

AWARD NO

33/1970-71

NAME OF VILLAGE

KANJHAWLA

NATURE OF ACQUISITION

PERMANENT.

PURPOSE OF ACQUISITION

FOR REMODELLING OF MUNGESHPUR DRAIN.

INTRODUCTION

Land measuring 54 bighas 5 biswas of village Kanjhawla alongwith land of 2 other villages was notified vide notification No.F.15(3)/66- L & H(i)(ii) (iii) dated 24th July, 1969 u/s 4, 6 and 17 of the Land Acquisition Act 1894 for the acquisition at public expense for a public purpose namely for the remodelling of Mangesh Pur, Drain. Applying the provision of sub-sec.(1) of Section 17 the Lt. Governor, Delhi directed the Land Acquisition Collector to take possession of the land on the expiration of 15 days from the publication of notices under-Sub-Sec(1) of Section 9 of the Act. Wide publicity was given to the notification. Notices u/s 9 and 10 of the Land Acquisition Act 1894 were issued to all known interested persons, most of whom responded by filing their claims.

MEASUREMENT & OWNERSHIP

According to the notification u/s 6 of the Land Acquisition Act land measuring 54 bighas 5 biswas was notified for acquisition but from further verification made on the spot u/s 8 of the Land Acquisition Act the area to be acquired comes to 41 bighas 10 biswas. The true and correct area comprising following Khasra Nos. is 41 bighas and 10 biswas.

<u>Rectangle No.</u>	<u>Kila No.</u>	<u>Area</u>	<u>Kind of land.</u>
64	1/1	0-9	Banjar Qadim.
	2/1	0-11	Banjar Qadim.
	10/1	0-11	-do-
	11/1	0-10	Aabpash
	9/1	0-11	Banjar Qadim.
65	10/1	0-11	-do-
	11/1	0-11	-do-

contd...

66

12/1	0-10	Banjar Qadim.
19/1	0-10	-do-
20/1	0-11	-do-
21/1	0-10	-do-
22/1	0-11	-do-
3/1/1	0-5	G.M. Johr.
3/2/1	0-5	G.M. Johr.
8/1	0-12	Banjar Qadim.
9/1	1-1	-do-
11/1	0-12	-do-
13/1	0-12	-do-
19/2/1	0-2	G.M. Gitwar.
19/1/1	0-9	G.M. Gitwar.
20/1	0-12	B. Qadim.

67

70

23/1	0-5	-do-
70/6/1	0-10	A abpash.
15/1	0-11	-do-
16/1	0-16	-do-
17/1	0-8	-do-
24/1	0-6	-do-

76

3/1	0-2	Gair A abpash.
4/1	0-11	-do-
7/1	0-7	-do-
8/1	0-8	-do-
13/1	0-7	-do-
14/1	0-6	-do-
17/1	0-6	-do-
18/1	0-7	-do-
23/1	0-5	-do-
24/1	0-9	-do-

75

3/1	0-4	-do-
4/1	0-10	A abpash.
8/1	0-6	-do-
9/1	0-7	Gair A abpash.
12/1	0-7	Gair A abpash.

	13/1	0-6	Aabpash.
	19/1	0-9	Gair aabpash.
	20/1/1	0-3	Aabpash.
	21/1	0-5	Aabpash.
	22/1	0-9	-do-
91	5/1	0-7	Gair Aabpash.
	6/1	0-18	-do-
	15/1/1	0-13	Aabpash.
	15/2/1	0-14	Aabpash.
	16/1/1	0-10	Aabpash.
	16/2	0-2	G.M.Chaha.
93	5/1	0-13	Gair Aabpash.
	6/1	0-12	-do-
94	1/1	0-19	-do-
	2/1	1-10	xxx -Aabpash.
	3/1	0-4	-do-
96	4/1	0-19	Gair Aabpash.
	5/1	0-10	Aabpash.
	22/1	0-13	-do-
	23/1/1	0-12	-do-
102	1/1/1	0-9	-do-
	1/2/1	0-15	-do-
	10/1	0-9	-do-
103	11/1	0-8	Gair Aabpash.
	12/1	0-8	-do-
	19/1	0-17	-do-
	20/1	0-16	-do-
	21/1	0-15	-do-
	22/1	0-19	-do-
104	13/1	0-9	Aabpash.
70	25/1	0-15	-do-

contd.

91	17/1	0-17	Ababpash
104	1/1	0-6	-do-
	2/1	0-10	-do-
	8/1	0-6	-do-
	9/1	0-9	-do-
	12/1/1	0-6	-do-
91	24/1	0-19	-do-
	25/1	0-13	-do-

Total 411 Bigas 10 biswas

CLASSIFICATION OF LAND

Ababpash 17 B.11 Bis. Gair Ababpash 13 Big. 6 Bis.
 B.Qadim 9 Big. 10 Bis. Gitwar 0-11 Biswas Johr 10 biswas.
 G.M. Chah 0-2 biswas.

Total 411 Biswas

CLAIM

Claims from interested persons have been received as under:-

Name of the claimant	Claim
Siria & Kuria ss/o Nathu	Rs. 30/- per sq.yd. for the land.
Bhagwana, Sukhbir, Moji Ram etc.	
Amar Singh, Maha Singh, Bhim Singh, Ran Singh	Rs. 30/- -do-
Behari, Khari ss/o Ramjas	Rs. 30/- -do-
Chandgi Ram, Kanwar Singh ss/o Phool Singh.	Rs. 30/- -do-
Chandgi Ram s/o Harphool	Rs. 30/- -do-
Kawal Singh s/o Fateha Singh	Rs. 30/- -do-
Daya Nand, Sampat Singh, Smt Khazani, Ram Ratti, Mst. Savitri, Mst. Mukhtari.	Rs. 30/- -do-
Amar Singh <i>Pachan</i>	Rs. 30/- -do-
Rattan Singh s/o Fateha, Smt. Jeewani	Rs. 30/- -do-
Reta s/o Kala	Rs. 30/- -do-
Ratti Ram s/o Bhag Mal	Rs. 30/- -do-

Mehar Singh, Fateh Singh ss/o Hira	Rs. 30/- per sq.yd. for land.
Mukhtair Singh et etc.	Rs. 30/- -do-
Chand Ram, Smt. Bhogri et <i>he</i>	Rs. 30/- -do-
Moji Ram, Amar Singh s/o Nathwa	Rs. 30/- -do-
Smt. Sarjoo, Smt Laxmi through Daxi Ram.	Rs. 40/- -do-
Dharam Singh s/o Surjan	Rs. 5000/- per bigha.

Most of these claimants submitted that the demarcation of their area under acquisition has not been done correctly. The Naib Tehsildar is directed to demarcate their area in their presence and he did the demarcation on 15-6-70 to their satisfaction.

EVIDENCE.

The claimants have filed the following documents.

- 1) Attested copy of sale deed No. 1883 dated 12-3-62 for 12½ biswas for Rs. 1375/- executed by Shri Johri Singh in favour of Shri Chand Ram and Maya Singh.
- 2) Un-attested copy of sale deed No. 1841 dated 17-6-63 for 1 biswas of land in village Khanjawala for Rs. 900/- executed by Shri Roopa & Others in favour of Tika Ram s/o Ramjas.

MARKET VALUE

The land under present acquisition runs from North to South in the West of the area of village Khanjawala. It is agricultural land and the Land Reforms Act 1954 is applicable in this village.

Land in this village has been acquired for construction and modelling of Drain through several awards. It has to be seen how far these awards can help in determining the market value of the land under present acquisition. The particulars of these awards are as follow:-

No.	Award No.	Date of notification	Market value awarded.
	1483	25th July, 1962	Rs. 600/- per bigha for nahri land, Rs. 4000/-

per bigha for Rosli land,
Rs. 200/- per bigha for
G.M. B.Q.

Rs. 700/- per bigha.

2167
1786 u/s 21 Northern India
Canal & Drainage Act

Award No. 2167 dated 24th July, 1968 is the latest award acquiring 4 biswas of land in this village under Northern India Canal & Drainage Act 1873. The land acquired under this award is in closest proximity to the land under present acquisition as compared to land under other awards mentioned above. In this award the Land Acquisition Collector considered the market value of land given under award No. 1786 for assessing the land at Rs. 700/- per bigha. The question of any reference u/s 18 in this case does not arise.

11 reference petitions are reported to have been filed against award No. 1786 out of which 4 were dismissed and 4 were decided on merits. In deciding these 4 reference petitions on the same day the Additional District Judge enhanced the market value of Nahri land from Rs. 600/- to Rs. 900/- per bigha. The details of the cases decided are given below:-

Sr. Case No.	Name of the parties	Date of decision.
1. L.A. Case No. 375 of 1966	Paras Ram Vs. Union of India.	15.7.68.
2. L.A. Case No. 376/66	Tara Chand Vs. Union of India.	15.7.68.
3. L.A. Case No. 377/1966	Kuru Vs. Union of India.	15.7.68.
4. L.A. Case No. 381/1966	Bhim Singh Vs. Union of India.	15.7.68.

In none of these cases the government has filed appeal against the enhancement. In Award No. 1786 the Land Acquisition Collector awarded a flat rate of Rs. 600/- per bigha for both Nahri and Rosli land. It was argued before the A.D.J. Delhi in the above mentioned cases that the Land Acquisition Collector enhanced the

contd.

compensation from Rs. 400/- per bigha for Rosli land assessed under award No. 1483 notified u/s on 25.7.62 to Rs. 600/- per bigha, while fixing the market value of Rosli land in award No. 1786 notified u/s 4 on 2.6.64 whereas the market value of Nahri land was fixed in 1964 at Rs. 600/- per bigha without enhancing the market value of Rs. 600/- fixed in 1962 for Nahri Land in award No. 1483. The market value of Nahri land should have been also proportionately increased in 1964. This argument was ^{accepted} ~~accepted~~ by the Additional District Judge, Delhi and he enhanced the market value of Nahri land from Rs. 600/- to Rs. 900/- per bigha in 1964 and market value of Rosli land remained at Rs. 600/- per bigha as assessed by the Land Acquisition Collector in award No. 1786.

Award No. 1483 pertaining to land notified u/s 4 on 25.7.62 is not relevant in as much as the date of notification u/s 4 is 7 years older than the date of notification u/s 4 of the land under present acquisition.

The position of sale transaction in this village during 1965-1969 has also been examined. There have been no sale transactions in this village during the year 1965-1966 and 1966-67. Only one sale transaction is reported to have taken place as per details given below:-

<u>Mutation No. & Date</u>		<u>Sale deed registration & Date.</u>	
		NO	
<u>E/4</u>	15-3-69	4632	25.5.68.
<u>34</u>			

<u>Area</u>	<u>Consideration Money</u>	<u>Rate per bigha.</u>
6-10	Rs. 7000/-	1076-92

There has been no sale transaction in the year 1968-69. The land involved in mutation No. E-4 described above as Nahri is ³⁴ fairly large but it has been found that part of the land transferred through this sale deed is ^{the} grove and this appears to be/ reason for the high price paid for land involved in the sale transaction.

This cannot therefore be made basis for arriving the correct market value of land under present acquisition. With no sale transaction left in 1968-69 worthy of consideration, it may be concluded that there has been no rising trend in the price of land between 1965 and 1969. It will, therefore, be fair and equitable to fix the market value of land under present acquisition notified u/s 4 on 24-7-69 at Rs. 900/- per bigha for Nahri land and Rs. 600/- per bigha for Rosli land on the basis of market value fixed by Additional District Judge, Delhi in the above mentioned cases for land notified u/s 4 in 1964 and acquired vide award No.1786. Some land under present acquisition is however recorded as Banjar Qadim, Gitwar, Johr and this land is definitely inferior to Rosli land which is now shown as Gair Aabpash in the Khasra girdwari after the implementation of Delhi Land Reforms Act, 1954. The land shown as banjar qadim, gitwar and Johr and G.M.Chah is therefore assessed at Rs. 300/- per bigha.

The land in the following Khasra Nos. in block 'A' which is Nahri(Aabpash is assessed at Rs. 900/- per bigha.

64/11/1, 70/6/1, 15/1, 16/1, 66/17/1, 24/1, 4/1, 75/8/1, 13/1, 20/1/1, 21/1, 22/1, 91/15/1/1, 15/2/1, 16/1/1, 94/2/1, 3/1, 5/1, 95/22/1, 23/1/1, 102/1/1/1, 1/2/1, 10/1, 13/1, 104/25/1, 70/17/1, 91/1/1, 104/2/1, 8/1, 9/1, 12/1/1, 91/24/1, 25/1, measuring 17 bighas 11 biswas.

The land in block 'b' comprises the following Khasra Nos is assessed at Rs. 600/- per bigha.

75/3/1, 4/1, 7/1, 8/1, 13/1, 14/1, 17/1, 18/1, 24/1, 75/3/1, 9/1, 12/1, 19/1, 91/5/1, 6/1, 5/1, 93/6/1, 94/1/1, 95/4/1, 11/1, 103/12/1, 19/1, 20/1, 22/1 measuring 13 bighas 6 biswas.

The land in block 'c' involved in the following Khasra No. is assessed at Rs. 300/- per bigha.

64/1/1, 2/1, 10/1, 65/9/1, 10/1, 11/1, 12/1, 19/1, 20/1, 21/1,

contd...

22/1, 66/3/1/1, 3/2/1, 8/1, 9/1, 11/1, 13/1, 19/2/1, 19/1/1, 20/1, 67/23/1, 91/16/2 measuring 10 bighas 13 biswas.

'OTHER COMPENSATIONS'

Structures

There are no structures in the area under acquisition.

Wells

There are three wells in the area under present acquisition as given below and their market value has been assessed by Naib Tehsildar (LA).

<u>Khasra No.</u>	<u>Value assessed.</u>
75/8 min	Rs. 800/-
91/16/2	Rs. 1000/-
103/11	Rs. 800/-

I agree with the above assessment of Naib Tehsildar(LA) and allow the same amount.

There is persian wheel in the well in Khasra No.91/16/2. The owners are allowed to remove the same.

TREES.

There are different kind of trees in Khasra No.70/17 which have been assessed by N.T.(LA) as follows:-

<u>Khasra No.</u>	<u>Kind of trees</u>	<u>Number of trees</u>	<u>Rate per tree</u>	<u>Rate per Quintal</u>	<u>Amount assessed.</u>
70/17	Amrood	11	Rs. 10		Rs. 110/-
	Amrood	2	Rs. 5/-		Rs. 10/-
	Mango	2	Rs. 50/-		Rs. 100/-
	Jaman	3	Rs. 50/-		Rs. 150/-
	Shatoot	5	Rs. 10/-		Rs. 50/-
	Jaman	22	Rs. 2/-		Rs. 44/-
	Neem	5		3/-	Rs. 30/-
	Badbair	4		3/-	Rs. 30/-
	Imli	1	Rs. 20/-		Rs. 20/-
	Mehandi	10	Rs. 1/-		Rs. 10/-
	Bannana	6	Rs. 1/-		Rs. 6/-
				Total	Rs. 560/-

contd.

15% solatium.

As provided u/s 23(2) of the Land Acquisition Act the land owners will also be paid 15% solatium for compulsory nature of acquisition.

INTEREST

The land under acquisition was notified u/s 4,6 and 17 of the Land Acquisition Act on 24.7.69. In pursuance of this notification u/s 17 possession over the land was taken on 17.10.69. Interest will therefore be paid at the rate of 6% p.a. from 17-10-69 to 10-8-70.

APPORTIONMENT.

Compensation will be paid according to the latest entries in the revenue record and in the presence of interested persons. In case of dispute it will be sent to A.D.J. for adjudication.

'SUMMARY OF THE AWARD'

Market value for the land measuring 17 bighas 11 biswas aabpash for block A at the rate of Rs. 900 P.B.	Rs. 15795.00
Market value for the land measuring 13 bighas 6 biswas Gair aabpash for block B at the rate of Rs. 600/- P.B.	Rs. 7980.00
Market value for the land measuring 10 bighas 13 for block C at the rate of Rs. 300/- P.B.	Rs. 3195.00
Market value for wells.	Total Rs. 26970.00
Market value for trees.	Rs. 2600.00
15% solatium	Rs. 560.00
Interest at the rate of 6% p.a. from 17.10.69 to 10.8.70 for (297 days).	Rs. 4519.50
	Total Rs. 34649.50
	Rs. 1691-66
	Grand Total Rs. 36341-16

LAND REVENUE.

The land is assessed to the land revenue at Rs. 12.95 which will be deducted from the rent roll from the date of taking over possession of the land.

B.M.L. Gaumat
(B.M.L. GAUMAT)
LAND ACQUISITION COLLECTOR(DS) DELHI.

Compared

P. Chandra
K.T. LA

Announced & filed

P. Chandra
16.9.70