

AWARD NO. 1084

Nature of acquisition. Permanent.
Village:- Jawala Heri.
Purpose of acquisition:- For the Resectioning of
Najafgarh Drain Phase II.

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In pursuance of Chief Commissioner Delhi's notification No.F.15(156)/60-LSG(vii) dated the 20th June 1960 under section 4 of the Land Acquisition Act, 1894, 18 bighas 5 biswas of land is under acquisition for a public purpose namely for the Resectioning of the Najafgarh Drain(Phase II). Simultaneously notification No.F.15(156)/60-LSG(viii) of the even date was issued by the same authority under section 6 of the said Act for the same purpose and area. Because of the emergent nature of acquisition notification No.F.15(156)/60-LSG (ix) of the even date was issued for taking over possession.

AREA.

By actual measurement at the spot by the land acquisition field staff the area came to 18 bighas 6 biswas as calculated in the field book. Field Nos. 30/3/2/2 (18 biswas), 30/4/2 (1 bigha 12 biswas) and 30/3/2/1 (18 biswas) were not included in the notification as ^{it was} its ownership vested in the Custodian at that time. ^{It was} afterwards released and as it was covered by the scheme its owners were given due notice of Government's intention to acquire the land and, therefore, no revised notification need be issued on that account. Thus 3 bighas 8 biswas are to be added to the area already notified. The total area comes to 21 bighas 14 biswas. The field wise details are given below:-

Field No.	Area		Kind of soil.
	Bigha	Biswa.	
39/2/1	0	3	Chahi.
30/3/2/2	0	18	Chahi.
30/4/2	1	12	Chahi.
30/3/2/2	0	18	Chahi.
30/2/2	1	16	Chahi.
28/8/2	1	19	Chahi.

contd....

28/7/2	1	16	Chahi.
29/5/2	1	16	Chahi.
29/4/2	1	16	Chahi.
29/3/2	1	16	Chahi.
29/2/2	1	16	Chahi.
29/1/2	1	16	Chahi.
28/5/2	1	16	Chahi.

Total:-	21	14
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Chahi	21	11
Ghairmumkin path	0	3

COMPENSATION.

The following persons interested filed their claims:-

(1) Nawal Singh, Balbir Singh, Ram Singh, Siri Ram and Krishan Chand filed their written claim on the 16th September, 1960 demanding compensation at the rate of Rs. 4500/- per bigha wherein they described the land as Chahi ^{land} and superior kind giving 3 crops a year.

(2) Umrao Singh, Bhartu through their written claim dated the 16th September, 1960 demanded compensation at the rate of Rs. 4,000/- per bigha for their land which they described as very fertile giving 3 crops a year.

(3) Surinder Singh son of Kanwar Singh through shrimati Chandan Devi vide his written claim dated the 16th September, 1960 demanded compensation at the rate of Rs. 4000/- per bigha describing the land as Chahi, very fertile giving 3 crops a year. He demanded whole of the compensation of field No. 30/3/2/1. A similar demand was made by Raj Singh his brother. Ganga Sahai son of Kalu through Gulab Singh vide his written claim dated the 16th September, 1960 demanded compensation at the rate of Rs. 4,000/- per bigha for his Chahi, fertile land giving 3 crops.

(4) Nawal Singh, Balbir Singh, Krishan Chand, Gopal Krishan, Siri Ram, Ram Narain, Ram Singh, Umrao Singh, Bhartu, Ram Singh and Surinder Singh through their written claim dated the 7th July, 1960 demanded compensation of land at the rate of Rs. 3.50 nP per sq.

yard for their agricultural land.

(5) Umrao Singh, Balbir Etc. through their written claim dated the 6th April, 1960 demanded compensation at the rate of Rs. 20,000/- per bigha for their fertile Sailab land having rich soil.

(6) Mst. Rashida Begum, through Shri Jai Ram, Advocate demanded compensation at the rate of Rs. 3,000/- per bigha plus 15% plus interest, further adding that the land measuring 2 bighas 10 biswas comprising field Nos. 30/3/2 and 30/4/2 were under mortgage of which she was entitled to the amount of compensation after deducting the mortgage money to be given to the mortgagees.

(7) Sarvshri Nawal Singh, Balbir Singh, Ram Singh, Siri Ram, Surinder Singh, Raj Singh, Ganga Sahai etc. demanded whole of the compensation for field Nos. 30/3/2 and 30/4/2 under the Delhi Land Reforms Act, 1954

Shri Balbir Singh stated on the 16th September 1960 that he might be given compensation at the rate of Rs. 100/- per bigha for Juwar, Rs. 30/- each for 7-8 Kika trees. Sarvshri Balbir Singh, Chandan Devi on behalf of Surinder Singh, Raj Singh -- Bhartu son of Khiman, Gulab Singh on behalf of Ganga Sahai, Umrao Singh son of Baldev Singh in their statements before me on the 16th September 1960 demanded compensation at the rate of Rs. 100/- to Rs. 200/- per bigha for Juwar, Rs. 30/- each for 7-8 Kika Trees of Balbir Singh, Rs. 300/- for 3/4 trees of Umrao Singh, Rs. 500/- per bigha for Sugar-cane and Rs. 4000/- Rs. 5,000/- per bigha for land.

Shri Ganga Sahai stated on the 22nd September, 1960 that the land under acquisition of their holding was in possession of Surinder Singh, Raj Singh in equal share of which they might be given compensation as he had no right to that land. Sarvshri Nawal Singh and Umrao Singh through their statements on that day expressed their satisfaction about the area. They produced a registered deed No. 3533, dated the 1st April, 1960 which was execut

on the 4th September, 1959 whereby field Nos. 38/2/1, 38/1/1 and 38/3/1 situated in Khiala measuring 2 bighas 1 biswas out of their total area of 5 bighas 9 biswas were transferred for Rs. 7,500/- in favour of Sardar Gurcharan Singh at the rate of Rs. 3000/- per bigha.

CHIEF DATA.

The Naib-tehsildar, Land Acquisition vide his report dated the 20th October, 1960 proposed a rate of Rs. 400/- per bigha.

DEPARTMENTAL REPRESENTATION.

The Executive Engineer, Delhi State Division No. III vide his letter No. III/60-WK-2/5508 dated the 20th October, 1960 has written to say that he had no objection and this office might proceed with the Award.

FAIR AND REASONABLE VALUE.

I inspected the spot on the 22nd September, 1960 with Shri R.K.Sethi, Naib-tehsildar, Land Acquisition. The land under acquisition is situated towards the south of the village abadi. A transaction in respect of field Nos. 25/1 and 26/5 took place through mutation No. 343 about Rosli land at the rate of Rs. 400/- per bigha. This piece of land is safe from the over-flow of the Najafgarh Drain. The yield of Sailab area is more than that of Rosli but it is insecure. The yield of the Chahi land is more than Sailab but the difference is minor, especially in the Chahi and Sailab of this tract. Elsewhere there is ofcourse much difference in the produce and value of Chahi and Rosli lands. Some other transactions are also available of which the details are given below:-

<u>Mutation No. with date of registration.</u>	<u>Consideration money.</u>
336/ 15.11.57	Rs. 5,000/-
340/ 27.3.58	Rs. 8,820/-
342/ 26.6.59	Rs. 10,000/-

The details of field Nos. about mutation No. 336 are not given in the Mutation Register. The land involved in mutation No. 340 is Rosli situated on the other side of the

village away from the land under acquisition. The land of mutation No. 342, of mixed kind, is situated towards the south west of the village quite near it. It gives a rate of Rs. 288.18 nP per bigha. The land was transferred by Shrimati Rashida Beghum in favour of Nathu etc. The rate is low on account of the reason that the property was declared once as evacuee and was released afterwards. The vendor had fear about its sound title. This transaction is, therefore, not dependable. Of all the transactions of this village the one that took place through mutation No. 343 is more reliable. It appears to be proper to apply the rate of Barani kind of this transaction to the Cha-hi kind of the area under acquisition which is subject to the drain^{age} action. No transaction took place in its immediate vicinity. The one relating to Khiala produced by the persons interested is not relevant because of its situation away from it in another estate. Keeping in view the material on the file and my own observation of the spot, I consider a rate of Rs. 400/- per bigha for Chahi land as fair and reasonable and award accordingly. 3 biswas of land is under a thoroughfare belonging to the Gaon Sabha which is already a public purpose and need not be a-ssessed.

CROP COMPENSATION.

The Naib Tehsildar, Land Acquisition has proposed Rs. 1260.12 nP towards damage to crops of which the details are given below:-

Name of the person entitled.	Field No.	Area		Compensation
		Big.	Bis.	
1. Nawal Singh, Balbir Singh, Ram Nara-in, Ram Singh, Siri Ram, sons of Nihal Singh in equal shares 5 shares.	28/5/2	1	6 Chahi Juwar Fodder.	
Krishan Gopal, Chander Perkash, sons of Balwant Singh in equal shares 1 share.	29/1/2	1	16 Chahi Juwar fodder.	Rs. 242.37 nP.
2. Siri Chand son of Mohan Lal.	29/2/1 29/3/2 29/4/2	Chahi 1 Chahi 0 Chahi 1	16 Juwar Fodder 18 Juwar fodder. 16 Juwar fodder.	

	29/5/2	0	18 Chahi Juwar fodder.	
	31/1/2	0	18 Chahi Juwar fodder.	Rs. 468.45 nP.
3. Baldev Singh, son of Umrao S-ingh	28/7/2	1	16 Chahi Juwar fodder.	
	28/8/2	1	19 Chahi Juwar fodder.	Rs. 252.51 nP.
4. Jasram s /o Ka-naya.	30/2/2	1	16 Chahi Juwar fodder.	Rs. 121.16 nP.
5. Nawal Singh, Balwant Singh, Balbir Singh, Ram Narain, Ram Singh, Siri Ram, sons of Nihal Singh in equal shares.	30/3/2	0	18 Chahi Juwar fodder.	
	30/4/2	0	16 Chahi Juwar fodder, 8 bis. Sugar-cane, 8 bis.	Rs. 134.23 nP.
6. Raj Singh, Sikander Singh @ Surinder Singh sons of Bhanwar Singh in equal shares.	30/3/2/1	0	9 Chahi Juwar fodder.	Rs. 3.28 nP.

Total:- Rs. 1260.12 nP.

TREES.

There were 20 trees at the time of taking over possession on 11.7.60 of which the Naib.Tehsildar proposed Rs. 72/- at the rate of Rs. 1/8/- per maund for 48 maunds of fuel wood. I have no reason to differ from him and award accordingly. The details are given below:-

Name of owner	Field No.	Description of Trees.	Value.
Nawal Singh, Balbir Singh, Ram Narain, Ram Singh, Siri Ram sons of Nihal Singh in equal shares-5 shares.	28/5/2	8 Kikar trees weighing 20 maunds.	Rs. 30.00
Krishan Gopal, Chander Prakash sons of Balwant Singh in equal shares 1 share.	29/1/2		
Kishan Chand son of Mohan Lal	29/2/2	10 kikar trees of 20 maunds.	Rs. 30.00
	29/3/2		
	29/4/2		
	29/5/2		
	29/30/1/2		
Umrao Singh son of Baldev Singh.	28/7/2	2 kikar trees of 8 maunds.	Rs. 12.00
	28/8/2		

There is no well or structure in the land under

acquisition. As the drain is being deepened, widened and resectioned the question of severance does not arise.

SOLATIUUM.

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 except in the case of damage to crops.

Interest will be paid at the rate of 6% per annum from 11.7.60 to 25th November, 1960 the a-nticipated date of payment to the persons interested.

APPORTIONMENT.

Ganga Sahai has surrendered his $\frac{1}{2}$ right in the joint holding ^{in farm of} with Surinder Singh and Raj Singh. Compensation of holding No. 24/26 field No. 30/3/2/1 should have gone to Raj Singh, Sikander Singh @ Surinder Singh in equal shares but they are shown as mortgagees with Ganga Sahai for this land. Similarly Nawal Singh, Balwant Singh, Balbir Singh, Ram Singh and Siri Ram are shown as Mortgagees of field Nos. 30/2/2/2 and 30/4/2. Shrimati Rashida Begum is the mortgagor in both the cases. Normally such entries do not stand in the area governed by the Delhi Land Reforms Act, 1954. In this case the area concerned was exempted from the operation of the said Act because of being an evacuee property for some times. It was afterwards released. The natural consequence should have been the removal of such entries. The correction shall have to be made by the Revenue Assistant in the revenue papers and payment will be made accordingly. The amount of compensation in respect of this area shall have to be sent to the District Judge for verification and payment to the rightful owners. About the other area payment will be made to the persons shown as bhumidhars in the revenue papers and reproduced in the statement prepared under paragraph 55 of Standing order No. 28. The award is summarised as below:-

Kind of soil	Area		Rate per bigha	Compensation.
	Big.	Bis.		
Chahi	21	16 $\frac{1}{2}$	Rs. 400/-	Rs. 8620.00

Ghairmumkin 0 3 NO COMPENSATION.
Thoroughfare. 21 14

Add compensation for trees:- Rs. 72.00

Add 15% for compulsory nature of acquisition:- Rs. 1303.80

Add compensation for crops:- Rs. 1260.12 nP

Add interest @ 6% P.A. from 11.7.60
to 25.11.60. Rs. 252.79 nP.

Grand Total:- Rs. 11,508.71 nP

LAND REVENUE DEDUCTION.

An amount of Rs. 5.68 nP will be deducted from the
Khalsa Rent Roll of village ~~_____~~ Jawala Heri from Rabi 1

Murari Singh
(Murari Singh)
Land Acquisition Collector,
Delhi. 31.10.60. 2

Submitted to the D.C. (Collector of the District)
Delhi for information.

Murari Singh
(Murari Singh)
Land Acquisition Collector
Delhi. 31.10.60.

See 1/11/60

Recd.
For n/a 11-12/11/60

Inspected at ~~Page 17~~ in part of Delhi Gazette dated 20.6.60 at page 42

(To be published in Part IV of the Delhi Gazette)

DELHI ADMINISTRATION: DELHI.

NOTIFICATION.

Dated 20 June, 1960

No.F.15(156)/60-LSG(~~111~~):- Whereas it appears to the Chief Commissioner, Delhi, that land is likely to be required to be taken by Govt. at the public expense for a public purpose, namely for the Resectioning of the Nazafgarh Drain (Phase II), it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the said section, the Chief Commissioner is pleased to authorise officers for the time being engaged in the under-mentioned work with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

The Chief Commissioner, being of opinion that the provisions of sub-section (1) of section 17 of the said Act are applicable to this land, is further pleased under sub-section (4) of the said section, to direct that the provisions of section 5(A) shall not apply.

P.T.O.

No. 2759/RAP/20.6.60

Sh. R. E.

area of:

the

Mr. W.

W. W. W.

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REGISTRATION

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~~11/11/11~~

Juntala Hari

(2)
Total Area

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(3)
Field No. of Registration

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9/11/02

9/1/10

By order,
J. G. Smith

SECRET

(S)

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published in Part IV of Delhi Gazette on 20.6.60 at Page 112

18
(To be published in Part IV of the Delhi Gazette)
DELHI ADMINISTRATION: DELHI.

NOTIFICATION.

Dated 20 June, 1960.

No.F.15(156)/60-LSG(~~1241~~):- Whereas it appears to the Chief Commissioner of Delhi that land is required for a public purpose, namely for the Resectioning of the Nazafgarh Drain (Phase II),

it is hereby declared that the land described in the specification below is required for the above purpose.

Sd/- R. S. Sethi

*18800 m² approx
G.D. for measurement*

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.

20/6/60
A plan of the land may be inspected at the office of the Collector of Delhi.

P.T.O.

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(1)	(2)	(3)	Slg.	Slg.
		29/5/1	1	16
		30/1/2	1	16
		30/2/2	1	16

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By order,

(JAGMOHAN)

UNDER SECRETARY (LOCAL SELF GOVT.) DELHI ADMIN., DE
 No. F.15(156)/60-LSG. (v111)
 Dated 20 June, 1960

Copy forwarded to the:-

- i) Recruitment & Services Deptt. (in duplicate) for favo
 of publication in Part IV of the Delhi Gazette.
- ✓ ii) Land Acquisition Collector, Delhi, with reference to
 his letter No. 384/15920-LAC/60/Rev, dated the 11th J

(JAGMOHAN)

UNDER SECRETARY (LOCAL SELF GOVT.)
 ADMINISTRATION: DELHI.

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