

A W A R D NO. 1396

Name of the Village:

Mandauli.

Nature of Acquisition:

Permanent.

This is a case for the acquisition of land required by the Government at the public expense, for the public purpose, namely, for the Planned Development of Delhi in the estate of Mandauli. A declaration under Section 4 of the Land Acquisition Act was issued vide notification No.F.15(111)/59-LSG dated the 13.11.59. The substance of the notification was given due publicity and objections were invited from the interested persons. The objections were heard and a report was sent to the Delhi Administration by the Land Acquisition Collector-III along with the objections in original. This notification was for a huge area of about 34,000 acres and land is being acquired from this area from time to time as and when the necessity arises by publication of notification under Section 6 of the Land Acquisition Act. The notification under Section 6 of the Land Acquisition Act relating the area under acquisition was issued vide notification No.F.10(4)/62-L&H(i) dated 21.6.62. Notice under Section 9(1) of the Land Acquisition Act was given due publicity in and around the area under acquisition for filing the claims. Notices under Section 9(3) and 10(1) of the Land Acquisition Act were also served upon known interested persons. All the interested persons were served with notices and have responded to the notices.

MEASUREMENT & OWNERSHIP.

According to the notification under Section 6 of the Land Acquisition Act, the total area to be acquired was 356 Bighas and 16 Biswas. The Acquiring Department i.e. the Health Department, changed the demarcation afterwards and the total area now to be acquired comes to 325 Bighas and 6 Biswas. This reduction of 31 Bighas and 10 Biswas is due to the change in the alignment of the area by the Acquiring Department. This area of 31 Bighas and 10 Biswas is not released from the notification under Section 4 of the Land Acquisition Act. It will be acquired when the necessity arises.

According to the Revenue Record the ownership of the land under acquisition is given below:-

<u>S.No.</u>	<u>Name of the Bhoomidar.</u>	<u>Khasra No.</u>	<u>Area</u> <u>Big.Bis.</u>	<u>Kind of</u> <u>land</u>	<u>Compensa-</u> <u>tion</u> <u>claimed.</u>
1.	Sh. Lal Singh s/o. Chuni.	1395 1344/1 1347/1 1381 1396 1397 1398 1403 1812/1404-5	3-3 0-8 2-12 4-13 6-15 3-12 3-15 6-6 8-14	Mattiar. Rosli. Rosli. Rosli. Rosli. Rosli. Rosli. Rosli. Rosli.	
			Total: 39-18		

Note:- Originally this land belonged to Sardari & Mange ss/o. Pirthi who were minors. The Bhoomidari of this land was declared in favour of Shri Lal Singh s/o. Chuni. Afterwards the original owners filed a civil suit and they were declared the Bhoomidars instead of Sh.Lal Singh. A mutation No.585 was entered in the Revenue Record to change the Bhoomidari of this land from Lal Singh to Sh.Sardari & Mange. Sh.Lal Singh in the mean while filed an appeal in the High Court and got a stay order against the mutation. The appeal has not been decided by the High Court. On 13.8.62 Shri Lal Singh, Sardari & Mange reached an agreement before me that out of the total compensation Rs.1250/- may be paid to Sh.Lal Singh and the rest of the compensation to Sh.Sardari and Mange, and that Lal Singh withdraw his appeal from the High Court. Shri Lal Singh has, however, applied now that he is not agreeable to the compromise and that the whole compensation should be paid to him. In this way the compensation is disputed. ~~The parties should again compromise before me while Sardari and Mange have claimed compensation @ Rs.10/- per sq.yard.~~

2.	Naubat s/o. ^{Sundhi} Sunder.	1411/1 1849/1409/1	4-15 0-2 Total: 4-17	Mattiar. Rosli.	Rs.10/- per sq. yard.
3.	Sh.Khurshed s/o. Rehmat Ali.	1845/1391	2-8	Rosli.	Rs.30/- per sq.yd.
4.	Kehri s/o. Balle	1383 1368 1846/1391 1394	6-9 1-13 2-9 1-16 12-7	Rosli. Rosli. Rosli. Rosli.	Rs.10/- per sq. yard.
5.	Jagat Singh, Sulekh Chand & Ramesh Chand ss/o. Attar Singh in equal share $\frac{1}{2}$. Charan Singh s/o.Nathu share $\frac{1}{2}$.	1390 1392	6-3 1-19 Total: 8-2	Rosli. Rosli.	Rs.30/- per sq.yd.

Note:- This land is mortgaged with the Government against some taccavi loan. The compensation will be paid after the clearance of the loan.

6.	Banwari Lal , Sri Niwas ss/o. Banshi in equal share $\frac{1}{2}$. Munshi s/o. Pat Ram $\frac{1}{2}$.	1364	5-5	Rosli	Rs.30/- per sq. yard.
7.	Sh.Jagmer Singh s/o.. Rai Bahadur Narain Gurph .	1371 1372 1373 1374/1 1375 1377/1 1378 1376/1.	11-11 1-7 2-11 6-7 4-1 5-16 10-4 1-7	Rosli. Rosli. Rosli. Rosli. Rosli. Rosli. Rosli. Rosli.	

Total: 43-4

Note:- Executors have been appointed for the property of Shri Jagmer Singh. The names of the Executors are; Tej Pratap Singh, Nirbhoy Singh & Virender Singh. Shri Jagmer Singh has claimed compensation @ Rs.18/- per sq.yard for the land, severance of Rs.40,000/-, for the tubewell, Rs.500/- for trees, Rs.1,000/- for two rooms and 15% as solatium for compulsory nature of acquisition. The Executors have stated that the compensation be paid in the name of the Executors' fund.

8.	Sh.Naubat Singh s/o.. <i>Sivendu</i> Sunder, Mula s/o. Nanak in equal share $\frac{1}{2}$. Sardari and Mange ss/o. Pirthi in equal share $\frac{1}{2}$.	1406	0-12	Ghairmumkin well.	
----	---	------	------	----------------------	--

Note:- They have claimed compensation Rs.3,000/- for the well and the pertian wheel. Unspecified demand for the trees and Rs.10/- per sq.yard for the land.

9.	Shmt.Khazano w/o.. Harbans. $\frac{1}{2}$ $\frac{1}{2}$ Shamdat & Birja Nand ss/o. Kehri in equal share $\frac{1}{2}$.	1359 1810/1385	3-12 4-1	Rosli Rosli	Rs.30/- per sq. yard.
Total: <u>7-13</u>					

10.	Sh. Tej Pratap Singh s/o. Shamsher Singh.	1654/1 1666 1665 1588/1 1655 1658/1 1659/1 1660 1662 1663/1 1664/1 1663 1669	4-13 6-3 4-4 1-1 9-12 0-1 2-16 8-5 3-18 1-7 2-14 7-7 6-6	Rosli. Rosli. Rosli. Rosli. Rosli. Rosli. Rosli. Rosli. Rosli. Rosli. Rosli. Rosli. Rosli.	
-----	--	--	--	--	--

Total: 58-7

Tubewell

Note:- This land is mortgaged with the Govt. against some taccavi ~~tubewell~~ loan. The compensation will be paid after the clearance of the loan. They have claimed compensation @ Rs.18/- per sq.yard for the land, Rs.3000/- for three rooms, Rs.200/- for handpump and Rs.500/- for the trees. The compensation will be paid in the presence of the executors.

10.A. Jagmer & Tej Pratap Singh. 1589/1 0-1 Rosli.

Note:- This Khasra No. is evacuee property in the Khasra girdawri and the compensation is disputed.

11. Mula s/o. Nanak 1410/1 3-16 Chahi. Rs.10,000/-
1412/1 1-6 Mattiar. per bigha.
1850/1409/1 0-1 Rosli.

Total: 5-3

12. Badan s/o. Gangu. 1382 9-12 Rosli. Rs.10/-
per sq.yd.

13. Baru s/o. Roop Chand. 1356 3-3 Rosli.
1357 2-17 Rosli, Ghairmumkin
2-17 well 0-2
1358 3-3 Chahi.
1360 5-5 Rosli.
1361 3-0 Chahi.
1362 3-0 Chahi.
1363 3-18 Chahi.
1365 2-14 Rosli.
1366 1-4 Rosli.
1367 1-7 Rosli.
1384 1-13 Rosli.
1811/1385 4-1 Rosli.

Total: 35-5

Note:- He has claimed compensation @ Rs.30/- per sq.yard for the land, Rs.3,000/- for well, Rs.500/- for trees and Rs.300/- for the structure.

14. Budh Singh & Amin Chand 1348/1 3-1 Rosli.
ss/o. Devi Sahai in
equal share $\frac{1}{2}$.
Ramphal s/o. Shanker Lal $\frac{1}{4}$,
Dal Singh s/o. Khem Chand
 $\frac{1}{4}$.

Note:- They have claimed compensation @ Rs.30/- per sq.yard for the land, and Rs.500/- for the Khajoor trees. The Khajoor trees are excluded from the area to be acquired.

15. Dharam Singh s/o. 1349 3-3 Rosli.
Buchan. 1350 3-0 Rosli.
1352 2-2 Rosli.
1353 5-17 Rosli.
1354 5-8 Rosli.
1386 4-4 Rosli.
1387 4-19 Chahi.
1388 5-14 Chahi, Ghairmumkin
5-9 Well 0-5.
1389 5-2 Rosli.

Total: 39-9

Note:- He has claimed compensation @ Rs.30/- per sq.yard for the land, Rs.7000/- for trees and Rs.3000/- for the house.

16. Ram Chand s/o. Balwant 1369 2-8 Banjar
Rattan s/o. Ram Sarup. 1370 5-5 Rosli.
1379 6-3 Rosli.
1380 4-13 Rosli.
1402/1 1-15 Rosli.
1668 6-9 Rosli.

1393 1-16 Rosli. Rs.30/-
per sq.yd.
Total: 28-9

Note:- They have claimed Rs.300/- as compensation for the trees.
The compensation for the land should be paid in the presence
of Sh. Bahadur s/o. Sh. Jamna Dass.

17. Murli s/o. Sh. Bihari 1399 2-14 Rosli. Rs.30/-
Lal. Daya Ram s/o. 1400/1 2-16 Rosli. per sq.yd.
Ayudya Pershad in
equal share. Total: 5-10

18. Gaon Sabha. 1351 1-16 Ghairmumkin path.
1355 1-7 Rosli.
1407 4-10 Banjar Qadim.
1408 0-9 Ghairmumkin Jehri.
1656/1 1-6 Rosli.
1661 6-15 Rosli, Banjar Qadim
3-15 2-15
Makan 0-5.

Total: 16-3

Note:- Sh. Ram Datt Sharma, Up Pradhan, Gaon Sabha has claimed
compensation @ Rs.30/- per sq.yard for the land under
acquisition.

GRAND TOTAL: 325- 6

	Big.Bis)
Chahi -	27-5)
Mattiar -	9-4)
Rosli -	275-15)
Banjar Jadid	2-8)
Banjar Qadim	7-5)
Ghairmumkin	3-9)

CLAIMS & EVIDENCE.

The claims of different interested persons have been discussed
under the head ownership. They have produced the following evidences
in support of their claims:

Name of the Village	Mutation No.	Date of Regn.	Khasra No.	Area Big.Bis	Total Sale Value.	Average per Big. Sq.Yd.
Sakdarpur	1158	6.8.59	346 347/1	0-15 0-12 1-7	Rs.6,805/-	Rs.5/-
-do-	1266	6-1-59	239	3-0	Rs.10,500/-	Rs.3-50nP
-do-	1363	30.3.60	697/480/2 497/1	2-12 0-17 3-9	Rs.16,000/-	Rs.4-74nP
Mandauli	9263	25.11.55	1612	2-8	Rs. 6,000/-	Rs.2-50nP
-do-	9262	25.11.55	1656	2-7	Rs. 7,000/-	Rs.3-00nP
Shahdara	3479	6.9.60	953/364-5	1-2	Rs. 4,000/-	Rs.3-60nP
Jhilmila Teharpur.	2420	15.5.58	1084 etc/ 279,284,266 & 287.	5-0	Rs.19,000/-	Rs.3-80nP

Jhilmila	2039	24.4.59	5-0	Rs.13,275/-	Rs.3-60nP.	
Teharpur.						
-do-	1674	5.4.58	209	2-9	Rs.15,000/-	Rs.6-00nP.
-do-	509	6.2.59	203sq.yd.	7,000/-	Rs.34-00NP	
-do-	2862	24.6.58	Plot No.38	5-0	Rs.17,304/-	Rs.3-50nP.
Shahdara	2048	11.12.59	2-14	Rs.10,000/-	Rs.3-40nP.	
-do-	1296	2-12-59	1-1	Rs. 5,000/-	Rs.5-00nP.	
-do-	528	22.3.60	200 sq.yd.	1,000/-	Rs.5-00nP.	
Pasaunda (UP)	838	19.2.59	5-5	Rs.28,711/-	Rs.5-00nP.	

The first three transactions relate to village Sakdarpur. This village is situated at a distance of about 2 miles towards Delhi. The transactions of this village are therefore notable ~~relevant~~ in finding out the market value of the land in village Mandauli. The next two transactions relate to the estate of Mandauli. Khasra No.1656 is a part of the area to be acquired while Khasra No.1612 is situated near the land to be acquired. The average of the first transaction comes to Rs.2-50nP. per sq.yard while the average of the latter transaction comes to Rs.3/- per sq.yard. Both these transactions are of the date 25.11.55, i.e. about 4 years before the date of notification under Section 4 of the Land Acquisition Act. Moreover the area sold in these transactions is very small. The prices are changing in Delhi very quickly and therefore these transactions cannot be held to be very relevant on the date of notification under Section 4 of the Land Acquisition Act i.e. 13.11.59. The next transaction is for the estate of Shahdara, which is a town. This transaction is therefore cannot be held to be relevant. The next transaction ^{as} regarding Jhilmila Teharpur pertaining to the area of Dilshad Gardens Colony. This colony is situated on the brink of the area under acquisition and the transaction ^{pertaining} to the year 1959. These transactions are therefore relevant to arrive at the market value of the land on the relevant date. In the Dilshad Gardens there are two ^{separate plots} lands. The rates for the plots which are situated on the G.T.Road are about twice the rates of the plots which are situated away from the G.T.Road. The plots which have been sold @ Rs.6/- per sq.yard are situated on the G.T.Road, while

the plots whose rates are about Rs.3-50nP. per sq.yard are situated on the road next to the G.T.Road. These two transactions will be taken into consideration for arriving at the market value of the land under acquisition.

MARKET VALUE.

The land under acquisition is situated near the Dilshad Colony on the North Western side. There is no road which passes through this area and it is difficult to reach this area ~~without much difficulty~~. The situation of the land is therefore inferior to the situation of Dilshad Colony which is situated on the G.T.Road. Since the Dilshad Colony has been developed near the land under acquisition, therefore, it has got a potential value for building purposes. Khasra Nos. 1612 & 1656 which were sold in the year 1955 on Rs.2-50nP. and Rs.3/- per sq.yard respectively are situated just on the verge of the Dilshad Gardens and are more or less a part of this colony ^{that is why} i.e. while such high prices have been paid for these two Khasra Nos, the other Khasra Nos. are father off from the Dilshad Gardens. The following transactions are very relevant to arrive at the market value of the plots in the year 1959 for the Dilshad Gardens.

Name of the village.	Mutation No.	Date of Regn.	Area Big.Bis.	Khasra No.	Total Sale Value.	Average per saxya Bigha.
Jhilmila Teharpur.	886	30.5.59	2-9	1080/379	Rs.15000/-	Rs.6,000/-
	891	28.3.59	3-13	1084/279) 1088/279)	Rs.19000/-	Rs.5,300/-
	930	24.4.59	4-17	464/332	Rs.13275/-	Rs.2,660/-
	908	6.2.59	3-0	757/100	Rs.7000/-	Rs.2,333/-

The first two transactions are ~~for~~ plots which are situated on the G.T.Road. These are, therefore, not relevant for arriving at the market value. The next two transactions are for plots which are away from the G.T.Road and this shows that the rate of plots which are away from the G.T.Road is about Rs.2.50nP. per sq.yard. The claimants have given two other transactions which are @ Rs.3.50nP.. The total area of these transactions comes to 17 Bighas and 17 Biswas and the total sale value comes to Rs.56,579/-. The

average per bigha comes to about Rs.3,100/-. This is the price of the plots. Dilshad Garden is a big colony and about $\frac{1}{4}$ of the area is left out for roads and other public purposes. Some roads have also been constructed and the colonisers have also made their profit. In these circumstances the cost of the gross land should not be more than Rs.2,000/- per bigha on the relevant date. I, therefore, award Rs.2,000/- per Bigha for the whole land which is being acquired. This price is on the basis of potential value for the building purposes. The average of the land sold for agricultural purposes comes to Rs.355/- per Bigha in this very village.

OTHER COMPENSATION.

WELLS. There are three wells situated in Khasra Nos.1388, 1406 & 1357. All these wells have got pertian wheels and are old. The water table is also high and the Naib Tehsildar (LA) has assessed Rs.1,000/- for each of these wells. I consider this assessment to be very reasonable and award Rs.3,000/- for the wells.

TREES. The Naib Tehsildar (LA) has assessed Rs.315/- for the trees standing on the land under acquisition. I have inspected the site and I find that the assessment made by him is reasonable. I, therefore, award Rs.315/- as price of the trees which are being acquired. The Naib Tehsildar (LA) has assessed the following prices of the structure which is situated on the land under acquisition.

<u>Khasra No.</u>	<u>Name of the owner of the land.</u>	<u>Name of the constructor.</u>	<u>Kind of Structure</u>	<u>Assessment.</u>
1661	Gaon Sabha	-	A roofless structure of the shape of 3 kothas.	Rs.3,183/-
1388	Dharam Singh s/o. Buchan.	-	Kucha Kotha.	Rs. 80/-
				<u>Rs.3,263/-</u>

The hut of Sh.Baru in Khasra No.1357 has been burnt down and no hut exists on the spot at present.

Shri Tej Partap Singh and Ajmer Singh have demanded compensation for severance to the amount of Rs.40,000/-. They have stated that they have got a tubewell for the land which has been acquired.

The tubewell has not been acquired and therefore they should get Rs.40,000/- as compensation for severance. Their demand is ~~totally~~ ^{untenable} exorbitant. The price of the whole tubewell is not Rs.40,000/-. Moreover the claimants have got a big amount of other land near the land under acquisition and they can utilize this tubewell for irrigating the other land. No severance is, therefore, allowed on account of this reason. In addition to the above compensation the land owners will get 15% as solatium for compulsory nature of acquisition.

APPORTIONMENT.

The apportionment has already been discussed under the head ownership. Action should be taken as directed against each owner under the head ownership.

THE AWARD IS SUMMARISED AS BELOW:

Compensation for 325 Bighas 6 Biswas of land @ Rs.2,000/- per bigha.	Rs.6,50,600-00nP.
Compensation for wells.	Rs. 3,000-00nP.
Compensation for trees.	Rs. 315-00nP.
Compensation for structure.	Rs. 3,263-00nP.
	Rs.6,57,178-00nP.
Solatium @ 15% of the above compensation for compulsory nature of acquisition.	Rs. 98,576-70nP.
Total:-	Rs.7,55,754-70nP.

The land is assessed to a land revenue of Rs.162-72nP. Since the land is being acquired for Government, therefore, it will be deducted from the Rabi,1963.

(Nand Kishore)
Land Acquisition Collector-I,
Delhi. 22.9.62.

Submitted to the Collector of District for information and filing.

(Nand Kishore)
Land Acquisition Collector-I,
Delhi. 22.9.62.

Seen. Filed.
COLLECTOR, DELHI.

PERMAR

28.5.62

سر دفتران تبخیر کیمیا برسد. مانده بودیت. و کتب در عقد روشن در دفتر است.
 نه است و بار در جفت شد. جز آن است. میسر شد و رسید به کتب و میسر شد و رسید به کتب.
 دل شد بدو شد. رسیده شد. رسید به کتب و رسید به کتب. رسید به کتب و رسید به کتب.
 نقشه لیون در کتب. رسید به کتب و رسید به کتب. رسید به کتب و رسید به کتب.
 رسید به کتب و رسید به کتب. رسید به کتب و رسید به کتب. رسید به کتب و رسید به کتب.
 مقرر شد و رسید به کتب. رسید به کتب و رسید به کتب. رسید به کتب و رسید به کتب.
 رسید به کتب و رسید به کتب. رسید به کتب و رسید به کتب. رسید به کتب و رسید به کتب.

نقد
 20/10/62