

AWARD NO:

102/80-81

Name of the village: Mandoli.
Nature of acquisition: Permanent.
Purpose of acquisition: Planned Development of Delhi.

Land measuring 729 bighas 19 biswas was notified for acquisition by the Government at the public expense for a public purpose namely Planned Development of Delhi. A notification u/s 4 of Land Acquisition Act was issued vide notification No. F.4(14)/65-L&H dt. 6.3.65. 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 alongwith the objections in original. Out of it only land measuring 24 bighas 9 biswas is being acquired for the construction of road known as Rd.No. 63 for the public purpose and at the public expense.

The notification u/s 6 of the Land Acquisition Act relating to the area under acquisition was issued vide notification No. F.4(14)/65-L&H dt. 19.10.66 for the entire land. Notices u/s 9(i) of the Land Acquisition Act were given due publicity in and around the area under acquisition for filing the claims. Notices u/s 9(3) and 10(1) were also served upon the known interested persons. Almost all the interested persons have responded to the notices for the area under acquisition under the present scheme.

This village is under consolidation of holding and proceedings u/s 21(2) have yet to be completed. The notices u/s 4 were made on old No. Khs. but these were changed in consolidation operation, while the alignment of the land under acquisition remains the same.

In this connection the legal opinion was also sought on 10.7.79. He was of the same opinion that both No. Khs. should be mentioned at the time of award.

So a corrigendum is also to be required in this connection in the notification u/s 4 and 6.

The detail of Kh. No. involved under the present scheme is as under:-

Old. Kh. No. according to notification u/s 4 and 6.	Present Kh.No.changed during the consolidation holding operation.	Area.	Quality of land.
1.	2.	3.	4.
879	490/1/1	11-18	Gair Abpash.
880	497/1	1-10	-do-
881	500/1	1-12	-do-
882	499/1	0-02	-do-
926	502/1	1-06	-do-

.....2/-

1.	2.	3.	4.
927/2	501/2/1	2-16	Gair Abpash.
929	496/1	3-10	-do-
930	494/1	1-14	-do-
931	493/1	0-01	-do-
Total:		24-09	

Having land revenue of Rs. 4.96.

MEASUREMENT:

According to the notification u/s 6 of the L.A. Act, total area to be acquired was 729 bighas 19 biswas but the area false under the present scheme namely construction of Rd.No.63 comes to 24 bighas 9 bis. Verification and measurement made at the site u/s 8 of the L.A. Act, the actual area comes to 24 bighas 9 biswas.

CLAIMS & EVIDENCE:

Six claimants made claim in response of notices u/s 9 & 10 detail is as under:-

Sl.No.	Name of the claimants.	Nature.	Evidence.	Remarks.
1.	2.	3.	4.	5.
1.	Perkash, Dharam Pal, Vijay Kumar, Harpal Singh Ss/o. 82 Sauji Ram, 1/5. Mauji Ram, Banwari Lal, Jai Singh, Chhotey Lal Ss/o. Ratni, 1/5 all R/O. Village Mandoli through Sh. Khem Chand, Advocate.	That Old Kh.No.927/2 of new Kh.No.501/2/2 measuring 2 bighas 16 biswas are under their Bhumidari is a fertile type of land and could fetch Rs.100/- per sq.yds. in open market. Claimed Rs.50/- per sq.yds. as compensation.	Produced no proof in its support.	Area is correct. Claim is exhorbitant and the quality of land is also of bore type i.e. Gair Abpash. Share be confirmed from revenue record.
2.	Smt. Ratno w/o. Ram Saroop Champa w/o. Rattan, Bhagwati w/o. Rattan Lal, Ram Pyari w/o. Beg Raj D/o. Sarju through Sh. Khem Chand, Advocate having $\frac{1}{2}$ share.	That old Kh.No.880, New Kh.No.497/1 measuring 2 bighas 11 biswas and demanded Rs.50/- per sq.yds. as its compensation.	-do-	Claim is exhorbitant An area false under the scheme is 1 big. 10 biswas.
3.	Mam Chand, Mehar Chand and Ram Saroop Ss/o. Rudhi r/o. Mandoli through Sh. Khem Chand, Advocate having $\frac{1}{2}$ share.	As above having $\frac{1}{2}$ share.	-do-	Claim is exhorbitant.
4.	Tej Pertap Singh r/o. 23- Bara Khamba Road, New Delhi through Sh. Mahesh Chand, Advocate.	Claimed that Old Kh.No. New Kh.No. Area. Big. Bis. 879/2 490/1/1 11-18 931/1 493/1 0-01 82 930/2 494/1 1-14 929 496/1 3-10 881 500/1 1-12 926 502/1 1-06 927/2 501/2/2 2-16 TOTAL: 22-17		3/-

Evidence:

Claimed that he is bhumidar of an area of 6 bighas out of Kh. No. 490/1/1, measuring 11 bighas 18 biswas further, stated that the said No. 490/1/1 was the part of Old Kh. No. 879/2 measuring 90 bighas 19 biswas (included in the present holding of the claimant) Out of which he became bhumidar of 6 bighas and the balance area had been ordered, at the time of implementation of Delhi Land Reforms Act, to be vested in the Gaon Sabha. Even today the claimant is in actual physical cultivating possession of the said land. So the claimant is entitled to the entire compensation of the aforesaid land. Claimant also claimed Rs. 50/- per sq.yds. as compensation and filed a copy of judgment by Shri J.D.Jain, Addl. Distt. Judge, LAC Case No. 204/71. According to the judgment the learned judge enhanced and assessed the market value of the land at the rate of Rs. 4200/- per bigha. Besides it he produced three copies of the decision against Gaon Sabha to R.A., A.D.M. and Finance Commissioner respectively in support of the land belonging to gaon sabha.

Remarks:

Gaon Sabha.

The gaon sabha of village Mandoli through its Perdhan Shri Mehar Singh claims that land bearing Kh. Nos. 490/1 new and 879/2min old (11 bighas 18 biswas), Kh. No. 494 and Kh. No. 930/2min old (1 bigha 14 biswas), Kh. No. 502/1 new and Kh. No. 926min old (1 bighas 6 biswas), Kh. No. 496/1 new and Kh. No. 926min old (2 bighas 16 biswas), filing to gaon sabha so the compensation be given to them at the rate of Rs. 20/- per sq. yds. as this land has a great potential value and closed to D.D.A., colony known as Nand Nagri where it has water, sewage and other facilities including electricity, marketing etc. but did not produce any documentary or oral proof to substantiate its claim.

While going through the revenue record, in this connection the claim made by the gaon sabha, I noticed as under:-

Old No.	Total area	New No.	Actual area	Remarks.
	Big.Bis.		Big.Bis.	

930/2	9-17	494	1-14	Sh. Tej Pertap Singh declared Bhumidar for 6 bighas out of 90 bighas 17 biswas and also shown as in adverse possession on the remaining gaon sabha land in the revenue record. On the site there is no clear demarcation indicating the land of bhumidar, and of gaon sabha. So the compensation will be kept disputed unless both the parties defined their possession.
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.....4/-

Kh.No.	Total area Big.Bis.	New No.	Actual area Big.Bis.	Remarks.
926min 1-6		502/1	3-10	Adverse possession of gaon sabha by Sh. Tej Pertap Singh has been shown in the revenue record. Gaon sabha claimed compensation for 1 bigha 5 biswas while on actual measurement and area comes to 1 bigha 6 biswas.
927/2 7-10		501/2/2	2-16	1 bigha 17 biswas shown under the bhumidar of Surj Ram & Others and the balance 5 bighas 13 biswas has shown under the continuous adverse possession of Sh. Tej Pertap Singh.
490/1 90-19		879/2	11-18	Belongs to gaon sabha and claims compensation accordingly. While Sh. Tej Pertap Singh claims that he is bhumidar of 6 bighas out of the total area 90 bighas 16 biswas and he is in continuous possession for the last 20 years so whole compensation be given to him.
494min 9-17		930/2	1-14	The total area is under continuous possession of Sh. Tej Pertap Singh and out of it he was declared bhumidar for 6 bighas.
882 2-17		499/1	0-2	Sh. Diwan Ram Saroop claimed that area under the scheme comes to 3 biswas and its compensation be given at the rate of 70/- per sq.yds. He did not produce any verbal documentary evidence in its proof. On actual measurement the area comes under the scheme is only 2 biswas.

MARKET VALUE:

The land under acquisition is situated in Eastern Border of Delhi and Loni village (U.P.), Nand Nagri, DDA's colony is quite adjacent. By the construction of road No. 63, the prospects of the value of the land will also certainly be increased. I inspected the site under acquisition the quality of land is very poor and is of banjar (baran) type. Before coming up of the Nand Nagri, DDA colony the use of the land was purely agriculture but after that the land has gained potential value of building purpose. To determine the fair market value of the land under acquisition, following factors were kept in mind, transaction which took place within 5 years from the date of notification u/s 4 i.e. 6.3.65. Second awards drawn up for the acquisition of the land of this village from time to time and the compensation awarded by the enhanced by the higher courts.

During the 5 years, proceedings the date of notification u/s 4 i.e. 6.3.65 the following transaction took place in this village.

Sl.No.	Name of year.	Total area.	Total amount involved.	Average per bigha.
1.	60-61	9-15	36821/-	377-64
2.	61-62	9-19	7120/-	715-58
3.	62-63	9-15	5325/-	546-15
4.	63-64	41-12	31937.50/-	767-73
5.	64-65	21-08	24441/-	1142-10

.....5/-

In this case the date of notification u/s 4 is 6.3.65 and the land involved covered by the above said transaction is far away from the land under acquisition. St, it is not safe, to take the guidance in determining the market value of the land under acquisition as on 6.3.65. So, with a view to find out some guideline for determining the market value following awards which took place from time to time in this village also considered.

S.No.	No. of award.	Date of notification u/s 4.	Rate per bigha.	Remarks.
1.	1396	F.15(iii)/59/LS ⁹ dt.13.11.59	2000/-	In case No.94/64 Nobat Singh Vs.UOI it was enhanced from Rs. 2000/- to Rs.4000/-.
2.	1875	-do-	-do-	It was enhanced vide case No. 214/66 to Rs.4000/-per bigha.
3.	1887	F.15(245)/60-LS ⁹ dt.10.11.60	-do-	Enhanced Rs.4000/-per bigha
4.	1956	F.15(245)/61-LS ⁹ dt.24.10.61	1200/-	1500/-, 4000/-, 4200/-per bigha.

Besides it several transactions also took place between 24.10.61 detail as

S.No.	Mutation No.	Dt. of Registration.	Kh.No.	Area involved.	Amount considered.	Average per bigha
1.	687	8.12.64	470	4-7	5000/-	1149-43 Sq.yds. Rs.1150/-.
2.	698	19.12.64	1683/47-98	3-0	2800/-	933-33 sq.yds. Rs.935/-.
3.	671	24.3.65	235	0-12	1800/-	3000-00

From the above data, it is revealed that the land involved in the transactions at Sl.No.3 is only 12 biswas and quite near to village abadi of this village. ^{and has no similarity with the land under acquisition.} But it has adaptability of building purpose. So, ^{due} consideration could be given to it in determining the market value of the land. The land involved in the two transactions at Sl.No. 1 & 2 ^{though} is very small and the average per bigha comes to Rs. 1150/- and 935/- respectively. Date of transactions is 2 or 3 months before the notification u/s 4 i.e. 6.3.65. This factor is worth for consideration and also assistance in determining the market value of the land could be ~~given~~ taken. Besides it there is an important factor in guiding the fair and reasonable market value, are award No. 1887, 1956. The date of notification u/s 4 in these awards was 10.11.60 and 24.10.61 respectively. The compensation of these awards were enhanced by the learned Distt. Judge, Delhi. The land involved under these awards was of the same village ^Mandoli. But the location was close to village Jhilmil Taharpur. The learned judge took village Jhilmil Taharpur (Dilshad Garden) as based in determining the market value

.....6/-

for the announcement of these awards. Dilshad Garden is a semi-developed colony, duly sanctioned by Delhi Municipal Corporation before 1948. Some portion of it also ^{adjoins} ~~is~~ ^{is} ~~adjacent~~ to G.T. Road and is quite adjacent to Shahdara Town. This was probably developed in 1948. Electricity, Roads, Drinking water and other amenities are available while in the land under acquisition is nearly two miles from G.T. Road and has no homogeneity with the land in Dilshad Garden. So, it will not be safe to take guidance in arriving to the fair and correct market value of the land under acquisition. But it definitely reflects the tendency of the market value of the land of this village. The market value of the developed colony ~~is~~ ^{is} Dilshad Garden could not be considered at par with the land under acquisition. The rate allowed by the Addl. Distt. Judge in his judgement in case No. 51/78 of Sh. Makhsood s/o. Hussain Vs. Union of India was Rs. 4200/- per bigha. The date of notification u/s 4 bearing No. F.15/245/61-1SG dt. 24.10.61.

While after passing $3\frac{1}{2}$ years of the announcement of the said judgement by the learned Addl. Distt. Judge the prices of the land of this village did not appropriate as evident in the sales-transactions dt. 24.3.65 vide mutation No. 671. The average per bigha comes to Rs. 3000/-. This shows the downward tendency of the market value of the land in this village. But it is an unusual phenomena in this village. Having all the above stated factors and keeping in view all the potentiality and future prospects of the land, I am of the opinion that Rs. ³⁰⁰⁰ ~~4000~~/- per bigha is quite appropriate reasonable market value of the land for his compensation and also assistance it accordingly.

OTHER COMPENSATION: Nil.

STRUCTURES: Nil.

LOANS & OTHER LIABILITIES: Nil.

APPORTIONMENT:

In certain Kh. No. Bhumidari have been declared in min N_os. as stated in statement 'B'. As the compensation will be paid in presence of all the concerned parties and in case of dispute, will be sent to ADJ, Delhi for disbursement.

On the certain portion of gaon sachha some persons have claimed for compensation being unauthorised, continuous, uninterrupted occupants for the last several years. So the compensation will be paid in the presence of the concerned parties otherwise in case of dispute, will be sent to ADJ, Delhi for disbursement.

.....7/-

INTEREST:

Possession of the land under acquisition has not been taken, therefore, the question of payment of interest does not arise.

15% SOLAT IUM:

In addition to the value of the land and other structure, 15% solatium will be paid on account of compulsory nature of acquisition as provided u/s 23(2) of the Land Acquisition Act.

SUMMARY OF THE AWARD:

Area for the land measuring 24 bighas 9 biswas at the rate of Rs. 3000/- per bigha.

Rs. 73350-00

15% Solatium:

Rs. 11002-50

Total:

Rs. 84352-50

Rs.

(RUPEES EIGHTY FOUR THOUSAND THREE HUNDRED FIFTY TWO AND PAISE FIFTY ONLY.)

Announced in an open Court, in the presence of the following interested persons.

31.1.81

Shiv Raj Tyagi
31.1.81
(SHIV RAJ TYAGI)
LAND ACQUISITION COLLECTOR(DS)
DELHI.

Dt. 31.1.81

The following persons are present at time of announcement of Award.

1. Mr. Man Chand *Handwritten signature*
S/o Mr. Badai
2. Mr. Manji Ram *Handwritten signature*
S/o Ratna
3. Parbhat S/o *Handwritten signature*
Sanghi Ram
4. Hari Ram *Handwritten signature*
Kaeinda
5. Tej Pratap *Handwritten signature*
S/o Deewan Ram Sanghi

Deewan
31.1.81

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Gr.

Sum.

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(S.N. Bhor dny)
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