

AWARD NO. 2181-B Supplementary

NAME OF THE VILLAGE	:	KASUMPUR
NATURE OF ACQUISITION	:	PERMANENT
PURPOSE OF ACQUISITION	:	PLANNED DEVELOPMENT OF DELHI

These are supplementary proceedings u/s 11 of Land Acquisition Act, 1894 to Awards No. 2181 and 2181-A Supplementary of village Kasumpur for determination of compensation in respect of land measuring 163 Bigha 16 Biswas situated in village Kasumpur.

The land forms part of notification No.F.4(98)/64-L&H dated 23.1.1965 issued u/s 4 L.A. Act for an area 1319 Bighas 15 Biswas. and of notification No. F.4(98)/64-L&H dated 6.9.1966 u/s 6 L.A. Act for an area 1305 Bighas 6 Biswas. The land is required by the Government at the public expense for a public purpose namely for the Planned Development of Delhi. ~~XXXXXXXXXX~~

Notices u/s 9 & 10 of L.A Act were issued to the persons interested in the land. Claims filed will be discussed under a separate heading 'Claims & Evidence'.

MEASUREMENT & TRUE AREA

Out of the land notified u/s 6 L.A. Act an area measuring 184 Bigha 12 Biswas was acquired through award No. 2181 and 21 Bigha through award No. 2181-A Supplementary of village Kasumpur.

As already said the present proceedings are confined to an area 163 Bighas 16 Biswas only which was found correct as per measurement carried out by the field staff. The remaining land notified u/s 6 will be acquired through ^u another Supplementary Award on receipt of instructions from the Administration. The details of the land under acquisition are as under:-

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Kh.No.	Area Big-Bis	Kind of soil
181/1	2-07	Gair Abpash
181/2	2-02	-do-
184	1-10	-do-
✓ 559/190	20-11	G.M.Pahar
295/	0-16	-do-
352	1-02	Gair Abpash
356	1-16	-do-
✓ 370	3-02	Gair Abpash 2-16 G.M.Pahar 0-06
394/2	1-07	Gair Abpash
406/	2-07	-do-
418	1-10	-do-
427	0-14	-do-
428	2-04	-do-
447	4-00	-do-
588/451	0-07	-do-
589/451	20-13	Gair Abpash 0-04 G.M.Khan Kharia 20-09
610/531	12-05	Gair Abpash 6-05 G.M.Nala 6-00
535	17-19	Gair Abpash 7-19 G.M.Khan Kharia 10-00
536	8-04	Gair Abpash
537	0-19	-do-
✓ 541 541	0-14	-do-
635/542	3-10	-do-
636/542	6-00	-do-
637/542	29-05	-do-
543	5-14	-do-
544	6-15	-do-
638/616/545 min	5-00	G.Abpash 3-00 G.M.Pahar 2-00
547	1-03	G.Abpash

163-16

CLAIMS & EVIDENCE

Sr.No.	Name of the claimant	Kh.No.	Area	Rate claimed	Evidence
1.	Manphool s/o Harpat	589/491	13-10	Rs. 30,000/- p.b.	Nil

Copy of Judgment in the court of Sh. H. C. Gupta, PCS, Sub Judge II Class, Delhi Suit No. 367 of 1962.

2. Prithi Singh,
Anand Singh,
Ranbir Singh,
Shakuntla,
Prem Wati,
Rupp Wati, Om
Wati, Dakhan,

-do-

Nil

3. Tulsi Ram, Fateh Singh, 583/175
~~xxxx~~ Balbir Singh
ss/o Ram Diya

Rs. 20,000/-
per bigha

Attested
copy of
Sale deed
No. 2390 dt
12.5.64

176
✓ 181
179
186
177
188
189
185
187
168/2
433
439
239
281
438

4. Khazan Singh s/o
Kehar Singh

581/452

Rs. 15,000/- p.b.
for land

Nil

441
203
190
589/190
579/429
448
134/1/2
389 min
✓ 589/451
244
579/553
196
424
605/422
206
217
432
551/1

Chattar Singh s/o
Kishan Singh
Sardar Singh s/o
Nihal, Mam Chand
s/o Jet Ram
Harwari s/o
Chuni Lal

369
370
371

Rs. 20,000/- p.b.
for land Nil

he

6. Lala s/o Kehar

202
✓ 190
559/190
579/429
448
134/1/2
389
✓ 539/451
299
244
569/503
196x
424
581/452
605/422
206
217
432
551/1

- Rs. 15,000/- p.b.
for land

N11

7. Laxman Singh,
Sardar Singh,
Hoshier Singh,
Sanyal Singh
ss/o Ram Chander
Chanda, Lakhi
ss/o Shera

✓ 638/616/ 4-15
✓ 545
✓ 676/542 6-00
✓ 637/542 29-05
✓ 635/542 3-10
536 8-04
544 6-15
547 1-03
535 min 0-09
535 17-10

Rs. 20/- p. sq. yd
for land
15 % solatium
Interest

N11

8. Phool Devi d/o
Late Sh. Ami Lal

617/442
443
450

10-16 Rs. 30,000/- p.b.
for land

N11

578/429
444
✓ 589/451

5-07

624/456
525

-

9. Behari s/o
Khubi
Kali Ram,
Hoshier Singh,
Munshi Ram

✓ 427
✓ 184
✓ 428
195

0-14
1-10
2-04
11-10
Rs. 20/- p. sq. yd
for land.
15 % solatium
& Interest.

Copy of judgment
of Sh. Hans Raj,
ADJ. Delhi. L.A.
CASE No. 624 of
1962 Dalpat vs.
U.O.I.

2. Attested copy of
sale deed No.
5345 dated 26.4.

Deep Chand s/o
Puran

352
356
370

1-02 Rs. 20,000/- p.b.
1-16 for land
3-02 15 % solatium
6 % interest

N11

Contd...5,.....

11. Rajinder, Pehlad Singh,
Khazan Singh, Savitri,
Bhateri, Om Parkash,
Hanumant, Lakhi, Chanda,
Hoshiar Singh, Sardar
Singh, Laxman Singh,
Sanwal Singh

638/616/545
610/531
449

5-00 Rs. 20/- p. sq. yd Nil
11-05 for land
2-04 15 % solatium
& interest.

12. Khazan Singh, Pehlad,
Rajinder, Smt. Savitri,
Bateri, Hanumant, Om
Parkash

610/531
537
541
543
610/531

1-00 Rs. 20/- p. sq. yd -do-
0-19 for land
0-14 15 % solatium
5-14 & interest
10-05

13. Prithi Singh s/o
Nand Lal, Anand Singh,
Ranbir Singh ss/o
Hans Ram
Prem Wati, Roop Wati,
Om Wati, Shakuntla ds/o
Hans Ram
Dakhan wd/o Hans Ram

617/442
443
450
578/429
444
589/451
624/456
182
626/453
525
559/190
196
424
448
481/552
569/503
420
605/422
553/151
168
183
446
563/403
465
510
514
463
511
617/442
579/429

Rs. 30,000/- p.b. -do-
for land

596/516
565/509
602/493
517
154
168
454
170

14. Mr Singh s/o
Kehar Singh

569/190
579/429
448
134/2
589/451
299
244
195
202
389 min
389
196
605/422
424
206
213
432
301
302

20-11
48-11
4-14
16-13
18-01
0-11
3-00
11-10
2-01
16-01
30-15
2-15
16-05
7-08
0-12
1-06
3-14
1-02

Rs. 10,000/- Nil
p.b. for land
15 % solatium
Interest @ 6 %
p.a. w.e.f. 13.9.62
Cost of trees

551/1 48-10
581/452 3-13

h

15. Muse s/o Uddimi
th. Kuria

588/451 0-07
181/1 2-07
427 4-00
181/2 -
part
589/451 0-02

Rs. 20,000/- p.b. Nil

16. Hoshiar Singh
etc.

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Copy of
judgment

Copies of
judgment in

1. L.A. Case No.
504/67
Gugan Singh Vs.
Union of India

2. L.A. Case No.
282/67 -
Hukam Chand
etc. Vs. UOI

3. LA Case No.
335/68-Kanhiya
& others Vs.
UOI

17. Kali Ram

- - -

Copy of judgment
in LA Case No.
328/66-Bhagwan
Singh etc. Vs.
UOI.

MARKET VALUE

The market value of the land under acquisition is to be assessed on the date of preliminary notification i.e. 23.1.1965.

The sale transactions of land in this village similarly circumstanced to the land under acquisition on or about the material date are to be taken into account alongwith awards and their judicial decisions for the land with the same relevant date. The present proceedings are supplementary to the award No. 2181 in which the Collector fixed the market value of land in Block 'A' at the rate of Rs. 2500/- per bigha and for land in Block 'B' at the rate of Rs. 1500/- per bigha. While arriving at these rates in that award the Collector did not take into consideration the sale transaction involved in mutation No. 590 of this village for the reason that it related to a small piece of land and involved transfer of a share in the Khewat. He considered award No. 1566 and 1901, with the material date as 24.10.61, in which the Collector had awarded the rates of Rs. 2000/- per bigha for land in Block 'A' and Rs. 1500/- per bigha for land in Block 'B'. The court had enhanced the com-

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pensation of Block 'A' to Rs. 2500/- per bigha in the reference petition against these awards. As there was no relevant evidence before the Collector to indicate the rising trend in the price of land during the intervening period the Collector fixed the market value of land in award No. 2181 at the rate of Rs. 2500/- per bigha for land in Block 'A' and Rs. 1500/- per bigha for land in Block 'B'.

Out of the reference petitions filed against award No. 2181 of this village the following references are reported to have been decided by the Court of ADJ., Delhi:

Sr.No.	L.A. Case No.	Name of the party	Rate awarded by LAC per Bigha	Rate awarded by ADJ per Bigha
1.	86/69	Maha Singh & others Vs. U.O.I.	Rs. 2500/-	Rs. 5000/-
2.	111/69	Chandgi & others	-do-	-do-
3.	87/69	Mange Ram Vs. U.O.I.	-do-	-do-
4.	88/69	Ratan & others Vs. U.O.I.	-do-	-do-
5.	135/69	Bhagwan Singh & others	-do-	-do-

Against all above decisions of the Court the government has preferred appeal. The rate awarded by the Court is not therefore final.

The evidence furnished by the claimants in support of the market value is discussed as under:-

CLAIMS at Sr.No.3

Copy of sale deed dated 12.5.64 relating to sale of 1 Bigha in village Kasumpur has been discussed in the decisions of the court of ADJ., Delhi mentioned above and the ADJ has based the enhancement on the sale deed. But in view of the appeal of the government no finality attaches to these decisions. The Collector has already discussed the sale deed in award No. 2181 and has excluded from consideration for the reasons mentioned therein.

Claim at Sr.No. 9

The copy of the Judgment in L.A. Case No. 624/62-

Dhanpat Singh Vs. U.O.I. made on 17.4.63 relates to land in village Mohd. Pur Munirka. The copy of sale deed dated 26.4.60 relates to sale of 10 biswas in village Mohd. Pur Munirka. Both these evidence have no relevancy to the land under acquisition due to the reason that the land in village Mohd. Pur Munirka is better located and falls in urbanised area.

CLAIM At Sr.No. 16

Copy of judgment dated 9.8.74 in L.A. Case No. 594/1967 in the Court of Sh. O. N. Vohra, ADJ, Delhi relates to village Masoodpur. The government has filed an appeal against this judgment.

The copy of judgment in L.A. Case No. 282/67-Hukam Chand etc. Vs. U.O.I. against award No. 1938 relates to village Mohd. Pur Munirka. The land involved in this judgment being situated in village Mohd. Pur Munirka is dis-similar to the land under acquisition for the reasons mentioned above, In respect of evidence filed at Claim No. 9. The copy of judgment filed in L.A. Case No. 335/68- Kanihya & others Vs. U.O.I. relates to award No. 1889 of village Ber Sarai. This decision pertains to land in different revenue state and the market value assessed for land in that village cannot be preferred to the rate available on the same date of notification for land in the village under consideration.

CLAIM at Sr.No. 17

The copy of judgment in L.A. Case No. 328/1966-Bhagwan Singh & others Vs. U.O.I. against award No. 1891 of village Moradabad Pahari, the government has filed appeal against this decision. Moreover the decision relate to land in a different revenue state.

In view of the above discussion I consider it fair and reasonable to determine the market value of land in ~~question~~ question at the rate given in the original award No. 2181.

The land comprising Kh. Nos. 181/1(2-07), 181/2(2-02), 184(1-10), 352(1-02), 356(1-16), 370 min (2-16), 394/2(1-07), 406(2-07), 418(1-10), 427 (0-14), 423(2-04), ~~424(2-04)~~ *he*

447(4-0), 588/451(0-07), 589/451 min(0-04), 610/531 min (6-05), 535 min (7-19), 536(8-04), 537(0-19), 541⁵⁴¹(0-14), 635/542(3-10), 636/542 (6-00), 637/542(29-05), 543(5-14), 544 (6-15), 638/616/545 min (3-00), 547 (1-03), Total measuring 103 Bighas 14 Biswas, which is even and cultivable land is constituted as Block -A and award the rate of Rs. 2500/- per Bigha.

The remaining land comprising Kh.Nos. 559/190 (20-11), 295(0-16), 370 min (0-06), 589/451 min (20-00), 610/531 min (6-00), 535 min (10-00), 638/616/545 min (2-00) Total 60 Bighas 2 Biswas, which is uneven and uncultivable such as Gair Mumkin Pahar, Gair Mumkin Khan Kharia and Gair Mumkin Nala is placed in Block 'B' and is assessed at Rs. 1500/- per bigha.

Compensation for Mining Lease

There is Mining Lease granted by the State Government to M/s Starke & Co., New Delhi for the period of 20 years w.e.f. 21.3.59. The Company have filed claims for an area 729 Bighas 13 Biswas claiming an amount of Rs. 14,40,000/- in all, which is placed at Award File No. 2131-A/Suppl. of Village Kasumpur. This amount includes investment of Rs. 1,60,000/- made by the Company upto October, 1967, and Rs. 12,80,000/- on account of progressive profit likely to accrue to the Company during the period of 32 years. Calculating the profit for 32 years the company appears to have taken into account the un-expired period of present lease and prospective renewal for another period of 20 years. They have further stated that the Company came up for the first time as profit earning mining industry during the year 1966-67.

According to the claim they were given a lease for 729 Bighas 13 Biswas land but the present proceeding cover an area of 55 Bigha 01 Biswas out of the lease.

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The intention of the State Govt. to acquire the land under the present case was published through notification dated 23.1.65. Therefore, the company stood no change for getting the lease being renewed after the expiry of the stipulated period of 20 years. The contention that they were prospective lessees for a subsequent renewal, has no bearing.

The claim for this period is therefore, more speculative and conjectural and has no market value.

As regards the investment of Rs. 1,50,000/- purported to have been made by the company up till Oct. 1967, it is not maintainable since whatever investments, if any, the company made, it was prohibitive under the law in view of the notification u/s 4 having been made on 23.1.1965. Moreover the claimants themselves have also mentioned that the industry started accruing profits for the 1st time during the period 1966-67.

This claim is covered u/s 23 sub-clause 4 of the Land Acquisition Act. The provision refers 'The damage (if any) sustained by the persons interested at the time of Collector's taking possession of the land by reason of acquisition injuriously affecting his other property, moveable or immovable, in any other manner, or his earnings.' The lessee have not filed any statement of account to establish the amount of profit that they earned by virtue of leasehold rights that they possess over the land under acquisition, rather they have admitted they started earning profits w.e.f. Diwali (Oct-Nov., 1966). Therefore, the question of earning with reference to the land under acquisition does not arise.

The question now is to what should be the basis for determination of compensation to which the claimants are entitled by virtue of taking the lease from the Govt. to work at this particular quarry.

In case A.I.R., 1946 Nagpur - Surju Parsad Gaur Vs. Ordnance Factory, Their Lordship of the Nagpur High Court assessed the market value of the leasehold rights on the basis of the offers given by the purchasers. In the present case the expired period of lease is 4 years approximately. No evidence

: 11 :

has been led by the company to show as to what could have been the market value of the leasehold rights for the remaining unexpired period of the lease. Inquiries made from the Collector of Mines, Delhi (Letter No.F.1(15)/61-M&O/REV/ dated 7.11.69) reveal that the dead rent charged for the leasehold rights is Rs. 1520/- p.a. for the area 729 Bighas 13 Biswas according to which the dead rent chargeable for 55 Bigha 01 Biswas land under acquisition works out to Rs. 114. 50 p.a. The rent annually charged from the lessee could be construed as the fair market value which the land could have brought had it been let out annually. Consequently the company is entitled to compensation @ Rs. 144.50 p.a. for the remaining 4 years the unexpired period of the lease and therefore the compensation assessed for the leasehold rights from 21.8.75 to 20.8.79 works out to Rs. 458/- which is accordingly awarded. This amount will however vary with the date of possession.

TREES, WELL & STRUCTURES

There is no tree, well or structure on the land under acquisition. Hence no compensation is assessed under this heading

SOLATIUUM

15 % solatium will be paid over and above the market value of the land towards compulsory nature of acquisition

ABATEMENTS OF LAND REVENUE

The land in question is assessed to Rs. 12.14 Rs only as land revenue. The same will be deducted from the Khalsa Rent Roll of the village w.e.f. the date of taking over possession of the land.

APPORTIONMENT

Payment will be made according to the latest entries in the revenue record, except where persons other than owners are occupants or claim compensation. In case of dispute the

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matter will be referred to the court u/s 30,31 of the L.A. Act for adjudication.

The award is summarised as under:-

1. Market value for the land measuring 103 Bigha 14 Biswas in Block A at the rate of Rs. 2500/- per Bigha	Rs. 2,59,250-00
2. Market value of the land measuring 60 Bigha 02 Biswas in Block 'B' @ Rs. 1500/- per Bigha	Rs. 90,150-00
3. Market value for trees, Well & structure	Nil
TOTAL:	Rs. 3,49,400-00
4. Add 15 % solatium	Rs. 52,410-00
5. Compensation for mining lease	Rs. 458-00
GRAND TOTAL:	Rs. 4,02,268-00

(Rupees Four Lacs Two Thousands Two Hundred Sixty Eight and Paise Nil only)

Paul Chandra
(B.M.L. GAUMAT)
LAND ACQUISITION COLLECTOR (MSW): DELHI
30.9.75

Announced after way
Paul Chandra
30.9.75
L.A. (MSW)

published in Part IV of Delhi Gazette)

DELHI ADMINISTRATION.

NOTIFICATION.

Dated the _____ September, 66

198)/64-L&H:-Whereas it appears to the Chief
Minister of Delhi that land is required to be taken
in interest at the public purpose expense for a public
purpose, namely for the Planned Development of Delhi,
and hereby declared that the land described in the
notification below is required for the above purpose.

This declaration is made under the provisions of
Section 6 of the Land Acquisition Act, 1894, to all
persons concerned and under the provisions of section 7
of said Act, the Collector of Delhi is hereby directed
to issue an 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 Big. Bds.	Field Nos. or Boundaries.
Boompur	1305 6	134/1/2, 551/1, 143/2/2, 146/2/2, 142/2, 143, 149, 607/150, 608/150, 553/151, 152, 153, 555/160, 161, 162/2/ 2, 167/3, 168/2, 631/169, 632/169, 170/2, 171, 557/172, 629/174, 630/174, 582/175, 583/175, 176 to 179, 627/180, 628/180, 181/1, 181/2, 182 to 189, 559/190, 561/191, 193 to 197, 620/198, 621/198, 199 to 202, 563/203, 206 to 221, 605/422, 606/422, 423 to 428, 578/429, 579/429

P.T.O

Shri Sarda Lal Puri
To Comptroller 10/10/66
Shri Sarda Lal Puri
10/10/66

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528
529

42,

n,

3 to

8/1,

100,

17min,

2/2,

8/2,

51 to

n, 195/1

197/3m,

2, 206,

2, 210/3,

1, 216min,

8, 229,

245/1,

250/2,

267 to 272,

(To be printed in Part IV of Delhi Gazette)

DELHI.

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S.N. Village or Locality.	Total Area Big. Bis.	Field Nos. or Boundaries.
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		430 to 441, 617/442, 618/442, 642/619/442, 643/619/442, 443 to 450, 588/451, 589/451, 580/452, 581/452, 625/453, 626/453, 454/2, 455, 622/456, 624/456, 572/457/2, 513/2, 514/2, 515/2, 596/516/2, 517, 525/1, 603/526/2, 604/527/2, 613/528, 614/528, 584/529, 585/529, 610/531, 533 to 537, 541, 635/542, 636/542, 637/542, 543, 544, 615/545, 546, 547.
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By order,

(Jagmohan)

Deputy Housing Commissioner,
Delhi Administration, Delhi.

4(98)/64-L&H.

Dated 6th Sept. 1966

Copy forwarded to the:-

Appointments(B) Department, Delhi Admn., (in duplicate)
for favour of publication in part IV of Delhi Gazette.
A.D.M. (LA), Delhi.

Land Acquisition Collector, (Mehrauli Circle), Delhi.

Legal Adviser, Land & Housing Department, Delhi Admn.,
Delhi.

Tehsildar, Land & Housing Department, Delhi Admn, Delhi

Sd/-

(Jagmohan)

Deputy Housing Commissioner,
Delhi Administration, Delhi

81 to
195/1
197/3m,
206,
210/3,
216min,
229,
245/1,
250/2,
267 to 272,