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AWARD NO. 979

Village: Dhirpur.

Nature of acquisition: Permanent.

On the authority of notification No.F.15(52)/57-L.S.G., dated the 3rd October, 1959 under section 4 of the Land Acquisition Act, 1894, issued by the Chief Commissioner, Delhi, 43 bighas 4 biswas of land is under acquisition for the Extension of the High Power Transmitter Site at Harbans Nagar in Dhirpur. *Subsequently* Notification of the even number dated the 20th January, 1960, under section 6 of the Act was issued by the same authority for the same purpose and area.

MEASUREMENT:

By actual measurement at the spot it was found that field numbers 37/1, 38/1, 397/41/1 measuring 43 bighas 4 biswas have been covered. The classification of land is given below:-

Kind of soil.	Area. Big-Dis.
Banjar Qadim.	29 - 9
Ghairmumkin Shore	10 - 16
Ghairmumkin	
Nullah.	2 - 19

	43 - 4

There is no objection about the measurement of land from any of the persons interested.

COMPENSATION:

Shri A.K.Bose, General Attorney of the Moti Mahal Theaters Private Limited filed his written claim dated the 29th February, 1960 stating therein that the claimants were the mortgagees of 151 bighas 11 biswas belonging to Shri Harbans Lal Jain. That a decree on the basis of the mortgage was passed by the court of Shri Jasmair Singh, Sub Judge, 1st Class, Delhi on the 31st May, 1955, according to which the judgment-debtor had to pay to the claimants Rs.66,500/- and future interest thereon @ 9% P.A. with effect from 28.5.1955. That the amount due to the claimants including interest upto 28.2.60 came to Rs.94,928.75. That they were entitled to recover from the mortgager, the said amount, which might be paid to them. He also stated about the same subject matter in his statement on the 29th February, 1960.

لہوئی چاہیے۔ دوسری پرت کے واسطے جملہ اصول جو ایک

2. Shri Harbans Lal Jain has filed his written claim dated the 7th March, 1960, wherein he demanded compensation at the rate of Rs.50.00 per sq.yard for the land. He further stated that the land in question was a building site and other land in its vicinity was being sold at the same rate. He might be paid compensation besides statutory increase after paying the mortgage money to M/s.Moti Mehal Theatres Ltd; mortgagees. In his statement in this office today, he is said to have cleared the income-tax arrears, but could not say anything about the release of land from distress. About the mortgage money, he would make an amicable settlement with the mortgagee, himself.

CHIEF DATA:

The Naib-Tehsildar, Land Acquisition vide his report dated the 17th February, 1960 proposed a flat rate of Rs.1,300.00 per bigha for the land under acquisition.

DEPARTMENTAL REPRESENTATION:

Shri K.C. Subramaniam, for Project Officer, Central Project Circle, All India Radio, New Delhi, vide his letter No.CPC/E-1/HPT/3748 dated the 3rd March, 1960 represented that in view of the fact that the prevalent rate was round about Rs.1,000/- per bigha, the rate might be fixed not exceeding that amount.

FAIR & REASONABLE VALUE:

I inspected the spot on March 3, 1960 with Shri K.C. Subramaniam and Shri Tek Chand, Naib-Tehsildar, Land Acquisition. The land under acquisition is low-lying and marshy. It is neither useful for agricultural nor for building purpose. It is situated next to the Model Town, a well-developed colony. There is a Bund in between and the level of the colony is comparatively much higher than the land in question. Some of it is Ghairmunkin Shore and the rest is either under a Nullah or old fallow. It has never been rented out, therefore, the application of the average rental for assessing its value is altogether irrelevant. The land in question was purchased by the present-owner through a registered deed dated the 30th November, 1950, alongwith other land

contd...3.

in all measuring 206 bighas 12 biswas for Rs.75,000/- at the rate of Rs.363.11 nP. per bigha. There had been an appreciation in the prices in this locality since then. A statement about the sale-transactions, took place near the land under acquisition, during the quinquennial period preceding the date of the notification, is given below:-

Mutation No.	Date of Regn.	Rate per bigha.	Distance from the land under acquisition.
315	18.7.55	Rs.1,000.00	about half a mile.
316	18.7.55	Rs.1,000.00	about 3½ furlongs.
317	26.8.55	Rs.1,000.00	-do-
318	29.9.55	Rs.1,000.00	--do-
319	11.6.55	Rs.1,000.00	3½ furlongs.
364	22.11.56	Rs.1,428.57	¾ mile.
367	29.5.56	Rs. 207.28	¼ mile.
368	16.6.59	Rs. 725-39	¼ mile.

The average of all these transactions comes to Rs.920.50 nP. The price advanced in the transaction through mutation No.367 is too low as indicated by its resale 3 years after through mutation No.368 at more than thrice. The rate of mutation No.367. All these transactions are in respect of the transfer of Banjar Qadi (Old-fallow) land. Except the last 3 sale transactions the rate in other transactions are at Rs.1,000.00 per bigha about the land which is situated at the nearest distance from the land in ques-

There are two awards available in this Estate. These were drawn up about the acquisition of land for the Rehabilitation of Flood Affected Villages @ Rs.3.00 to Rs.4.00 per sq.yard, in which notifications under section 4 were issued on the 4th January, 1958 and 21st August, 1958, which were numbered 874 and 901 respectively. The land involved in these awards is situated in a different locality, in a favourable situation and position. The proposal of the Naib-Tehsildar appears to be on high side, which is based on the method of multiplying Rs.360.11 by 3½ and calculating the product to Rs.1,270.92 nP. There is a mullah crossing this land

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on its North corner about which entries do not exist in the revenue records. It is possible that land might have been acquired for this Nullah, of which the file is not available. This appears to be already a public purpose. There is Ghairmunkin shore to the extent of 10 bighas 16 biswas, which is inferior to the old fallow land and should be assessed at a lower rate. Keeping in view the claims of the persons interested, the chief-data provided by the Naib-Tehsildar, Land Acquisition, the departmental representation, the material available on the file and my own observation of the spot, I consider a rate of Rs.1,000/- per bigha for Banjar Qadim, Rs.700.00 per bigha for Ghairmunkin shore and no compensation for the Ghairmunkin-nullah, already a public purpose, as fair and reasonable and award accordingly.

There is no claim for severance nor it is due.

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

S O L A T I O N:

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 its compulsory nature of acquisition.

Possession has not been taken by the department so far, therefore, the question of interest does not arise.

APPORTIONMENT:

The land in question belongs to Shri Harbans Lal, according to mutation No.267. It was mortgaged with the Moti Mehal Theatres Ltd; Chandni Chowk, Delhi through mutation No.271. There is a note in the Jamabandi, a copy of which has been placed on the file that this land is under distress for an Income-tax of Rs.66,194.81 nP. about which report No.141 dated the 6th December 1958 is there in the daily diary of events of the Patwari. In the circumstances, the amount of compensation shall have to be deposited with the District Judge for verification and payment to the rightful persons unless authentic documentary proof is produced otherwise.

The award is summarised as below:-

Sl.No.	Kind of soil.	Area per bigha.	Rate	Amount of compensation.
		Big-Bis		
1.	Banjar Qadim.	29 - 9	Rs.1,000.00	Rs. 29,450.00 nP.
2.	Ghairmunkin Shore	10 - 16	Rs. 700.00	Rs. 7,560.00 nP.
3.	Ghairmunkin Nullah	2 - 19	nil.	Rs. 37,010.00 nP.
		43 - 4		Rs. 5,551.50 nP.
	Add 15% towards compulsory acquisition cost			Rs. 42,561.50 nP.
	GRAND TOTAL:			

LAND REVENUE DEDUCTION:

An amount of 00.03 nP. will be deducted from the Khalsa Rent Roll of village Dhirpur from the harvest next following the one in which possession is taken by the department.

(Murari Singh)
Land Acquisition Collector: Delhi.
8.3.1960.

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

(Murari Singh)
Land Acquisition Collector: Delhi.
9.3.1960.

Original
For M/s H. K.
Recd. 9/3