

AWARD No. 1098.

Nature of acquisition:-

Permanent.

Village:-

Madipur.

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By virtue of notification No.F.15(156)/60-LSG(i) dated the 20th June, 1960 under section 4 of the Land Acquisition Act, 1894 issued by the Chief Commissioner, Delhi, 48 bighas 10 biswas of land is under acquisition at the public expense, for a public purpose namely for the Resectioning of the Najafgarn Drain (Phase II) at Madipur. The purpose ~~of~~ acquisition being very urgent, section 17(1) of the Act was applied and declaration under section 6 of the Act was issued by the same authority for the same purpose and area vide notification No.F.15(156)/60-LSG(ii) of the even date. The Chief Commissioner, Delhi was pleased to direct the Land Acquisition Collector, Delhi to take possession over the land given in the declaration vide his order of the even date through Notification No.F.15(156)/60-LSG(iii).

MEASUREMENT.

After actual measurement at the spot the area has been found to be 54 bighas of which the field wise details are given below:-

Field No.	Area		Kind of soil.
	Big.	Bis.	
1044/2	0	8	Chahi
1045/2	0	12	-do-
1047/2	0	19	-do-
1049/2	0	15	-do-
1050/2	1	4	-do-
1051/2	0	3	-do-
1059/2	0	3	-do-
1061/2	0	3	-do-
1078/2	0	7	Chairmunkin Mullah
1079/2	0	7	Seilab.
1082/2	0	16	Rosli
1083/2	0	8	Chahi
1087/2	0	8	-do-
1088/2	0	19	-do-
1089/2	1	6	Rosli
1090/2	0	8	-do-
1091/2	0	9	Chahi
1092/2	0	9	-do-
1093/2	0	9	-do-
1094/2	1	6	-do-
1106/2	0	11	-do-
1107/2	0	11	-do-
1108/2	0	19	-do-

1110/2	1	6	Rosli
1111/2	1	2	Chahi
1112/2	1	2	-do-
1113/2	2	2	Rosli
1114/2	2	1	Chahi
1131/2	1	2	Sailab.
1132/2	1	3	Chahi
1133/2	1	18	Sailab.
1535/1135/1	1	4	Rosli
1536/1135/2	1	4	Chahi
1136/1	1	2	Chahi
1153/1	0	18	-do-
1154/1	1	4	-do-
1161/1	1	15	-do-
1162/1	1	2	-do-
1163/1	1	0	Rosli
1165/1	0	14	Chahi
1166/1	0	16	-do-
1167/1	0	16	Rosli
1169/1	1	11	Chahi
1170/1	1	6	-do-
1173/1	1	0	-do-
1175/1	1	3	-do-
1176/1	1	7	-do-
1179/1	2	8	Rosli
1594/1181/2	1	11	Chahi
1182/2	1	3	Chahi
1187/2	0	7	Ghairmunkin-Nu
1188/2	0	11	Chahi
1189/2	0	11	-do-
1190/2	0	12	-do-
1191/2	0	14	-do-
1192/2	0	12	-do-
1193/2	0	8	-do-
1194/2	0	7	-do-
1195/2	0	9	-do-
1196/2	0	9	-do-

Total:- 54 0

Chahi	38	15
Sailab	3	7
Rosli	11	8
Ghairmunkin	0	10

54 0

Field No. 1078/2 measuring 7 biswas has not been entered in the notifications. This has been covered by the scheme about which the persons interested very well know and they have filed their claims. Field No. 1135/1 in fact divided into two; 1535/1135 and 1536/1135. No revised notification is necessary on this account. Many of the persons interested objected about the measurement. At the time of my inspection of the spot on the 17th November, 1960, I tried to remove these objections but it was found that the land was under water. However, some sort of satisfaction was made so far as it was possible.

measurement was done in the dry area. It was found that nine Gathas on each side of the old Wajafgarh Drain were covered by the present scheme. The persons interested were made to understand accordingly and they admitted the principle as correct.

COMPENSATION.

The following persons interested filed their written claims:-

1) Rattan Singh, Jawahar Singh etc. filed their written objection on the 7th July, 1960 wherein they demanded compensation for land at the rate of Rs. 7,000/- per bigha and also for crops of Juwar and Sugarcane together with trees.

2) Jawahar Singh s/o Shiv Dayal, bhumidhar of field No. 1154/1 and 1169/2 described his land to be Chahi, under Juwar crop, for which he demanded Rs. 150/- per bigha and for land Rs. 6,000/- per bigha. He expressed dissatisfaction about the area.

3) Dani s/o Mehar Chand, bhumidhar of field Nos. 1182/2, 1114/2 and 1153/1 describing his land as Chahi and demanded compensation at the rate of Rs. 500/- per bigha for his sugarcane crop. He expressed dis-satisfaction about the measurement.

4) Suraj Singh s/o Shiv Dayal, bhumidhar of field Nos. 1113/2, 1106/2, 1079/2 described his area and class of land as wrong, demanded compensation for land at the rate of Rs. 8,000/- per bigha and for two kikar trees at Rs. 40/- per tree. He also demanded compensation for field No. 1145 which has not been covered by the scheme.

5) Surat Singh, Bhup Singh sons of Ranjit Singh bhumidhar of field No. 1176/1 while admitting the area and kind of soil as correct demanded compensation for land at the rate of Rs. 6,000/- per bigha and for Juwar stalk at Rs. 200/- per bigha. They demanded Rs. 40/- each for 4 kika.

6) Shri Ram Pershad s/o Ram

as Chahi under sugarcane and Juwar crops for which he demanded Rs. 500/- for Sugarcane and Rs. 200/- for Juwar stool per bigha. For land he demanded Rs. 6,000/- per bigha.

7) Malhi s/o Ram Rikh bhumidhar of field Nos. 1192/2, 1193/2 and 1194/2 while describing his land as Chahi demanded compensation for it at the rate of ^{and} Rs. 6,000/- per bigha/for Sugarcane crop at the rate of Rs. 500/- per bigha.

8) Nand Ram s/o Badlu, bhumidhar of field No. 1094-min described his land as Chahi and demanded compensation at the rate of Rs. 6,000/- per bigha.

9) Ratan Singh s/o Baldev bhumidhar of field Nos. 1173/1, 1087/2 and 1083/2 while describing his land as Chahi demanded its compensation at the rate of Rs. 6,000/- per bigha and for Juwar crop at the rate of Rs. 150/- per bigha. He is stated to have 5 kikar trees in the land under-acquisition.

10) Raghubir and Udmi sons of Manphul bhumidhars of field Nos. 1107/2, 1078/2 described their land as Chahi saying that Dharam Singh, Nathan, Ram Chander, Nihal, Amin Lal etc. had no concern with field No. 1078/2 measuring 7 biswas. They demanded Rs. 100/- per bigha for Chahi ^{and} Rs. 8/- per sq. yard for land.

11) Nihal son of Jas Ram bhumidhar of field No. 1170-min demanded compensation at the rate of Rs. 8/- per s-q. yard for land and Rs. 40/- for a kikar tree.

12) Kirpa son of Nanak bhumidhar of field Nos. 1049/2, 1179-min wanted satisfaction about the measurement ⁱⁿ saying that/his land ~~were~~ ^{was} Sugarcane and Juwar crops and there was ^{also} a kikar tree. ~~there was~~

13) Udmi son of Ram Sahai bhumidhar of field No. 1594/1181/2 s-tated that one bigha 6 biswas of his land had been covered but in fact it was found that only 1 bigha 11 biswas were covered. He demanded Rs. 6,000/- per bigha for land and Rs. 500/- per bigha for Sugarcane crop.

14) Nathan bhumidhar of field Nos. 1161/2, 1106/2 and 1078-min had two ~~kikar~~ ^{kikar} trees in his Chahi land.

s-tated by his son Mani Ram for which he demanded Rs. 30/- for trees and Rs. 8,000/- per bigha for land.

15) Rup Ram son of Budha bhumidhar of field Nos. 1089/2 and 1088/2 stated that his land was Chahi its area was not correct and he might be given compensation at the rate of Rs. 6,000/- per bigha.

16) Bhikha son of Ram Singh bhumidhar of field No. 1133/2 described his area as incorrect, demanded compensation for his Chahi land at the rate of Rs. 6,000/- per bigha and for his Juwar crop at the rate of Rs. 250/- per bigha.

17) Balwa son of Arjun described himself as the real owner of field No. 1183/2 of which Maman son of Bhagwana had been declared as bhumidhar. That a civil suit against Maman was compromised but not given effect in the revenue papers.

18) Siri Ram son of Tulsi bhumidhar of field No. 1535/1135/1, 1536/1135/1 stated that Kirpa and Duli were the bhumidhars of the latter field number who suffered their rights in his favour in the Civil Court but its decision has not been given effect in the revenue papers.

19) Ram Chander son of Makhan admitted to give the compensation of field No. 1078/2 measuring 7 biswas to Raghbir and Udmi etc. Similarly Nihal son of Jas Ram gave an application saying that he had no concern with this field No.

20) Sanwal Singh, Assistant Settlement Commissioner (R) through his letter No.F.1(7)/ASC(R)/60, dated the 8th November, 1960 wrote to say that field No. 1045 had been allotted on permanent basis to Shri Kabir Das son of Manu Mal and his department was no more concerned with the same.

21) Sarvshri Jawahar Singh, Rup Ram, Bhagwan Sahai Ratan Singh, Mani Ram, Kirpa Ram, Ram Farshad stated before me on the 17th November, 1960 at spot that Sailab and Chahi

lands were of the same quality and should be evaluated as one category. Ganpat son of Udmi stated on the same day that the land left out of their field No. 1181 was not cultivable, therefore, this land might also be acquired.

In evidence they produced two agreements dated the 13th November, 1959 in respect of field Nos. 696, 699, 700 and 701 containing ~~at~~ rates of Rs. 6,000/- per bigha. It appears that, though the bargain is struck but the deal is not clinched. These field Nos. are situated away from the land under acquisition, ~~and~~ near the Rohtak Road and the abadi, therefore, these agreements are not relevant to this case. There is only one sale transaction available in this village during ~~a~~ period of 5 years preceding the date of notification under section 4 of the Land Acquisition Act, 1894, ~~which~~ took place ~~at the rate of~~ ^{though} mutation No. 1117 ⁱⁿ a registered deed dated the 14th November, 1958 in respect of the transfer of field No. 727/1 measuring 1 bigha 15 biswas Chahi for Rs. 5,000/- at the rate of Rs. 2857.14 nF per bigha Kham. This field number is just on the Rohtak Road. There is absolutely no comparison of this field number with the land under acquisition and, therefore, ^{it is} no relevant for valuation purposes in this case.

The annual rental value of Rs. 48.28 nF of Rosli land for the year 57-58 and of Rs. 39.27 nF of mixed Rosli and Chahi lands for the year 1958-59 is available. After deducting 10% towards land revenue, cesses and the cost of their realization their capitalised value over 20 years' purchase comes to Rs. 878.04 nF and Rs. 706.86 nF respectively. This is about the agricultural land, the type, which is under acquisition and is more or less a true index of the prices prevalent in the locality. The land under acquisition has one ~~fundamental~~ defect of its being affected by the drain action at the time of heavy rains and, therefore, it is ins-ecure.

As stated by some of the persons interested C and Sailab kinds are treated in one block because it

marked distinction in their produce as given in the Settlement directory. About the prices of Chahi and Rosli the Naib-tehsildar suggested the ratio of 3 : 2 i.e. Sailab and Chahi 3 against Rosli 2. He has given the reasons for keeping this ratio on the basis of the produce and it appears to be correct.

To the east of this area is situated the land of Basaidarpur being utilised for residential purpose by the Punjabi Bagh Co-operative Society. On its west is situated the land of Jawalabheri where award No. 1084 was drawn up in connection with the acquisition of land for the same scheme at the rate of Rs. 400/- per bigha for Chahi. To its south-west is situated the land of village Khyala of which the rates of Chahi and Sailab have been adopted at Rs. 600/- per bigha. The land of this village was acquired for the Punjabi Bagh at the rate of Rs. 1900/- per bigha for irrigated and Rs. 800/- per bigha for un-irrigated but that land is situated on the Rohtak Road and is, therefore, appropriate for residential purposes while the land in question lacks in this respect as residential plots are not possible in this land. The claims of the persons interested are exorbitant and are not supported by any authentic^{ly} relevant evidence. The proposal of the Naib-tehsildar appears to be reasonable which found agreement with the Departmental officer. Keeping in view the material on the file and my own observation of the land, I consider a rate of Rs. 600/- per bigha for Chahi and Sailab lands, Rs. 400/- per bigha for Rosli and Rs. 100/- per bigha for Chaimunkin Nullah as fair and reasonable and award accordingly.

CROP COMPENSATION.

At the time of taking over possession on the 11th July, 1960, crops were standing in certain field numbers for which the Naib-tehsildar, Land Acquisition proposed a sum of Rs. 2153.80 nT. He has taken into account the deduction of land revenue and cesses, the rate prevalent,

during the fortnight in which possession was taken (from the Delhi Gazette) and the produce of land from the settlement directory. His proposal is reasonable and I have no reason to differ from him. I, therefore, award the same amount.

The details are given below:-

Name of the person interested	Field No.	Area Big.	Bis.	Kind of Crop	Amount of compensation
Jawahar Singh etc.	1154/1 ✓ 1169/1	1 1	4 11	Juwarfodder -do-	Rs. 184.45
Mst. Shimli	1190/2 ✓	0	12	Sugarcane	Rs. 67.75
Prithi Singh	1188/2 ✓ 1191/2 ✓	1	5	-do-	Rs. 141.10
Bhagwan Singh etc.	1082/2 ✓	0	16	-do-	Rs. 90.28
Umrao Singh e-tc.	1176/1 ✓	1	7	Juwar fodder	Rs. 90.02
Ram Pars-had etc.	1175/1 1196/2 1195/2	2	1	Juwarfodder 1--3 Sugarcane 0--18	Rs. 179.33
1044/2 x Kanwar Singh Etc.	1047/2	0	8	Sugarcane	Rs. 45.18
Kalhi Singh	1193/2 ✓ 1194/2 ✓ 1192/2	1	7	Sugarcane	Rs. 152.44
1083/2 x Ratan Singh	1085/2 ✓ 1173/1 ✓	1	8	Juwar Fodder	Rs. 93.76
✓ Nihal Singh	1170/1 ✓	1	0	-do-	Rs. 67.02
Amin La-1	-do- ✓	0	6	-do-	Rs. 20.11
Balwant Etc.	1161/1 ✓	1	15	-do-	Rs. 117.35
x Kirpa Ram etc.	1049/2 1179/1	1	19	-do-	Rs. 131.22
Dhan Singh	1047/2 1179/1min	0 1	19 3	Sugarcane Cha-ri	Rs. 184.72
Sohan	1050/2min	1 ✓	4	Chari	Rs. 80.39
Bhikha etc.	1133/2 ✓	1	18	Chari	Rs. 127.05
Maman	1183/2 ✓	1	3	-do-	Rs. 76.79
1045/2 Kabir Das	1039/2	0	12	Sugarcane	Rs. 67.76
Gopi	1189/2 ✓	0	11	-do-	Rs. 62.14
Udmi	1594/1181/2 ✓	1	11	-do-	Rs. 174.94
Total:-		26	0	Total:-	Rs. 2153.80

Trees:-

There were 16 kikar trees standing in the land and

acquisition when possession was taken over and handed over to the departmental officer. The naib-tehsildar, Land Acquisition has proposed Rs. 186/- keeping in view the weight of the fuel wood and the rate of Rs. 2/- per maund which it could fetch in the market. His proposal is reasonable and agreeing with him I award the same amount. The details are given below:-

Field No.	Person interested.	No. of trees	Weight	Rate per maund.	Amount.
✓ 1170	Jas Ram son of Nihal	1	7	2/-	Rs. 14/-
1049/2	Kirpa s/o Nanak	2	10	2/-	Rs. 20/-
× 1535/1135/1	Nathan s/o Baldev	3	18	"	Rs. 36/-
113/2	Surat Singh s/o Shiv Lal	2	15	"	Rs. 30/-
× 1173/1 1087/2	Rattan Singh s/o Baldev	3	15	"	Rs. 30/-
1176/1	Surat Singh, Bhup Singh s/o Ranjit Singh	4	8	"	Rs. 16/-
1165/2	Chandgi	1	20.	"	Rs. 40/-
Total:-		16	98	Rs. 186.00	

SEVERENCE.

Udmi son of Ram Sahai stated that 1 bigha 16 biswas of his land comprising field No. 1594/1181/2 was covered by the scheme. It was found on the 17th November, 1960 at spot that 5 biswas out of his field number remained outside the scheme. This narrow strip of land is of course not conveniently cultivable. It is, therefore, desirable to allow damage for severence. The kind of soil is Chahi. The departmental officer has not been consulted whether or not it would be acceptable to him to acquire this land. No doubt the remaining land has been rendered less profitable for **cultivation** purposes. I, therefore, allow Rs. 300/- per bigha for damage due to severence.

There is no well or structure in the land under acquisition.

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 the land and trees and not to the compensation of crops and damage due to severance.

INTEREST.

Interest is hereby allowed from the 11th July, 1960 the date of taking over possession upto the 10th January, 1961 the anticipated date of payment to the persons interest at the rate of 6% P.A.

APPORTIONMENT.

Bhumidhari rights have been declared in this estate and the payment of compensation will be made according to the bhumidhari rights but there are disputes in the following cases:-

(i) Field Nos. 1094, 1170, 1078, 1091, 1179, 1059, 1051 have been allotted to more than one persons while the area allotted to them has not been precisely defined. Unless the Titamas are prepared ^{and} it is not known whose area has been covered ~~it~~ is not possible to disburse the compensation to the rightful owners.

(ii) The title of field Nos. 1136/1, 1535/1135/1, 1170, 1183/2, 1536/1135 has been questioned in the claims filed by the persons interested. Unless the title is clearly proved in respect of these field numbers it is not possible to make payment of compensation.

The payment of the above mentioned field numbers will be stopped till the Tittamas are prepared or rights well defined. In the absence of it the matter shall have to be referred to the District Judge for verification of rights and payment to the rightful owners. The details of the rights are given in the statement prepared under paragraph 55 of Standing Order No. 28.

The award is summarised as below:-

Kind of soil	Area		Rate per Bisha.	Compensation
	Big.	Bis.		
Chahi Sailab	38 3	150 70	Rs. 600/-	Rs. 25260.00
Rosli	11	8	Rs. 400/-	Rs. 4,560.00

Ghairmunkin Nullah 0 10	Rs. 100/-	Rs. 50.00
Add compensation for trees:-		Rs. 186.00
Add 15% for compulsory acquisition cost:-		Rs. 4508.40 nF.
Add compensation for crops:-		Rs. 2153.80 nF.
Add compensation for severance of 5 biswas @ Rs. 300/- per bigha.		Rs. 75 .00 nF

Total:- Rs. 36,793.20 nF.

Add interest @ 6% P.A. from
11.7.1960 to 10.1.1961.

Rs. 1103.80 nF.

Grand Total:- Rs. 37,897.00

LAND REVENUE DEDUCTION.

An amount of Rs. 23.84 nF will be deducted from the
Khalsa rent Roll of village Madipur from Rabi, 1961.

Uk
(Murari Singh)
Land Acquisition Collector,
Delhi. 9.12.1960.

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

Uk
(Murari Singh)
Land Acquisition Collector,
Delhi. 9.12.1960.

Seen - *from* 13/12/60

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On Mr. Mease. *ke*
14.12.60.