

AWARD NO.....1975.....
 NAME OF VILLAGE..... DINDAR PUR.
 NATURE OF ACQUISITION..... PERMANENT.
 PURPOSE OF ACQUISITION..... CONSTRUCTION OF AN ADDITIONAL
 PILOT DRAIN ALONG THE EXISTING
 NAJAFGARH DRAIN FROM CHHAWLA TO
 KAKROLA BRIDGE.

24 bighas 9 bis of village Dindarpur along with the land of other village vide notification No.F.15(52)/65-LSG,I,II, and III dated 13.12.65 under section 4,6, and 17 of the L.A.Act 1894 was notified by the Chief Commissioner, Delhi for acquisition at a public expense for a public purpose namely for the construction of an additional Pilot drain along the existing Najaf garh drain from Chhawla to Kakrola bridge. Applying the provisions of sub-section (i) of Section 17, The Chief Commissioner Delhi directed the land Acquisition Collector to take order for the acquisition of the above said land and also to take possession of the land on the expiration of 15 days from the publication of notices under sub-section (i) of section 9 of the above said act. Wide public notice was given to the notification.

The notices u/s 9(1), 9(2) and 10(1) of the said land acquisition Act were served upon the interested persons who in response to the notices filed their claims which will be discussed at the proper place.

'MEASUREMENT AND OWNERSHIP'

According to the notification u/s 6 Kh.Nos 899/1, to 906/1, 937/1, 938, 940, 952/1 to 958/1 measuring 24 bigha 9 bis have been notified for acquisition. Measurement of the area has been found correct. *On* and there is an increase of 19 bis was. *Thus the total area under acquisition is 25 bigha 8 bis.*
'OWNERSHIP'

The ownership, tenancy, Khasra No. and classification of the soil is as under:-

S.No.	Name of Bhumidar	Name of occupant	Kh.No.	Area	Kind of soil
1.	Rehim Ali, Ranpat, Ali Sher alias Ganga s/o Amira in equal share 5/8 Smt. Manhari d/o Amira 1/6 Kanwar Singh s/o Kher 7/72 Mst. Nando w/o Kher 1/18 Mst. Zehro d/o Kher.1/18	Self	952/1	1-19/Irrigat	Un

2) Albaila s/o Danat	Self	953/1	0--14	Irrigated.
3) Salamu, Hukmi, Samey ss/o Mangat in equal share 1/2 Mehar Ali s/o Mana 1/2	Self	955/1	0--14	Unirrigated
4) Dilawar, Zaber Din, Chinna ss/o Samera in equal share.	Self	958/1	0--15	Irrigated.
5) Jamal Din, ^{Rizal} Shama Din Hukam Din, Shams Din Ar aram Din ss/o Sharfu in equal share.	Self	957/1 956/1 Total	0--7 0--14 1--1	Irrigated. Unirrigated
6) Sadiq, Rakmu ss/o Jhhinda in equal share	Self	940/1 937/1 Total	2--9 1--2 3--11	Unirrigated " "
7) Gainis/o Surjit.	Self	904/1 905/1 Total	2--10 0--19 3--9	Unirrigated " "
8) Ramjan, Jage Nagar Karmu ss/o Manu in equal share.	Self	899/1	3--18	Irrigated.
9) Mst. Bakhtawari w/o Amrit 1/3, Fattu, Khazan ss/o Lehari, Nurmohd, Subedin ss/o Chander in equal share 2/3	Self	938	1--16	Unirrigated.
10) Ashok Kumar s/o Chandu Lal	Self	903/1	1--15	Unirrigated.
11) Kirpa s/o Kurya	Self	901/1 900/1 Total	1--6 1--9 2--15	Irrigated. " "
12) Buda, Rai Singh ss/o Kallu in equal share.	Self	906/1	0--9	"
13) Nandu, Sujan ss/o Abdulla in equal share 2/3 Raquim Uddin, Bhima ss/o Allhadia in equal share 1/3	Self	902/1	1--18	Irrigated.
14) Narang, Salu ss/o Badlu in equal share.	Self	954/1	0--14	"
		G.Total	25--8	
		Irrigated (11-10) Unirrigated (13-18)		

'CLAIM AND PROOF'

The following interested persons in response to notices u/s

(92) and 10(1) have filed their claims as under:-

S.No.	Name of claimant	Kh.No.	Other particular and proof.
1)	Kanwar Singh s/o Kehar Rehim, Ranpat, Alishar Smt. Zehro, Manhori, Nando through Kanwar Singh.	905/1	They have filed claim jointly and state that compensation for land given @ Rs.1400/- per bi plus compensation for

2) Shri Sammey Salamu ss/o Mangat Mehar Ali s/o Mana.	955/1	as at S.No. 1.
3) Shri Dharam Singh s/o Albela.	953/1	- do-
4) Shri Sadiq, Reunu ss/o Jhunda.	940/1 937/1	-do-
5) Gani s/o Sarjit Singh	904/1 905	- do-
6) Jaga s/o Mannu	899/1	- do-
7) Patu s/o Hari himself and on behalf of khazan Naru, Suba and Smt. Bakhtawri.	938	-do-
8) Badhu s/o Kalu Rai Singh through Budha	906/1	- do-
9) Sh. (Narang ss/o Badly through Shabu	954/1	- do-
10) Sh. Dilawar Chimiya, Zabbar din, Jamal din s/o Sharfu- ddin Resalu, Hakam Chand, Karmu Shamsuddin through Chumiya Jamal din.	958/1 957/1	-do-
11) Shri. Mehar Ali s/o Mana.	956	He has stated that compensation be given according to the decision given by civil court on 14.3.59.
12) Raqinuddin, Nandu, Sujan ss/o Abdula.	905/1	as at S.No. 1.
13) Shri Kirpa Ram s/o Kurya	900/1 901/1	He has claimed Rs. 600/- as damages for crops.
14) Shri Ashok Kumar Minor s/o Chandu Lal through Chandulal.	903/1	He has stated in his claim the compensation of land be given @ Rs. 3000/- per bigha.

' MARKET VALUE '

25 bighas 8 bis are under acquisition. To calculate the compensation to be awarded not only the conditions mentioned in section 23(1) of the L.A. Act are to be reckoned, but other factors also are to be taken into account such as sale transactions that took place in the village during the five years preceeding the date of notification u/s 4 which in this case is 13.12.65, nearness of land under acquisition to recent sale transactions, the situation, the use to which it is put, its potential value, rise and fall of demand of land in the market of demand and the land acquired previously in the village. Also the claims of the interested persons have to be considered. However, conjecture

in such matters to a permissible extent is in-~~ext~~table.

The statement of the average sale price of five years preceding the date of notification u/s 4 is as under:-

Year	Area	Price	Average per bigha.
1960-61	--	--	--
1961-62	49--9	Rs. 29100-00	Rs. 588-48
1962-63	59-18	Rs. 30000-00	Rs. 500-84
1963-64	9-16	Rs. 1300-00	Rs. 1625-00
1964-65	9--9	Rs. 1350-00	Rs. 3000-00
Total	110-12	Rs. 61750-00	Rs. 558-32

The average sale price of five years preceeding the date of notification u/s 4 which is 13.12.65 works out to Rs. 558.32 per bigha. From the above table it is apparent that the price has risen year by year except in 1962-63.

A review of sale will focus light on the factors contributing to increase in prices.

1960-61

No transaction has been registered.

1961-62

During the fair transaction have been reported. These do not serve any useful purpose for the distance from the land under acquisition is about $2\frac{1}{2}$ miles.

1962-63

In the year 1962-63 only two transactions have taken place. Kh.No. 901 and 900 along with other Kh.Nos. were sold on ~~xxxx~~ 11.6.63 for Rs. 22500/-. These are under ^{acquisition} and price per bigha comes to Rs. 529-41. It will keep in determination of market price.

1963-64

He is Only one transaction of 16 bis in Kh.No. 340 sold for Rs. 1300 was registered on 29.12. 64. The price per bigha is Rs. 625/- It is near the Abadi and about $1\frac{1}{2}$ miles from the land under acquisition. Despite it will assist in arriving at a just market price. When there have been less transaction in the village the transaction available alone must be used profitably.

1964-65

This year only one transaction has been registered.

Out of Khasra No. 341, 9 bis were sold on 27.7.65 for Rs. 1350/- Rs.3000/- is the price per bigha of this transaction. Not only it is a small price of land, it is also in the abadi, and consequently, it has fetched a higher price. Around the Abadi and inside the Abadi, the land still get better price than land at a distance. from the Abadi. The said ~~xxx~~ transaction will not help in determining market price. Besides lone transaction does not represent a correct picture. The ^{discussion} ~~dismissal~~ relating to sale transaction during the 5 years from 1960-61 to 1964-65 reveals that:-

- 1) Land in and around the abadi has earned higher price.
- 2) Small ~~pieces~~ of land have fetched better price than big pieces of land.
- 3) Kh.No.901 and 900 are ^{relevant} ~~relevant~~ for fixing market price.

The claimants have not produced any sale-deed or document in respect of their claim for compensation etc. ^{at} the rate of Rs. 1400 per bigha.

One award No. 1808 has been announced in this village. The date of notification u/s 4 is 22.4.64 and the compensation awarded is Rs. 500/- per bigha. References u/s 18 have been filed and are pending with the ADJ.

The market price prevailing before 13.12.65 which is the date of notification u/s 4 is to be arrived at. There have been few transaction in the village ^{and} that too ^{relevant} relate to land in and around the Abadi. Kh.No. 340 and 341 have fetched Rs. 625/- per bigha and Rs. 3000/- per bigha respectively although the situation and quality are almost one and the same. The difference in price is huge. Why the latter transaction earned such a high price, is beyond understanding. The former, of course, seems quite reasonable and just. ^{It} is no doubt about 1½ miles from the land under the present scheme and close to the Abadi it could be made the for fixing market price. Consequently taking into accounts various facts like the situation, the area involved, the undeveloped nature of the land, and the prices of land sold, I consider that fair and reasonable market would be Rs. 600/- and I award the same.

'COMPENSATION FOR CROPS'

At the time of taking over possession by the Ex-Engineer Flood Control and Drainage Division No.1 on 8.7.65 sugar cane was standing in Kh.Nos 899/1, 900/1, 901/1, 902/1, 904/1, 905/1, 906/1, 907/1, 908/1 and the owners of the aforesaid Kh.Nos are entitled to crops compensation which is as under:-

S.No.	Kh.No.	Area	Rate per bigha	Compensation.
1.	899/1 ✓	3--18	150/- per bigha	585-00
	900/1 ✓	1--07	"	202-50
	901/1 ✓	1--05	"	187-50
	902/1 ✓	1--15	"	262-50 ✓
	904/1 ✓	2--06	"	345-00 ✓
	905/1 ✓	0--19	"	142-50 ✓
	906/1 ✓	0--09	"	67-50 ✓
	907/1 ✓	0--08 ✓	"	60-00 ✓
	908/1 ✓	0--14	"	105-00 ✓
	Total	13--01		1957-50

'COMPENSATION FOR WELL TREES'
AND STRUCTURES

There are no wells trees and structures on the land under acquisition. As such no compensation has been allowed.

'INTEREST'

The Ex.Engineer Flood Control and Drainage Division No.1 has informed through letter No.NB/11-A/65/8306 dated 5.7.65 that possession of the land under the present scheme was taken during the 2nd week of July 1965. According to the proceeding in respect of handing over possession the date of possession is 8.7.65. But the date of notification u/s 17 is 13.12.65. Hence the owners will be intitled to interest @ Rs. 6% from 13.12.65 to the date of announcement of the award.

'SOLITUM'

15% solitium will be allowed as per L.A.Act.

'APPORTIONMENT'

- Manu Manu*
- 1) Compensation will be paid as per the latest entered in the revenue records.
 - 2) Kh.No.956/1 is in the Bhumidari of Jamaluddin and others ss/o Sharfu in equal share. Mehar Ali s/o Mana has mentioned in his claim that he has filed a civil suit against Jamaluddin and others. Hence compensation will remain disputed.

3) Shri Albela s/o Danat who is the owner of Kh.No.953/1 has died. Hence compensation will be kept in dispute.

4) Shri Gains s/o Sarjit is the Bhumidar of Kh.No.905/1 Nandu and others ss/o Abdulla and Kanwar Singh s/o Kehar Singh have claimed compensation of the said Kh.No. The compensation, therefore, remain disputed.

'LAND REVENUE'

The land revenue is reported to be Rs. 8-27. It will be deleted from the khalsa Rent Roll from the date possession was taken over.

The summary of the award is as under:-

'SUMMARY'

Compensation for land 25 big.8 bis @ Rs.600/- per bigha kham.	Rs. 15240-00
Solition 15%	Rs. 2386-00
Compensation for crops	Rs. 1957-50
Interest @ 6% from 13.12.65 to 27.4.67 i.e. 500 days.	Rs. 1601-38
G.Total	Rs. 21084-88

(Rupees Twenty one thousand eighty four and paisa eighty eight only.)

Sham Karan
5.4.67

(SHAM KARAN)
LAND ACQUISITION COLLECTOR (P)
DELHI.

Forwarded to the Deputy Commissioner(District Collector
for information and filing the award.

Sham Karan

(SHAM KARAN)
LAND ACQUISITION COLLECTOR (P)
DELHI.

12/7
COLLECTOR DELHI

*The award will be
announced on 20.7.67.
Prepare copy for Muntazim
and A. S. Hafiz and
inform all concerned
21.3.76*

Seen. Filed

M. Karan