

17/12
AWARD No. 2147 /

Name of the village: Dindarpur.
Nature of acquisition: Permanent.
Purpose of acquisition: Lift Irrigation
Scheme in Najafgarh Block.

INTRODUCTION:

The land situated in the village Dindarpur is required by the Government at the public expense for a public purpose namely, for Lift Irrigation Scheme in Najafgarh Block. A notification u/s 4 of the L.A. Act was made vide the notification No. F.15(8)/67-L&H(i) dated 3.6.1967. The provisions of section 5-A of the L.A. Act for inviting and hearing the objections from the interested persons were dispensed with and section 17 was applied for taking possession of the land under acquisition vide the notification No. F.15(8)/67-L&H (iii) dated ~~3.6.~~ 3.6.1967. But, the possession of the land was not handed over to the acquiring department and the owners are still occupying the land. Simultaneously, a declaration was made under section 6 of the L.A. Act vide the notification No. F.15(8)/67-L&H(ii) dated 3.6.1967. The notice u/s 9(1) was given due publicity, and notices under section 9(3) and 10(1) of the L.A. Act were served upon the known interested persons. Almost all the interested persons have responded to the notices given to them, by filing their claims.

'MEASUREMENT & OWNERSHIP'

According to the notification u/s 6 of the L.A. Act the total area to be acquired was 12 bighas and 18 biswas. But, from further verification made on the spot under section 8 of the L.A. Act, the area was found to be correct as ²9 bighas ²11 biswas. The difference of ²3 bigha ²5 biswas is due to ²the change of alignment and ²actual measurement at site. I therefore, hold the area under acquisition to be true at 9 bighas and 11 biswas, the detail of which according to the Revenue Record is as given below:-

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Kh. sra No.	Area Big. Bis.	Kind of land.
700/1/1.	0 - 10	Rosli
716/1	0 - 02	Chahi(Apash)
717/2	1 - 10	Chahi "
718/2	1 - 18	Chahi "
1052/1	0 - 16	Chahi "
1055/1	0 - 16	Chahi "
1056/2	1 - 12	Rosli(Gair Apash)
1057/2	0 - 19	Chahi(Apash)
1058/2	1 - 08 9 - 11	Rosli(Gair Apash)
Chahi(Apash):	6 - 010	
Rosli(Gair Apash)	3 - 100	

'CLAIMS & EVIDENCE'

Shmt. Rehmi, Shmt. Dhano and Shmt. Manachari dts/o Mst. Mamni have submitted their claim petition in which they have stated that the compensation for the land in question be paid @ Rs.5000/- per bigha and they have further stated that the compensation for the land bearing Khasra Nos.1059,1060, 1061 total measuring 2 bighas and 10 biswas should also be paid to them.

Note:- The compensation as demanded by the above claimants for the khasra Nos. 1059, 1060 and 1061 vide their application dated 1.1.1968 cannot be paid as these khasra Nos. are not being acquired in the present award.

2. S/Shri Mukhtiar Singh, Baljit Singh, Kartar Singh through Shri Mukhtiar Singh, Slamoo S/o Mangat, Hukmi s/o Mangat etc. etc. have submitted one objection petition, in which they have stated that the land under acquisition be acquired in a straight line and site inspection should also be made. The objection raised at this stage cannot be considered.
3. Shri Giani Pradhan, Gaon Sabha have submitted his claim petition, in which he has demanded the compensation of

the land bearing khasra No.700/1/1 @ Rs.500/- per bigha, and it was stated that the said land is in possession of the Gaon Sabha. In this regard it is noted from the record that this land belongs to 'Shamlat Deh', and is in possession of S/Shri Bihari Lal and three others. Besides in pursuance of clause (C) of Sub section (2) of Section 1 of the Delhi Land Reforms Act, 1954, this land has been notified in the Delhi Administration Gazette dated September 5, 1960 as held and occupied for public purpose or a work of public utility. In the owners' column 'Shamlat Deh Hasbe Rassad Qabza' and in tenants column the names of S/Shri Bihari Lal and others have mentioned. In view of these facts the land in question has been assessed, but the compensation will be treated as disputed.

The claimants have not produced any evidence in support of their claim for compensation. Hence the market value demanded by them is not substantiated. Hence the land owners are entitled to get compensation as discussed under the head 'Market Value'.

'Market Value'

The land under acquisition is situated adjoining the Najafgrah to Kapashera Road. The Jhantikra Road connects the above said road very close to the land under acquisition.

The following sale transactions are reported to have taken place in village Dindarpur during the last five years preceding the date of notification u/s 4 of the L.A. Act namely 3.6.1967:-

Year:	Area.	Total amount of consideration.	Average per bigha.
	Big. Bis.		
1962-63.	17-08	Rs.7500/-.	Rs.431.04ps.
1963-64.	42-10	Rs.22,500/-.	Rs.529.41ps.
1964-65.	0-17	Rs.1300/-.	Rs.1529.41
1965-66.	0-09	Rs.1350/-.	Rs.3000/-.
1966-67.	43-17	Rs.54,652/-.	Rs.1246.34

From the above statements it will be seen that there is a steady increase in the price of the land from year to year. However, during the year 1965-66 an area

measuring 09 biswas was sold for a consideration of Rs.1350/- thus yielding an average of Rs.3000/- per bigha. The area involved is obviously very small and the land was sold in form of small plots. Hence this rate cannot be held as relevant for arriving at the true market value of the land under acquisition.

During the crucial year of 1966-67, as can be seen from the above statement, an area measuring 43 bighas 17 biswas was sold for a sum of Rs.54,652/-, thus yielding an average of Rs.1246.34 per bigha. A statement showing the details of the sale instances is given below:-

Sl. no.	Mutation No.	Date of registration.	Area. Big. Bis.	Total amount of consideration.	Average per bigha
1	1190.	27.10.1966.	19 - 11	Rs.29175.00	Rs.1492/-.
2	1192.	8.11.1966.	4 - 17	Rs.5000/-.	Rs.1031.96
3	1193.	8.11.1966.	7 - 02	Rs.7500/-.	Rs.1056.33
4	1194.	8.11.1966.	0 - 04	Rs.200/-.	Rs.1000/-
5	1195.	8.11.1966.	4 - 04	Rs.4500/-.	Rs.1071.43.
6	1196.	8.11.1966.	4 - 16	Rs.5000/-.	Rs.1041.67
7	1197.	8.11.1966.	3 - 03	Rs.3277/-.	Rs.1040.30

A close scrutiny of the above statement reveals that the lands involved in the sale transaction referred to at sl.No.1 are just on the Najafgrah Road and very close to the Abadi. Hence the price of these khasra Nos. is bound to be higher. However, the lands involved in the sale transactions referred to at sl.Nos.2 to 7 appear to be relevant for arriving at the market value of the land under acquisition, as the situation of the land under acquisition and of the above referred land is similar to each other. But the date of the registration of sales of the above said land is 8.11.1966, whereas the date of notification w/

4 of the L.A. Act of the present award is 3.6.1967. The average price of the lands referred to at sl.No.4 of the above statement comes to Rs.1000/- per bigha. But it is seen that the area involved in the said sale is only 04 biswas which is in form of a small plot, whereas the land under acquisition measures 12 bighas and ²~~15~~ biswas. Generally a small plot fetches a higher value than that of a bigger plot.

About 4 awards have been made in village Dindarpur out of which the award No.1975 and an award which has been recently drawn but not yet announced are discussed here as they are relevant for assessing the market value of the land under acquisition. ^{In 2} The former award which pertains to acquisition for widening of the Najafgrah, the Land Acquisition had allowed the compensation @ Rs.600/- per bigha. In the latter award, which like the instant award pertains to acquisition for the Lift Irrigation Scheme, the Land Acquisition Collector had allowed the compensation @ Rs.500/- per bigha. The date of the notification under section 4 of the Land Acquisition Act of the former Award is 13.12.1965, and that of the latter award is 10.4.1964. In view of this fact the value is higher in the former award than in the latter award. The lands involved in the above said awards are similar to the land being acquired under the present award. But as stated above the crucial date of notification under section 4 of the L.A. Act of the present award is 3.6.1967 which is quite recent as compared to those of the above said awards. Thus, considering the sale instances as discussed above, the situation of the land under acquisition and the growing trend in the market value of the land in the vicinity of the land under acquisition, I am of the opinion that the rate of Rs.1000/- per

bigha will be a fair and reasonable market value of the land under acquisition and I award accordingly.

'OTHER COMPENSATIONS'

There is one well in Khasra No. 716/1 the entry of which does not exist in the revenue record, but it appears to have been an old one. The Naib-Tehsildar(LA) has assessed its value at Rs.500/-. This value is reasonable and I allowed accordingly. However, this compensation will be paid to the owner on production of proof that it was constructed prior to the date of the Notification u/s 4 of the L.A.Act, viz.3.6.1967.

15% solatium: In addition to the compensation of the land the owners will also be paid 15% solatium for compulsory nature of acquisition as provided u/s 23(2) of the L.A.Act.

'APPORTIONMENT'

The compensation will be paid according to the latest entries in the Revenue Record. The compensation regarding khasra Nos.716/1 and 1052/1 will be paid

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only if the owners produce clearance certificate from Tehsildar(Tacavi) as the land of these khasra Nos. is hypothicated in favour of Government.

The compensation of Shmt.Dhani (Deceased) will be paid to the legal heirs after they produce relevant document regarding the succession.

The compensation regarding Khasra No. 700/1/1 will be paid in presence of Pradhan Gaon Sabha, and S/Shri Bihari Lal etc. and some representative on behalf of Q.S.D(LR), as discussed under the head 'Claims and evidence'.

Similarly the compensation regarding khasra Nos. 1056/² & 1057/² will be paid in presence of Bhumidars and the occupants Navrang and Mehr Ali.

Interest: As stated under the head 'Introduction' the possession of the land was not taken although section 17 was applied. Therefore the question of payment of interest does not arise.

'SUMMARY OF THE AWARD'

Compensation for the land measuring 9 bighas 11 biswas @ Rs.1000/- per bigha.	Rs.9,550.00
Compensation for well.	Rs. 500.00
	Rs.10,050.00
15% of the above as solatium for compulsory nature of acquisition.	Rs. 1,507.50
Grand Total:	Rs.11,557.50

The land is assessed to a land revenue of Rs.2.55² which will be deducted from the revenue roll of the village from Kharif, 1968.

(Zal Nowsherwanji)
Land Acquisition Collector(DS)Circle
Delhi.

28 ⁸
1968

मिसिल पेश हुई साबाज लगावाई गई।
 सब श्री रकम पुत्र मुन्डा बजारी खुद व
 अपनैवाई सड़क के लिए, हुकमी व पुत्र मांगत
 बजारी खुद व अपनैवाई सड़क के लिए हाजिर
 हैं साबाज पढ़कर सुनाया गया।

उत्तर

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meter No.

28-8-68

गिरफ्तारी

उत्तर

र.अ.अ.

र.अ.अ.
Rakman

श्री मेहर मल्ली पुत्र मांगा हाजिर
 हैं साबाज पढ़कर सुनाया गया।

र.अ.अ.

(To be published in Part IV of Delhi Gazette)

DELHI ADMINISTRATION, DELHI.NOTIFICATION.

Dated the June, 1967.

No.F.15(8)/67-L&B(11):- Whereas it appears to the Lt. Governor of Delhi that land is required to be taken by Government at the public expense for a public purpose, namely, for Lift Irrigation Scheme in Najafgarh Block, it is hereby declared that the land described in the specification below is acquired for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected at the office of the Collector of Delhi.

SPECIFICATION.

Village or Locality.	Total Area.		Field Nos. or Boundaries.
	Sig.	Bis.	
1. Dindarpur.	12	16	1052 min., 1055 min., 1056 min., 1057 min., 1058 min., 700/1 min., 716 min., 717 min., and 718 min.
2. Goela Khurd.	3	11	169 min. & 170 min.
			By order,

sd/-

(JA. MOHAN)

Secretary (Land and Building),
Delhi Administration, Delhi.

No.F.15(8)/67-L&B(11).

Dated the 3rd June, 1967.

Copy forwarded to:-

1. Public Relations Department (in duplicate) for favour of publication in Part IV of the Delhi Gazette.
2. The Executive Engineer, Flood Control & Drainage Division No.1, Delhi Administration, Curzon Road, New Delhi, in continuation of D.O. No.F.15(8)/67-L&B dated 1.6.67.
3. The Land Acquisition Collector (P), New Courts Building, Tis Hazari, Delhi, in continuation of the above said semi-official letter dated 1.6.1967.

(R.M. Vats)

for Secretary (Land & Building),
Delhi Administration, Delhi.

4/6



LACR
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Shi. Ramprakash

WCP
6/6

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