

AWARD NO. 1048

Village: JAFRABAD.

Nature of acquisition: Permanent.

Originally notification No.F.15(60)/57-LST, dated the 8th July, 1957 was issued under section 4 of the Land Acquisition Act, 1894, for the acquisition of 207 acres of land in Gonda Chohan Khadar (131 acres), Gonda Chohan Bangar (66 acres), Jafraabad (10 acres) for the resettlement of slum evictees across the Bund. Subsequently, declaration of the area under dated the 1st April, 1958 was made under section 6 of the Act for the same purpose and area. Afterwards, it was realised that so much (207 acres) area was not necessary and therefore, the Chief Commissioner, Delhi, vide notification No.F.15(60)/57-LST(i), dated the 4th August, 1958, was pleased to withdraw from the acquisition of pieces of land measuring 158.30 acres as per details given below:-

<u>Sl. No.</u>	<u>Village.</u>	<u>Area in acres.</u>	<u>Field Numbers.</u>
1.	Gonda Chohan Khadar.	131	37 to 42, 46 to 69, 74 to 153 and 229.
2.	Gonda Chohan Bangar.	27.22	250, 262, and 269 to 287.
3.	Jafraabad.	0.8	121

Thus no area of Gonda Chohan Khadar remains to be acquired. Out of the area of Gonda Chohan Bangar only 30.78 acres of land remains under acquisition. From Jafraabad 0.8 acres of land was left behind for acquisition.

Because of the emergent nature of acquisition section 17 was applied and instructions for taking over possession were issued vide notification No.F.15(60)/57-LST, dated the 19th August, 1958.

According to notification No.F.15(60)/57-LST(i), dated the 4th August, 1958 field number 121 measuring 00.8 acre was deleted and the remaining area came out to be 9.2. acres as mentioned above. But it was discovered from the entries in the revenue records that in fact 12 biswas of field number 121 were to be deducted. There are other discrepancies in the area. The correct area according to the revenue records comes to 10.41 acres, of which the details are given

contd.....2.

below:-

Field Number.	Area. Bis-Bis.	Kind of soil.
119	1 - 18	Nehri:
120	1 - 19	Nehri.
122	3 - 6	Nehri.
123	4 - 1	Nehri.
124	4 - 4	Nehri.
125	3 - 10	Nehri.
126	1 - 7	Nehri.
127	2 - 8	Nehri.
128	2 - 14	Nehri.
129	7 - 1	Nehri.
130	6 - 0	Bagh Nehri.
131	3 - 9	Nehri.
132	3 - 18	Nehri.
133	3 - 3	Nehri.
Total:	49 - 19	

Bagh Nehri6 bighas.
Nehri. 43 bighas 19 biswas

Satisfaction has been made by the land acquisition field staff and it has been found to be correct. Section 17 was applied to the whole of this area excluding field number 130 in which there was a garden. This was done through Notification No.F.15(60)/57-LSC, dated the 19th August, 1958.

COMPENSATION:

Shri Nain Singh through his statement dated the 11th July, 1960 demanded compensation @ Rs.5,000.00 per tree and wanted the valuation of 30 mango trees, done by the Horticulture Department. He described the rate of Rs.20.00 per sq.yard and demanded compensation accordingly. Through his written claim filed on the 6th July, 1960 he objected that the notification u/s 4 was not published in respect of 130 and the notices u/s 9(1) were illegal. As a precautionary measure he demanded compensation @ Rs.5,000.00 per tree of 50 trees and in all Rs.2,50,000.00 for mango-trees. He also demanded compensation @ Rs.20.00 per sq.yard. Sarvashri Nain Singh and Gian Chand also filed their written claim produced in this office on the 25th September, 1958 and stated that Mandu Singh, Suraj Singh, Raja Ram, Kanwal, Bhoja, Balraj, Mahohar Lal, Nanak, Het Ram, Gian Chand, Munsu, Om Parkash etc. agreed to sell their land measuring 41 bighas 19 biswas in Jafrabad to them vide agreement dated the 2nd December, 1955 @ Rs.4,800.00 per bigha and they received Rs.2,5000/- as earnest money. They claimed Rs.25,000 plus Rs.30,204.00 more as Statutory Allowance @ 15% on the Rs.25,000 and Rs.8,390.00 on account of increase in the market value.

They made a total claim of Rs.69,593.00.

2. Sarvashri Balraj, Manohar ss/o Main Singh vide their written claim dated the 29th September, 1959 demanded compensation @ Rs.5,000.00 per bigha plus 15% as compulsory acquisition cost. In the alternative, they demanded land for land. They further stated that mutation had since been attested in their favour.

3. Shri Phoja s/o Ram Lal, Manak, Om Parkash ss/o Babu, Gian Chand adopted son of Hira Singh, Sunehri s/o Ram Lal, Suraj s/o Tirkha Ram, Charan Singh, Mot Ram s/o Gian Sahai, Gian Chand s/o Mewa, Muni s/o Chhibba, Manak, Om Parkash ss/o Babu, Kanwan s/o Chhibba, Handu Singh, Raja Ram s/o Tirkha vide their written claim dated the 29th September, 1958 demanded compensation at the same rate i.e. Rs.5000.00 per bigha, plus 15% compulsory acquisition cost. Kallian Singh s/o Amir Singh through his written claim dated the 25th September, 1958, demanded compensation @ Rs.15.00 per sq.yard for his tenancy rights.

CHIEF DATA:- The Naib-Tehsildar, Land Acquisition vide his report dated the 24th June, 1960 proposed compensation @ Rs.900/- per bigha for Mehri land.

DEPARTMENTAL REPRESENTATION:- The Deputy Commissioner (G), Municipal Corporation of Delhi, through his letter No.G.6(18)/57-818/L&E, dated the 16th July, 1960 wrote to say that the cost of land claimed by the persons interested and assessed by the Naib-Tehsildar appeared on high side, as the land under reference was not much fertile. That the cost should be worked out at reasonable rates.

FAIR & REASONABLE VALUE:-

I inspected the spot on the 18th June, 1960 with Shri Mehar Chand, Patwaril and acquisition. The land in question is situated along the canal and irrigated by it. It appears to be productive and it is well situated. It has no prospective value and is chiefly meant for agricultural pursuits. As already discussed in award No.1041 of village Gonda Chohan Bangar and No.1042 of village Jafraabad there are two transactions available in this village through mutation Nos.218 and 219, of which the average price per bigha comes to Rs.586.59 nT. This land is comparatively favourably situated. There are two transactions available in Gonda Chohan Bangar, which place through mutation Nos.476 and 478. The position of the

of the lands involved in these mutations are shown on a consolidated map in the file and discussed in award No.1041. ~~that Naib Tehsildar's valuation is not correct and the price of land and therefore, their agreement does not serve as a~~ safeguard to arrive at the valuation of the land in this case.

The claims of the persons interested are very high. The proposal of the Naib-Tehsildar is on high side. The Departmental Officer quoted no definite rate. In view of the material available on the file and my own observation of the spot, I consider a rate of Rs.550.00 per bigha as fair and reasonable and award accordingly.

There is no well or structure in the land under acquisition

T R E E S:

There is a Rikar tree weighing about 20 maunds in field number 129 belonging to Kalyan Singh, Hari Chand ss/o Amin. Its valuation has been proposed as Rs.40.00 by the Naib-Tehsildar, Land Acquisition. I have no reason to differ from him and award the same amount.

There are 20 mango trees in field number 130. The persons interested have demanded very exorbitant price of these trees. The matter was eventually referred to the Garden Superintendent Municipal Corporation of Delhi, who vide his letter No.597/S.G. dated the 24th August, 1960, while describing the mode of assessment of the valuation of these trees proposed the valuation as under:-

Age group of 35 to 40 years - 8 trees	Rs. 1,920.00
Age group of 40 to 50 years - 12 trees	Rs. 960.00
Cost of wood after fruiting age for both the groups.	Rs. 800.00

Less maintenance and supervision charges of 20 trees for 10 years	Rs. 3,680.00
	Rs. 1,600.00

Less land revenue for 10 years.	Rs. 2,080.00
	Rs. 10.80 nF.

Net amount payable to the persons interested.	Rs. 2,060.20 nF.
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The above being an expert opinion, it has much weight and is therefore, followed. An amount of Rs.2,060.20 nF. is hereby awarded for 20 mango trees.

No case of severance is made out nor any claim has been made for that.

contd.

SOLUTION- As provided in sub-section 2 of section 23 of the Land Acquisition Act, 1894, 15% will be added towards compulsory acquisition cost;

APPOINTMENT:

The land under acquisition is governed by the Delhi Land Reforms Act, 1954, under which Pottidhari rights have been declared. Payment will be made to the persons interested according to the declaration of Pottidhari rights reproduced in statement 'A' attached with the award, which forms a part of the award.

The award is summarised as below:-

Sl. No.	Description of land.	Area Big-His.	Rate per bigha.	Amount of compensation.
1.	Bagh-Nehri.	6 - 0	Rs. 550.00	Rs. 27,472.50 nP.
2.	Nehri.	43 - 19		
		49 - 19		
	Compensation for one Kikar tree.			Rs. 40.00
	Compensation for 20 mango trees.			Rs. 2,060.20 nP.
				Rs. 29,572.70 nP.
	Add 15% towards compulsory acquisition cost:			Rs. 4,435.90 nP.
	GRAND TOTAL:			Rs. 34,008.60 nP.

LAND REVENUE DEDUCTION:

An amount of Rs. 19.49 will be deducted from the Khalsa Rent Roll of village Jafraabad from the harvest next following the one garnered by the persons interested.

Rel. 27/8/60
(Munari Singh)
Land Acquisition Collector: Delhi.
28.8.60.
Submitted to the Collector of the District for information.

Rel. 27/8/60
(Munari Singh)
Land Acquisition Collector: Delhi.
28.8.60.

Land Acquisition Collector,
The District, DELHI.

10m 29.8.60

Back
for v. cert action
25/8/60

نمبر ۱۱۸ - ۱۱۹ - ۱۲۰ - ۱۲۱ - ۱۲۲ - ۱۲۳ - ۱۲۴ - ۱۲۵ - ۱۲۶ - ۱۲۷

و در وقت گیرنده وقت ۹۶۰ مقرر قطع فغیر تا بدین حد رسیده و در وقت ۱۰۰۰ مقرر قطع فغیر تا بدین حد رسیده و در وقت ۱۰۰۰ مقرر قطع فغیر تا بدین حد رسیده

24/5

وردی جوئی و سقور کوہ
نہر دل در عبا کوہ

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~~At 11:00~~
~~Public school and 6000 in~~
 Radio Nello Caputo

منی علم و ادب کے لئے
Manikumar

21 Nov 61

25/6/61

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H-A-C