

WARD NO.

41/1971-72

Name of the Village:

Mandoli.

Nature of Acquisition:

Permanent.

X

INTRODUCTION:

This award relates to acquisition of land of village Mandoli which is required by the Government at the public expense for a public purpose, namely, for the Planned Development of Delhi. Notification u/s 4 of the Land Acquisition Act. No. F. 4(14)/65- L & H dated 6.3.1965 was issued by the Delhi Administration, in alongwith the land of other villages, the land under acquisition was notified. The substance of the said notification was given due publicity and objections were invited from the interested persons. The objections were duly heard and a report under section 5-A of the L.A. Act was sent alongwith the objections in original to the Delhi Administration. The objections were <sup>considered</sup> ~~rejected~~ and a final declaration u/s 6 of the L.A. Act was made by the Delhi Administration vide the Notification No. F. 4(14)/65- L & H dated 19.10.1966. notice u/s 9(1) was given due publicity and notices u/s 9(2) & 10 were served upon the interested persons.

' MEASUREMENT & OWNERSHIP '

According to the Notification u/s 6 of the L.A. Act, the area under acquisition was shown as 729 bighas 19 biswas. But on the land bearing Khasra No. 130 measuring 33 bighas 18 biswas Section 17 of the L.A. Act, has been applied vide Notification No. F. 4(14)/65- L & H dated 18th August, 1967 and the present acquisition proceedings relate to this land only. From verification made on the spot u/s 8 of the L.A. Act the true and correct area of Khasra No. 130 is found to be 33 bighas 18 biswas.

In Khasra No. 130 Mandir is recorded over 1 bigha in revenue record in the year 1965. This area of 1 bigha is therefore excluded from acquisition. There is grave yard over 5 biswas in this Khasra No. and (Mata) over 1 biswas in this Khasra No. As a result



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of joint inspection on 4.11.69 with Shri R.S. Mathur Assistant Housing Commissioner, Land & Building it was decided to exclude the 5 biswas of land under grave and 1 biswas of land under Mata <sup>it</sup> from present acquisition. The <sup>following</sup> area <sup>is</sup> now excluded from the present acquisition.

Khasra No. 130/1	5 biswas	I	
" 130/1/2	15 biswas	I	Mandir.
" 130/2/2	5 biswas		Grave yard.
" 130/2/3	1 biswas		Mata.

Total area 1 bighas 6 biswas.

The land which now remains for acquisition is Khasra No. 130/ <sup>32</sup> area <sup>31</sup> bighas 12 biswas.

Khasra No. 130 measuring 33 bighas 18 biswas is recorded the ownership of gaon sabha Mandoli.

#### EVIDENCE.

No Claim has been filed inspite of service <sup>which</sup> of the noti u/s 9(2) and 10(1) of L.A.Act. On 18.1.68 <sup>it</sup> was the date <sup>ne</sup> fixed for filing of claims, The Land Acquisition Collector, ordered preparation of chief data on 18.1.68. Thereafter on 5.2.68 a claim was filed by Sardar Tej Partap Singh through Shri Ramesh Chander Gupta Advocate in which he advanced his to ownership over 12 bighas of land in this Khasra No.130 in village Mandoli. He also claimed to be in possession over <sup>of</sup> the land under acquisition. No evidence regarding ownership and possession has been led by Shri Tej Partap except a copy of notice dated 18.7.67 u/s 80 C.P.C. sent Union of India through Secretary Ministry of Home Affairs Deputy Commissioner, Delhi.

#### MARKET VALUE.

The land under present acquisition is bounded on <sup>by</sup> the land of village Saboli and the Saharanpur Railway and on the east by land of village Mandoli and pucca <sup>Shahadara</sup> from Saharanpur to Mandoli Road. On the north and south



The details of the sales transactions for the crucial year 1964-65, as collected by the field staff are reproduced below:-

Sr. No.	Mutation No.	Date of Registration.	Khasra No.	Area	Total Amount	Average per bigha.
1	670	23.2.64	235	0.12	Rs. 600/-	Rs. 1000/-
2.	671	24.3.65	235	0.12	Rs. 1800/-	Rs. 3000/-
3.	664 669	17.8.64	1679/43 1865/44 38 39 1864/44	0.12 2.05 3.18 4.10 2.04	Rs. 14841/-	Rs. 1103.42
				13.09		
4.	698	19.9.64	1683/97- 98/1 84	0.15 2.05 3.00	Rs. 2800/-	Rs. 933.33
5.	687	8.12.64	470min	4.07	Rs. 5000/-	Rs. 1150/-

From the above figures it can be seen that the average rates range from Rs. 933.33 per bigha to Rs. 3000/- per bigha. The transaction fetching the average of Rs. 3000/- per bigha relates the Khasra No. 235 of village Mandoli. This Khasra No. which is small plot measuring 12 biswas only was originally sold vide the mutation No. 670 for Rs. 600/- on 23.2.1964 thus yielding an average of Rs. 1000/- per bigha. The same land was resold vide the mutation No. 671 for Rs. 1800/-, thus yielding the average of Rs. 3000/- per bigha. The registration appears to have taken place on 24.3.1965, i.e. slightly subsequent to the date 6.3.1965 of the notification u/s 4 of the L.A. Act of the present award.

Khasra No. 235 area 12 biswas was sold on 24.3.65 for Rs. 1800/- giving an average of Rs. 3000/- per bigha. This is a sale transaction relating to small plot which carries higher price and is quite adjacent to the abadi of the village and is re-sold. For these reasons this sale of 12 biswas of land in Khasra No. 235 cannot indicate the general trend of prices in the year 1965 prevailing in village Mandoli.

contd.



The sale transactions at Sr. No.3, 4 and 5 above relate to the period August, 1964 to December, 1965 which is nearest to the date preliminary Notification u/s 4 i.e. 6.3.1965. The sale registered on 17.8.64 gives an average of Rs. 1103.42 ps. per bigha. The sale registered on 19.9.64 gives an average of Rs. 933.33 ps per bigha. The sale registered on 8.12.64 gives an average of Rs. 1150/- per bigha. All these sale transactions do not relate to small plots, are of agricultural land. Among the khasra Nos. involved in these sale transactions Khasra Nos. 97, 98 and 84 are nearest to the land under present acquisition. Khasra No. 470 min is far away from land under present acquisition. The sale transaction registered 19.9.64 involved in Khasra No. 1683/<sup>97-98</sup>~~57-58~~/1 and Khasra No. 84 give an average of Rs. 933.33 ps per bigha can be made the basis for determining the market value of the land under present acquisition on the crucial date i.e. 6.3.65. On this basis the market value for the land under present acquisition can be fixed at Rs. 1000/- per bigha.

Four awards have been drawn in village Mandoli bearing Khasra 1396, 1375, 1887 and 1956. In all these four awards the Land Acquisition Collector had allowed the market value at the rate Rs. 2000/- per bigha. The land acquired vide award Nos. 1396, 1887 is far away from the land under present acquisition and the date of preliminary Notification u/s 4 in these awards are 13. and 11.11.60. The land under award No. 1956 lies quite close to south of the land under present acquisition, but the date of preliminary Notification u/s 4 L.A. Act in award No. 1956 is 24.1. Under Award No. 1956 the Land Acquisition Collector fixed the market value of land which was cultivable and Banjar at Rs. 2000/- per bigha, for the land which was gair mumkin johar, ghadha at Rs. 1500/- per bigha and for the land which was gair mumkin rasta at Rs. 1200/- per bigha.

As per office record 48 reference petitions u/s 18 L.A. Act were filed against the assessment of the Collector in Award No. 1956. of them 29 reference petitions have been decided by the Additional District Judge, Delhi. The rate has been enhanced from Rs. 2000/-



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per bigha to Rs. 4000/- per bigha by the Additional District Judge, Delhi. In the following cases decided by the Additional District Judge, Delhi, ~~in the following cases decided~~ The Union of India have gone in appeal before the Delhi High Court.

Sr. No.	Case No.	Name of party	Date of Decision
1.	L.A. Case No. 444/68	Harish Kumar Vs. Union of India.	16.12.68.
2.	" 456/68	Sukh Ram Dass Vs. Union of India	16.12.68.
3.	" 677/68	Behari Lal Vs. Union of India.	16.12.68.
4.	" 455/68	Narain Kumar Vs. Union of India.	16.12.68.
5.	" 457/68	Kishori Lal Vs. Union of India.	16.12.68.

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The rate of Rs. 4000/- per bigha fixed by the Additional District Judge, Delhi in the above mentioned cases cannot be said to be final as the matter is still pending decision before the High Court of Delhi.

Moreover, under award No. 1956 the crucial date i.e. 24.10.61 and the market value fixed under award No. 1956 by the Land Acquisition Collector or by the Additional District Judge, Delhi in reference petitions relates to the year 1961 and cannot be the basis for determining market value of land in 1965. It cannot be presumed that the market value of land continued to rise during this period. The sale transactions of 1964 cited above indicate a downward trend. I do not consider that the rates assessed by the Collector under various awards and enhanced by Additional District Judge have any <sup>relevance</sup> reference to the market value in March 1964 in the face of sale transactions of 1964. I therefore allow the rate of Rs. 1000.00 per bigha for the land under present acquisition.

OTHER COMPENSATION.

There are no trees, wells or structures in the land under present acquisition.



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APPORTIONMENT

The compensation will be paid according to the latest entry in the revenue record. In case of dispute it will be sent to Additional District Judge, Delhi for adjudication:

15 % Solatium

As provided U/S 23(2) of the L.A. Act the land owner shall also be paid 15 % solatium on account of compulsory nature of acquisition.

INTEREST.

Possession U/S 17 L.A. Act over 32 bighas 12 biswas of land under acquisition was taken on 4.11.69. Interest at the rate of 6 % p.a. will therefore be payable from 4.11.69 to 28.1.72 which is the likely date for announcement of the award.

'SUMMARY OF THE AWARD'

Market value of the land measuring 32 bighas 12 biswas at the rate of Rs. 1,000/- per bigha.	Rs. 32,600.00
15 % of the above as solatium for compulsory nature of acquisition	Rs. 4,890.00
Interest at the rate of 6 % p.a. from 4.11.69 to 28.1.72	Rs. 5 028.79

Grand Total:- Rs. 42,518.79

The land is not assessed to land revenue.

*Compared*  
*P. M. Chak*  
*NT (uA)*  
*Announced & filed today*  
*P. M. Chak*  
*28.1.72*  
*LA (BS)*  
(B.M.L. GAUMAT)  
LAND ACQUISITION COLLECTOR(DS):DELHI.



