

AWARD No. 1501

Name of the Village:

Jafrabad.

Nature of Acquisition:

Permanent.

This is a case for the acquisition of land in the state of Jafrabad required by the Government at the public expense for a public purpose, namely, for the Planned Development of Delhi. A declaration under section 4 of the Land Acquisition Act was made vide Notification No.F.15(111)/59-LSG dated 13.11.59. Objections were invited from the interested persons against this notification. The objectors were heard and the objections in original were sent to the Delhi Administration for decision. In this notification under section 4 of the Land Acquisition Act, an area of about 34 thousand acres was notified for acquisition in several villages of Delhi. Area from this notification is being acquired from time to time by publication of notifications under section 6 of the Land Acquisition Act as and when the necessity arises. A declaration under section 6 of the Land Acquisition Act regarding this area was made vide notification No.F.7(27)/61-L&H dated 17.8.1962. Notice under section 9(1) of the Land Acquisition Act was given due publicity inviting claims from all interested persons. Notices under section 9(3) and 10(1) of the Land Acquisition Act were served upon the known interested persons. All these persons have respected to the notices.

MEASUREMENT & OWNERSHIP.

According to the notification under section 6 of the Land Acquisition Act, the total area to be acquired was 194 Bighas 4 Biswas. From further ~~verification~~ measurement made on the spot, the total area is found to be 191 Bighas 15 Biswas. The difference of 2 Bighas 9 Biswas is due to

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the fact that some Titama numbers have been acquired.

The ownership of the land under acquisition is given below:-

Sl.No.	Name of the Owner	Khasra No.	Area Big-Bis.	Kind of land.	Claim made.
1.	Suraj Singh s/o Tirkha.	312 <i>min</i>	1 - 7	Nehri.	Rs.60/-per sq.yd.
Note:- Khazan Singh & Hari Chand have been shown as cultivators in exchange for some other land. Compensation regarding this land will be paid in the presence of both the parties.					
2.	Nandu Singh s/o Tirkha.	283min 299	1 - 2 1 - 4 2 - 6	Nehri. -do-	Rs.60/-per sq.yd.
3.	Raja Ram s/o Tirkha.	312min	1 - 7	Nehri.	-do-
4.	Nanak Chand and Om Parkash sons of Babu <i>in equal shares.</i>	313	2 - 2	Nehri.	-do-
5.	Gian Singh ado- pted s/o Hira.	323min 274 277 295	0 - 10 1 - 16 1 - 4 0 - 15 4 - 5	Nehri. Nehri. Nehri. Nehri.	
6.	Charan Singh s/o Gur Sahai.	314 323 <i>min</i>	2 - 5 0 - 15 3 - 0	Nehri. Nehri.	-do-

Sl.No.	Name of the owner	Khasra No.	Area Bigha-Biswa	Kind of land.	Claim made.
7.	Muni, Kanwah sons of Shiba in equal shares.	323min	1 - 3	Nehri.	Rs.60/-per sq.yd.
8.	Kalyan Singh, Hari Chand sons of Amin in equal shares.	300 301 302 275 310 320 321	1 - 10 1 - 1 3 - 3 0 - 18 2 - 5 1 - 16 3 - 6	Nehri Nehri. Nehri. Nehri. Nehri. Nehri. Nehri.	-do-
			13 - 19		
9.	Sunehri & Nain Singh sons of Ram Lal in equal shares.	311 293 298 283min	2 - 17 1 - 19 1 - 13 0 - 11	Nehri. -do- -do- -do-	-do-
			7 - 0		
Note:- Except for Khasra No.311, Bal Raj, Mahohar Singh's sons of Nain Singh are occupants on other Khasra numbers. Payment to be made in the presence of both the parties.					
10.	Bhoja Ram s/o Ram Lal.	279 303	1 - 10 3 - 0	Nehri. Nehri.	Claim -do-
			4 - 10		
11.	Kalan s/o Vasdev	365/307 294 366/307	1 - 6 3 - 0 4 - 6 2 - 12 6 - 18	Nehri. Nehri. Nehri. Nehri.	-do-
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12.	Bharta, Hari Ram	276	1	-	7	Nehri.	
	sons of Mohan in	315/2	1	-	10	-do-	Rs.60/-per sq.
	equal shares.	341/317	1	-	0	-do-	yd.
		318	0	-	7	-do-	
			4	-	4		

13.	Bhoole s/o Vasdev	309min	2	-	0	Nehri.	
		340/306-308	2	-	5	Nehri.	-do-
		315/1	1	-	16	Nehri.	
			6	-	1		

14.	Bhikan s/o Vasdev	304	0	-	12	Nehri.	
		305	3	-	0	-do-	-do-
			3	-	12		

Note:- Bhoole s/o Basdev is in possession of these khasra numbers because of oral mortgage. Payment to be made after recording the statement of both the parties.

15.	Puran s/o Manu	297min	1	-	3	Nehri.	-do-
16.	Ram Sarup s/o	286	3	-	3	Nehri.	-do-
	Himat Ram.	296	2	-	14		
			5	-	17		
17.	Ram Singh s/o	273	3	-	12	-do-	
	Budhu.	280	6	-	3	-do-	
		285	2	-	5	-do-	
		282	1	-	10	-do-	
		297min	2	-	0	-do-	
			15	-	10		

18.	Ramphal s/o Sunehri	287	2	-	2	-do-	
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19.	Mehru, Babu sons of						
	Bihari iequal share	281	2	-	5	-do-	To Bhoole.
	1/2, Chhote s/o	322	2	-	8		
	Jhuman 1/2.		4	-	13		

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Note:- Nandu Singh, Suraj Singh, Raja Ram in equal share 1/4, Kalyan Singh 1/16, Nanak Chand 1/32, Om Parkash 1/32, Charan Singh 1/16, Muni 1/32, Kanwal 1/32, Hari Chand 1/4, Sunehri 1/12, Nain Singh 1/12, Bhoja 1/12, are tenants in this Khasra number. Payment for this Khasra number should be made in the presence of all interested persons.

24.	Muni, Kanwal, sons of Shiba (in equal share)	265	0	-	18	Nehri.	Rs.60/-per sq. yd.
25.	Raja Ram s/o Tirkha	269	2	-	14	-do-	-do-
26.	Sunehri, Nain Singh Bhoja sons of Ram Lal (in equal share)	266	3	-	9	-do-	-do-
27.	Suraj Singh s/o Tirkha.	268	3	-	9	-do-	-do-
28.	Shiani s/o Sunehri	290	1	-	10	-do-	No claim.
29.	Puran s/o Manu.	342/319	0	-	12	-do-	Rs.60/-per sq.yd
30.	Kalyan Singh, Hari Chand sons of Amin (in equal share).	271 272	1 1	- -	7 10	-do- -do-	-do-
			2	-	17		
31.	Mst. Dewano w/o Bharta.	316	1	-	10	-do-	No claim.
32.	Gaon Sabha.	284	3	-	3	-Banjarkadin.	
		288	0	-	15	Banjarkadin well.	
		292	1	-	16	-do-	
		309min	0	-	2	Gairmumkin Path.	
		264min	1	-	3	Banjarkadin.	
			6	-	19		

33.	Custodian.	368/307	1	-	7	Nehri.	No claim.
34.	Ram Singh s/o Budhu 1/3, Munshi Shiani, Ramphal sons of Sunehri (in equal share) 1/9, Bihari Chhote Sarni sons of Jhuman, Puran s/o Manohar in equal shares 2/9, Ram Sarup s/o Himat 1/3.	367/307	2	-	12	-do-	Rs.60/-per sq.yd. -do

Note:- It appears that Ram Singh sharer has sold this number to Nandu Singh, Suraj Singh, Raja Ram sons of Tirkha in equal share who have further given it on lease to one Yusuf s/o Mohd. Ibrahim who has since been declared Evacuee. The lease expired in Rabi 1962. The compensation should be made after further verifications.

35.	Custodian.	343/326	3	-	0	Bagh Nehri.
		344/327	3	-	3	-do-
		345/328	2	-	8	-do-
		324	2	-	5	-do-
		325	2	-	8	-do-
			13	-	4	

Note:- As per note in the Jamabandi these khasra numbers have been sold out on 12.5.58 to one Mangha Ram s/o Asa Ram who has also filed his claim. of rupees four lakhs for whole of this land. He has also submitted estimated value of the property which includes all details existing on the site and as per his claimed estimates it comes to Rs.74,832.85 NP. He has also stated that besides him Shri Jagdish Chand, Kanahya Lal, Roop Chand, Rishi Ram, Malva Mal & Jaswant Lal are co-sharers who have also filed similar separate claims. There is a tenant named Sh. Har Gopal Sharma & Thekedar named Sh. Bhura s/o Gula who have also claimed compensation. The payment will be made for these khasra numbers after the purchasers have produced their sale-certificate from the Custodian.

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CLAIMS & EVIDENCE.

The claims have been discussed above. The claimants have produced no evidence in support of their high claim of Rs.60/- per sq.yd.

MARKET VALUE.

The land under acquisition is situated about one mile from the Railway Bridge and about 2 miles from Shahdra. On the Northern side of the land there is cultivated land of Village Jafraabad, on the Eastern side there is cultivated land of village Oldenpur. On the Southern side, there is belt about one furlong while of the Mangak Nazul land which is cultivated and then there is the G.T.Road. On the Western side of the land under acquisition, there is Eastern Jamuna Canal. A new colony for the slum evictees is being developed on the Eastern side of the canal. The land has got only agricultural status and very little potential value. Since it is situated near the city, therefore, the agricultural value of the land is also very high. No sale-transaction of private land has taken place in the area under acquisition Khasra No.324 to 328 which is a part of the land under acquisition have been sold by the Custodian for a sum of Rs.89000, in the year 1959. This transaction is not sufficient to arrive at the market value of the land on the relevant date on account of the following reasons.

1. The payment has been made by means of claims whose price was about -/10/- for every rupee in the year 1959.
2. There is a very good Kotha inside the garden and its value has been included in this sale-price paid to the Custodian.

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3). There is also a garden and a well, the price of which has also been included in this transaction.

It is, therefore, not possible to arrive at the market value of the land on the relevant date from these transactions. Several awards have been made for the land round about the land under acquisition. Award No. 1048 was made for the land in which the slum evictees are making houses at present and which is in front of the land under acquisition on the other side of the Canal. The rate given for that land was Rs. 550/- per bigha. The date of notification under section 4 of the Land Acquisition Act in that case was July 1957. Another Award No. 1381 ^{of v. Ganda Chohan Bazar} was made recently and the date of notification in that award was 13.11.59 per bigha. Award No. 1464 has been made by me recently for the Estate of Seelampur. The garden taken in that award is adjacent to the land under acquisition with the difference that the land of Seelampur is situated on the G.T. Road while the land under acquisition is one furlong removed from this road. The price of the land under acquisition is, therefore, much less than the land of the estate of Saleempur. Another Award No. _____ has been made for the estate of Oldenpur. The date of notification under section 4 and 6 is the same as for the land under acquisition. In that award, the rate of class 'A' land was given at Rs. 1200/- per bigha. The land under acquisition is somewhat better in situation than the land of village Oldenpur because it is situated on the Canal. I, therefore, consider that the rate of Rs. 1500/- per bigha given in Award No. _____ of estate of ^{Ganda Chohan Bazar} ~~Jafabad~~ is also applicable to the land under acquisition. I, therefore, award Rs. _____ per bigha except in the case of gardens sold by the

The Custodian sold the land comprised in Khasra Nos. 343/326, 344/327, 345/328, 324 & 325 total measuring 13 Bighas 4 Biswas against claims of Rs. 89,000/- to Shri Maya Ram in the year 1959. The price of the claims was -/10/- for every rupee and from this, the cash value of the claims works out to Rs. 55,625/-. He has further planted Nursery in the land under acquisition. There are about 1000 small plants in this Nursery. Calculating the value at about -/8/- per plant, I consider Rs. 500/- the price of Nursery. I, therefore, award a total sum of Rs. 56,000/- for this garden. He has further claimed compensation for the removal of the factory which he had established in the garden. From the inspection of the site, I find that the factory is already removed and, therefore, no compensation can be paid for this purpose. In this land, there is one contractor of fruits. A sum of Rs. 2000/- will be with-held out of this compensation. The parties should either come to a compromise regarding the payment of compensation to the contractor or Rs. 2000/- will be sent to the Addl. District Judge for apportionment. For the remaining land, ~~I award Rs. 1500/- per bigha.~~

OTHER COMPENSATION.

There is no other structure in the land under acquisition, therefore, no compensation is awarded on this account.

COMPENSATION FOR WELLS.

There is a well situated in Khasra No. 288, the price of which has been fixed at Rs. 400/- by the Naib Tehsildar. I agree with the price fixed by him and award Rs. 400/- for this well.

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COMPENSATION FOR TREES.

There are 854 trees in other land and garden except that of Mianwala Bagh. The dry weight of the wood has been calculated at 14600 maunds. Assessing their value @ Rs.2/- per maund, the total value comes to Rs.29,200/-. I agree with the price assessed by the N.T. and award this amount as compensation for trees in other gardens.

The possession has not been taken so far, therefore, the question of interest does not arise. The land owners will get 15% as solatium for compulsory nature of acquisition.

APPORTIONMENT.

There is not much dispute regarding the rights in this land. The payment to the persons who have purchased land from the Custodian will be made after the presentation of the sale-certificates. There are some non-occupancy tenants on account of Dol Shakni. The compensation regarding such khasra numbers will be paid in the presence of both the parties.

THE AWARD IS SUMMARISED AS BELOW.

✓ Compensation for 13 Bighas 4 Biswas of garden comprised in Khasra Nos. 324, 325, 343/ 326, 344/327 & 345/328.	Rs. 56,000.00
✓ Compensation 178 Bighas 11 Biswas of land @ Rs.1500/- per bigha.	Rs. 2,67,325.00
✓ Compensation for well.	323 5/100.00
	Rs. 3,24,225.00
✓ 15% as solatium for compul- sory nature of acquisition.	Rs. 48,633.75
	Rs. 3,72,858.75
Compensation for trees.	Rs. 29,200.00
Grand Total.....	Rs. 4,02,058.75

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(Nand Kishore)

Seln
Hennrich
ADM(LA)
23/2/67

کل میں کل اور دس بائیس سو ۲۳ $\frac{3}{63}$

$$25 \frac{3}{63} = 25 \frac{1}{21}$$