a declaration u/s 6 of the L.A. Act in respect of 980 Bighas 02 Biswas of land in village Dheerpar vide notification No.F.15(304)/61-LAH dt.6.3.68 for acquisition of the land for the purpose mentioned above.

At present 22 bighas 02 biswas is being acquired. The remaining area which requires to be acquired is in the present case. Notices u/s 9 & 10 of the L.A. Act were issued to all the interested persons to file claims and the claims filed by the claimants are discussed hereafter under the heading 'Claims'.

MEASUREMENT & CLASSIFICATION OF LAND

The area under acquisition as given in the declaration u/s 6 is 980 bighas 02 biswas but as stated above, at present only 22 bighas 02 biswas of land is being acquired. The Asstt. Housing Commissioner has requested to acquire 20 bighas 04 biswas of land out of

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Kh. No. 204 vide his letter No. P. 11(28)/80-LBP/LA(P)/28451 dt. 6.10.80. Since the remaining area out of Kh. No. 204 is 22 Bighas 08 Biswas, the whole area of this Kh. No. is being returned in this award. The remaining area covered by the above notification will be acquired by drawing a supplemental award as and when required by the government. The Details of Kh. No. in form 7-A have been prepared under No. 33 of the Financial Commissioner's order No. 28 which are as under:-

Khasra No.	Area	Kind of Land
204/1	1-18	Baradar Faidi
204/2	<u>22-08</u> <u>22-02</u>	-do-

The land owners have not raised any objection regarding the measurement & classification of land. The classification and measurement is on the basis of the entries in Kh. No. Birdari and other relevant records at the time of notification u/s 4.

CLAIMS

In pursuance of the notices u/s 9 & 10 issued to them, the following persons have filed their claims as under:-

No.	Name of the Claimant	Kh. No.	Claim	Remarks
1.	Shri. Chander Kala Jain w/o Sh. Kaushal Elashore r/o K-31 Mohan Park Model Town, Delhi.	X4/3(20-4)	Claimed 1/2 share. compensation Rs. 100/- per sq. yd. 15% solati um & interest.	1. Copy of award No. 4 dt. 7/7/79 2. Copy of judgment of 15/7/81 3. Copy of 22/8/74 award 4. Copy of 30/12/73 award 5. Copy of 27/10/73 award 6. Copy of 23/1/74 award 7. Copy of 23/1/74 award 8. Copy of 23/1/74 award 9. Copy of 23/1/74 award 10. Copy of 23/1/74 award
2.	Sh. Pratek Singh Jain s/o Kundan Lal r/o B. Marwadi Cloth Market, Naj Garah, Delhi.	-do-	-do-	-do-
3.	Sh. J. Ramnandan Dass Gupta s/o Chanshyam Dass r/o -do-	-do-	-do-	-do-

as and when

2802 dt. 7.10.80

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4. 15. 1974 - 1975 s/o 204/1 Claimed compensation Rs. 15.00/- per sq. yd. evidence. Sh. 181 (1-18) @ Rs. 15/- per sq. yd. evidence. Will see this part

1974-75

The market value of the land is to be assessed keeping in view the situation, advantages and potentialities attached to the land on the date of notification u/s 4. The land use also plays an important role in deciding the market value of the land.

The claimants have filed four documents viz. copy of award No. 4/74-75, copy of judgement dated 29.3.74 in Civil Complaint No. 13/72-73, copy of sale deed dated 20.4.66 executed by Kanchal Kishore Jain and Smt. Chander Kala Jain in favour of Mr. Niradish Singh and another copy of sale deed dated 7.5.66 executed in favour of Smt. Lakshmi Devi in support of their claim. Award No. 4 relates to Kh. No. 22/2 etc. in which the then L. & C. had awarded a sum of Rs. 20000/- per bigha. This land is situated on the back side of Hotel Green Colony and is in a better position than that of land under acquisition. As regards the judgement dated 29.3.74 in Civil Complaint No. 13/72-73 in case Kanchal Kishore Jain vs. Commissioner L. & C., the learned J. had awarded a sum of Rs. 20/- per sq. yd. as compensation to the claimant on account of injuriously affecting the land of the petitioner because 3200 sq. yds. by laying down water main by the Municipal Corporation. I have gone through the order of the learned J. who had relied upon the certified copies of the sale deeds filed by the petitioner. It further appears from the judgement that the Municipal Corporation did not contest or file any evidence in rebuttal of the

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sale deeds filed by the petitioner. The learned Judge thus relied upon the evidence produced by the petitioner. Moreover, the situation of land involved in this ~~case~~ ^{matter} is ~~assessed~~ ^{assessed} better than the land under acquisition. Thus, the order of the learned Judge is not applicable in the present case. The claimants have produced photostat copy of two sale deeds according to which an area of 94 bighas was sold for Rs. 2,400/- to one ~~Shri~~ ^{Shri} ~~Pranjan Singh~~ ^{Pranjan Singh} and an area of 28 bighas (120 sq. yds) sold for Rs. 4,800/- to one ~~Shri~~ ^{Shri} ~~Lakshmi Devi~~ ^{Lakshmi Devi} respectively. Both these sale deeds relate to smaller plots. It is a matter of common knowledge that smaller plots fetch higher prices than those of big pieces of land. Moreover, the plots being the subject matter of the sale deeds, are situated on the back of well developed colony of Model Town. These sale deeds cannot be relied upon. The following awards are reported to have been announced in this village:-

S.No.	Award No.	Date of notification	Area	Rate per bigha
		2/5/11		
1.	1/73-74	22.7.66	141 sq. yds.	Rs. 19/- per bigha
2.	29/74-75	8.5.67	0-03	Rs. 20,000/- P.B.
3.	29/74-75	8.5.67	0-05	Rs. 20,000/- P.B.
4.	50/78-79	8.5.67	123-08	Rs. 5,000/- per bigha
5.	80/80-81	8.5.67	37-13	Rs. 5,000/- per bigha

The awards Nos. 29 and 29A relate to smaller areas of land covered by these awards. As regards the award No. 50, it is a matter of fact that the area of 123 bighas 8 ares 13 annas was acquired and a sum of Rs. 5,000/- per bigha was awarded. The land covered by the above awards enjoys better situational advantage as compared to the land under acquisition which is situated in a less developed area.

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Shah-alam-Bund. Thus, these awards will not be helpful in the present case.

However, if sale transactions had taken place in this village. Some of the sales transactions which are relevant in the present case are given as follows:-

No. & Date of Transaction	Kh. No.	Area	Consideration	Average per Acre
12776 2.2.66	340/3	11-00	Rs. 11000/-	Rs. 1000/-
12432 3.10.66	301 301 302 303 309	33-05	Rs. 8000/-	Rs. 302/-
13347 5.12.66	130 292 300 167 514/270	35-17	Rs. 7000/-	Rs. 195/-
607 13.1.67	500/191 230/2	5-11	Rs. 3000/-	Rs. 360/-
615 2.1.67	120/3	3-00	Rs. 4500/-	Rs. 1500/-
1266 18.2.67	287	3-02	Rs. 2000/-	Rs. 1000/-

It would appear from the above charts that the rate per Acre has been varying from Rs. 195/- to Rs. 1000/- per Acre. The rate of the land covered by sale deed No. 617 dated 29.1.67 came to Rs. 360/- per Acre which comprises of Kh. No. 230/3 and 500/191. Kh. No. 230/3 adjoins the land under acquisition whereas other Kh. No. 500/191 is about 132 yards from the land under acquisition. It further appears that the rates of the land were on an increase. The land covered by Kh. No. 1266 dt. 18.2.67 and Kh. No. 615 dt. 2.1.67 was sold at Rs. 1000/- per Acre. Kh. No. 230/3 and 500/191 covered by the above two transactions are situated at a distance of about 136 and 1320 yds. respectively from the

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land under acquisition. It thus appears that the rate of the land is about 2,100/- per bigha in the proximity of the area of acquisition u/s 4, which was issued in September 4, 1967. It further appears from the revenue records that the land was purchased and purchased the land under acquisition for Rs. 2,100/- per bigha and 20 bighas 4 annas for Rs. 2,000/- vide registered deed No. 6282 dated 10.12.64 and the same is recorded in favour of Pratap Singh, Laxman Das, Ram Prasad and Vinod Kumar owners and their heirs and assigns. Out of the above transactions, this transaction is related to this very land which is being acquired in the present case. The average per bigha comes to 2,100/-.

The land under acquisition is situated in the village of ... and no proof regarding any improvement in the land under acquisition has been filed by the applicant. The date of notification in the present case is 4.9.67 wherein the land under acquisition was purchased by the Government on 10.12.64. In case of premium per annum is added to the purchased price of 2,100/- per bigha of the land under acquisition, the value per bigha comes to 2,180/- per bigha. Having regard to the market value of the land of Rs. 2,100/- per bigha and accordingly.

There is no tree, well or other structure on the land under acquisition.

As provided under sub-section 2(1) of section 2 of the Land Acquisition Act, the interested persons will be entitled to compensation on the market value of the land for

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The regular record of acquisition.

2. SETTLEMENT

The settlement shall be paid according to the...
...in the revenue records. In case of any...
...in the department of acquisition, the...
...shall be referred to the court of Additional...
...at June, 1961 for finalization of the...
...acquisition set.

3. LAND TAX

...deduction from the land revenue...
...on account of land acquired...
...shall be deducted from the Khata...
...date of taking over of possession of the land.

4. SUMMARY OF COST

1. Compensation for land acquired	Rs. 26,520.00
2. 4% solution	Rs. 5,978.00
Total	Rs. 32,498.00

(Rupees Thirty Thousand Four Hundred ninety eight only.)

[Signature]
S. S. KUBIA
LAND ACQUISITION COLLECTOR (N)
T. H.

[Handwritten notes]
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...

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कार्य वाई कबजा अवाई नम्बर 123/80-81 गांव बारपुर 49

आज दिनांक 10/3/81 वैदिक जमान 2.A.C(N) लाहलवाहर

बराय देने कबजा अवाई नम्बर 123/80-81 गांव बारपुर
 वं हारा श्री अमी प्रकाश काबुन वी L.A. श्री सुज प्रकाश
 चपराली L.A. मौके पर पहुंच मौके पर वै मुजब प्रमाण
 श्री प्रोहकर मल नाथन तहसीलदार L.A. व श्री अरसाई
 काबुन वी L.A. तथा गहकजा D.D.A. की और से
 श्री मोहनलाल नाथन तहसीलदार D.D.A.

होमिल मिल वास्तादरान की तरफ से मौके पर कोई
 होमिल नहीं है। मौके पर नम्बरान खतरा 204 204
 1-18 20-4

कुल तादादी 22-2 गांव बारपुर खाली पडा हुआ है।
 जिल की निशान देही कीता अंदाजी की गई और
 खतरा के चारो तरफ धूम फिर कर निशानात खपम
 लगवाय गये। मौके पर नम्बरान खतरा 204 204
 1-18 20-4

कुल तादादी 22-2 का कबजा वाकई वास्तादरान से
 होमिल कर के नजल्ली हवाला श्री प्रोहकर मल नाथन—
 तहसीलदार L.A. लिया गया। मौके पर कार्यवाही कबजा
 के दौरान किसी प्रकार की कोई मजहमत पैदा नही हुई।
 मौके पर तथा देखा से नजरिय चपराली श्री सुज प्रकाश
 आवाज बलवद मुझतही व मजली कराई गई।

परवारी हलका नंबर ३ की सरकार में ११ शीर्षक
 आ सका इस लिए कायदा के नंबर की उक्त वक्तव्यबल
 के २१ आमतदर आमतदर काजाल माल तहसीलदार दिल्ली की
 मारफत परवारी हलका की प्रिंटा की जावेगी-

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 १०/३/४१

10/3/41
 N. T. L. & Co.

10/3/41
 Kyo. LRB

22/5/41

10/3/41
 D. D. A.

H. E. Jain
 B.A., LL.B., F.C.A., A.C.S.
 CHARTERED ACCOUNTANT
 Ref. No.

The Land
 Delhi.
 Dear Sir,

Re:
 hereby Mr.
 C.A. to me
 regarding one cl
 of land and to collect
 made by you. Please
 R.C. Jain to inspect
 collect copy of same
 cheque for compensation
 Thanking you,
 Yours faithfully
 R.C. Jain