

A W A R D No. 1875

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

INTRODUCTION:

The land situate in village Mandauli is needed by the Government at the public expense for a public purpose namely for the Planned Development of Delhi. A notification under section 4 of the Land Acquisition Act was issued vide notification No.F.15(111)/59-LSG dated 13.11.1959. 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 ²acquisition from this area from time to time as and when the necessity arises by publications 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.4(1)/65-L&H dated 6.5.1965. 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 the known interested persons. Almost all the interested persons have responded to the notices.

MEASUREMENT & OWNERSHIP:

According to the notification under section 6 of the Land Acquisition Act, 1894, total area to be acquired was 473 bighas 2 bigwas but

made at the site under section 8 of the Land Acquisition Act, it was seen that the actual area under acquisition was 473 bighas and 10 biswas. The increase of 8 biswas is due to the ~~tax~~ mistake in totalling. I, therefore, hold the area to be acquired ²as 473 bighas 10 biswas to be ~~true~~ ^{true} as detailed below:-

Khasra No.	Area Big.Bis.	Kind of soil.
P1341/1	0 - 05	Rosli.
P1342/2	3 - 12	Rosli.
P1343/1	5 - 16	Rosli.
P1344/2	6 - 07	Rosli.
P1345/1	2 - 05	Rosli.
P1346/	4 - 19	Rosli.
P1347/2	1 - 03	Rosli.
P1348/2	2 - 10	Rosli.
P1374/2	2 - 10	Chahi.
P1376/2	2 - 11	Chahi.
P1377/2	3 - 16	Chahi.
P1400/2	0 - 07	Rosli.
P1401	8 - 02	Rosli.
P1402/2	3 - 13	Rosli.
P1849/1409/1	1 - 05	Mutiar.
P1850/1409/2	1 - 06	Mutiar.
2 P1410/2&3	2 - 07	chahi.
P1411/2	0 - 16	Mutiar.
P1412/2	5 - 03	Mutiar.
P1413	4 - 01	Rosli.
P1414	4 - 01	Rosli.
P1813/1415	4 - 07	Rosli.
P1814/1415	6 - 12	-do-
P1416	5 - 08	Mutiar.
P1417	3 - 12	-do-
P1418/1	2 - 14	-do-

p 1419/1	7 - 14	Mutiar.
p 1816/1420	1 - 10	Manjar Kadim.
p 1423/1	2 - 14	Rosli.
p 1424	0 - 18	Rosli.
p 1425/1	0 - 05	Rosli.
p 1560/1	0 - 10	Chahi.
p 1561/1	3 - 03	Chahi.
p 1562/1	1 - 11	-do-
<i>2</i> p 1564/1	0 - 06	Rosli.
p 1565/1	2 - 16	Rosli.
p 1566	4 - 10	Chahi.
p 1826/1567 ✓	3 - 03	Rosli.
p 1827/1567	3 - 03	Chahi.
p 1568	8 - 17	Chahi.
p 1569	3 - 15	Chahi.
p 1570	6 - 15	Chahil
p 1571	4 - 07	Chahi.
p 1572	6 - 18	Chahi.
p 1573	4 - 07	Chahi.
p 1574	9 - 12	Rosli.
p 1575	7 - 16	Chahi.
p 1576 <i>2 2</i>	1 - 07	Chahi.
p 1676 1577/1676	1 - 13	Rosli.
p 1577	1 - 10	Rosli.
<i>2</i> p 1828/1578	2 - 10	Rosli.
p 1829/1578	1 - 11	Chahi.
p 1579	2 - 02	Chahi.
p 1580 <i>2</i>	5 - 11	Chahi.
<i>2</i> p 1675 1581/1675	1 - 19	Rosli.
p 1581/1	0 - 14	Rosli.
p 1581/2	1 - 17	Rosli.
p 1582	1 - 19	Chahi.
p 1583	1 - 01	-do-
p 1584 ✓	2 - 17	-do-

p1830/1585	1 - 10	Rosli.
p1831/1585	1- 13	Chahi.
p1586	5 - 02	Chahi.
p1587	7 - 10	Chahi.
p1588/2	5 - 02	Rosli.
X p1589/2	4 - 06	Rosli.
p1590	4 - 07	Rosli.
p1591	7 - 07	Rosli.
p1592	1 - 04	-do-
p1593	7 - 13	-do-
p1594	3 - 00	-do-
p1595/1	3 - 15	Rosli Rihala.
p1596/1	0 - 04	Rosli.
p1825/1529-30/1	0 - 09	Rosli.
p1531/1	2 - 14	-do-
p1832/1599-1600/1	6 - 02	-do-
p1601	7 - 10	Banjar Kadim.
p1602/1	8 - 07	-do-
p1603/1	3 - 10	Rosli.
p1604	0 - 09	Rosli.
p1605	3 - 18	Rosli.
p1606	0 - 06	Banjar Kadim.
p1607	0 - 12	Rosli.
p1608	4 - 07	-do-
p1833/1609-10-11	6 - 09	-do-
p1612	2 - 08	-do-
p1613	2 - 05	-do-
p1614	5 - 11	-do-
p1615	4 - 16	-do-
p1616	8 - 08	-do-
p1617/1	2- 01	-do-
p1618/1	0 - 09	-do-
p1620 /1	3 - 08	-do-
p1834/1621-22	9 - 06	-do-
p1623	4 - 07	-do-

1624	4 - 16	Rosli.
1625/1	4 - 16	-do-
1626	4 - 10	-do-
1627	10-10	-do-
1628	6 - 18	-do-
1629	4 - 19	-do-
1630	2 - 14	-do-
1631	2 --08	-do-
1632	1 - 07	-do-
1633	1 - 16	-do-
1634	3 - 06	-do-
1635	3 - 09	-do-
1636	3 - 15	-do-
1637	3 - 12	-do-
1638	4 -01	-do-
1639	4 - 16	-do-
1640	3 - 18	-do-
1641	3 - -12	-do-
1642	2 - 11	-do-
1643	1 - 16	-do-
1644	2 - 05	-do-
1645	4 - 04	-do-
1646	4-0 7	-do-
1647	3 - 18	-do-
1648	4 - 13	-do-
1649	0 - 18	Banjar Kadaim Gm. Makan=X
1650	4 - 16	Rosli.
1651	5 - 02	Rosli.
1652	1 - 04	Banjar Kadim Gm.Makan=X
1653	4 - 04	Rosli.
1654/2	3 - 09	Rosli.
1656 /2	1 - 11	Banjar Kadim.
1657	4 - 16	Rosli.
1658/2	3 - 11	Rosli.
1659/2	1 - 08	Rosli. 6

P 1663/2	2 - 02	Rosli.
P 1664/2	0 - 18	Rosli.

473-10

CLASSIFICATION OF LAND:

Chahi	= 97-09
Rosli.	= 326-17
Mutiar	= 27-18
B.Kadim	= 21-06
	<u>473-10</u>

Note: The khasra Nos. 1676/1575 and 1675/1581 as given in the notification under section 6 are entered as 1575/1676 and 1581/1675 in the revenue record. This change does not affect the ownership.

COMPENSATION CLAIMS.

The following persons have filed claims for compensation.

Sl.No.	Name of the claimants.	Compensation demanded.	Remarks.
1.	Jagmar Singh s/o R.B.Narain Singh.	Rs.25/- per sq.yd for the land, Rs.20,000/- for the tube wells, Rs.2000/- for the well, Rs.500/- for the trees & 15% solatium and 12% interest.	The claim is exorbitant and fabulous.
2.	Jagmer Singh s/o R.B.Narain Singh.	stated that 1/2 share in the compensation should be given to Shri Tej Pratap Singh-Executor	The compensation will be held as disputed as there is no entry in the name of Sr. Tej Pratap Singh, Nirbhaj Singh, and Birinder Singh.
3.	Brahama Nand, Sham Dat ss/o Kehri through Sham Dat.	Rs.30/- per sq.yd.	The claim is exorbitant and fabulous.
4.	Tej Pratap Singh through Rattan Lal Gupta & others - advocate.	Rs.12/- per sq.yd. Rs.25000/- for the tube well & pucca rooms and Rs.5000/- for well.	-do-

5. Tej Pratap Singh one of the Bhumidars/ executors.	Rs.25/- per sq.yd and Rs.500/- for the trees.	The claim is exorbitant and fabulous.
6. Maik Ali s/o Tahasin.	Rs.30/- per sq.yd.	-do-
7. Ram Singh s/o Sher Singh.	Rs.15/- per sq.yd.	-do-
8. Mool Chand s/o Nanak Chand.	Rs.15/- per sq.yd.	-do-
9. Ami Chand, Bhud Singh, Dal singh and Ram Phal through Ami Chand.	Rs.30/- per sq.yd. and Rs.300/- for four trees.	-do-
10. Khazan s/o Khacheru	Rs.30/- per sq.yd.	-do-
11. Ram Chand, Ram Karan, Chokha Ram through Ram Karan.	Rs.30/- per sq.yd. and Rs.100/- for the trees.	-do-
12. Bahal, Khem Chand ss/o Thana.	Rs.30/- per sq.yd.	-do-
13. Nathu, Dallu ss/o Pussa.	Rs.30/- per sq.yd.	-do-
14. Rattan s/o Ram Swarup.	Rs.15/- per sq.yd.	-do-
15. Ram Chander s/o Balwant.	Rs.15/- per sq.yd.	-do-
16. Murli s/o Bihari.	Rs.30/- per sq.yd.	-do-
17. Daya Ram s/o Auyodhaia Prashad.	Rs.30/- per sq.yd.	-do-
18. Nobat Singh s/o Sundu.	Rs.15/- per sq.yd.	-do-
19. Lal Singh s/o Chunni.	Rs.10,000/- per bigha for the land, Rs.1500/- for crops and 15% solatium.	-do-
20. Sardare, Mange ss/o Prithi through Shri Gordhan Dass and Virinder Kumar -Advocates.	Rs.15/- per sq.yd.	-do-
21. Permeshwari wd/o Hari Singh, Jagat Singh, Mahesh Chand, Salek Chand.	Rs.30/- per sq.yd. and Rs.100/- for the trees.	-do-
22. Shamsudin s/o Alla Dia.	Rs.30/- per sq.yd. for the land and Rs.100/- for the trees.	-do-
23. Mst.Masuman dt/o Azimuddin.	Rs.30/- per sq.yd.	-do-

24.	Raffuddin s/o Morad Baksh.	Rs.30/- per sq.yd.	The claim is exorbitant and fabulous.
25.	Rahisuddin s/o Mangte.	Rs.30/- per sq.yd.	-do-
26.	Nawab Ali s/o Raffuddin.	Rs.30/- per sq.yd. Rs.200/- for the trees.	-do-
27.	Masoom Ali, Ishak Ali ss/o Rahim Baksh.	Rs.30/- per sq.yd.	-do-
28.	Azim Ali, Yakub Ali ss/o Nauli for themselves and on behalf Kabir Mohd., Rehmak, & Saqid (deceased)	Rs.30/- per sq.yd.	-do-
29.	Siraj Uddin, Latif, & Ali Sher ss/o Sardar through Shri Anup Chand - Advocate.	Rs.10/- per sq.yd.	-do-
30.	Tej Pratap Singh & others-executors through Shri Ramesh Chand -Advocate.	Rs.20,000/- for the tubewell, Rs.5000/- for the well.	-do-
31.	Shri Mohd. Mustafa Officer on Special duty (L.R.), Delhi on behalf of Gaon Sabha.	Rs.20/- per sq.yd.	-do-
32.	Custodian Evacuee Property through Managing Officer (Rural) on 28.9.65.	Demanded no compensation but has stated that Kh.Nos.1603,1643,1577, 1565,1826,1828,1578, 1830/1585,1577/1676, 1581/1 and 1581/2 are evacuee and kh.nos. 1589,1574,(2-12),1574(7-00) 1675/1581,1423,1424,and 1564 are non evacuee property.	--

The following evidences have been produced by the claimants, in support of their claims:

1 Name of the Village.	2 Mutation No. Registration No.	3 Date of registration.	4 Khasra No.	5 Area Big.Bis.	6 Total sale price.	7 Average price per Bigha.
Mandauli	9262	25.11.55	1656	2 - 17	Rs.7000/-	Rs.2426/
-do-	9263	25.11.55	1612	2-08	Rs.6000/-	Rs.2500/
-do-	2876	24 .3.65	235	0 - 12	Rs.1800/-	Rs.3000/
Shahdara	150	7.1.59	2893/104 2895/104 3407/120	4 - 08	Rs.24000/-	Rs.5454.5

1	2	3	4	5	6	7
Chandrawal alias Shahdara.	3314	18.6.56	1937/49-50	1416 sq. yds.	Rs.14160/-	Rs.10/-per sq.yds.
Jilmilla Tehrpur	1674	5.4.58	1080/389	2-09	Rs.15000/-	Rs.6122/- per bigha.
-do-	2420	15.5.58	1084/289, 97,287 & 286.	4946 sq. yds.	Rs.19000/-	Rs.3.84 ps. per sq.yd.

The first two transactions relate to the estate of Mandauli. Khasra No.1656 and 1612 are being acquired under the present acquisition. The average of these transactions comes to Rs.2.50ps. per sq.yd. The ~~about~~ date of registration of the above two transactions is 25-11-55 i.e. about 4 years before the date of notification under section 4 of the Land Acquisition Act. These transactions have been discussed under the head 'Market Value'. The third transaction also relate to the estate of Mandauli, the average of which comes to Rs.3/- persq.yd. The area sold in this transaction is very small and is near the Abadi of village Mandauli. The above transaction is of the date 24.3.1965 i.e. about 6 years after the date of notification under section 4 of the Land Acquisition Act. The other transactions relate to villages Shahdara & Jilmilla Tehrpur, which are situated away from the land under acquisition. Hence the above transactions are not relevant 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. The situation of the land is, therefore, inferior to the situation of the Dilshad Colony which is situated on the G.T.Road.

I have inspected the site. Vide Award No.1396 an area of 325 bighas 6 biswas was acquired. This land is quite adjacent and is situated towards the south-west of the land under acquisition. The nature and classification of the land involved in the Award No. 1396 and in the present acquisition are the same, although the land under acquisition is a little more behind of the Dilshad Colony than the land already acquired under the Award No.1396.

In the said award the compensation of the land @ Rs.2000/- per bigha was allowed. But later on the compensation was enhanced to Rs.4000/- per bigha by the Additional Distt. Judge, Delhi vide his judgement dated 18.11.1964 contained in the L.A.C. Case No.95/1964. However it is evident from the Office Record that an appeal has been filed before the High Court on behalf of the Government, which has been admitted and the case is proceeding. In view of this fact there cannot be any change in the compensation as assessed by the Land Acquisition Collector for the time being. Besides this fact, as can be seen from the Award No.1396 under the head 'Market Value', the Land Acquisition collector had discussed the transactions regarding khasra Nos. 1612 and 1656 situated in the very village Mandauli. But he had discarded those transactions on the grounds that high prices were paid for the khasra Nos.1612 and 1656 because they were situated just on the verge of the Dilshad Gardens, and were more or less a part of the Colony. Owing to this reason the Land Acquisition Collector had discussed the mutations of land situated in village Jilmilla Tehpur, and had relied upon two mutations of village Jilmilla Tehpur. The khasra Nos.1612 and 1656 ^{as stated above} are now being acquired under the present award. On my site inspection it was found that the khasra Nos.1612 and 1656 are situated at a distance of about two furlongs from the Dilshad Garden's lands and a little farther away from the G.T.Road. The dates of notification under section 4 of the Land Acquisition Act in the Award No.1396 and in the present award are one and the same i.e. 13.11.1959.

Under the circumstances mentioned above I consider that the rate of Rs.2000/- per bigha as assessed by the Land Acquisition Collector in the award No.1396, which has been enhanced to Rs.4000/- per bigha by the Additional Distt. Judge, Delhi, and has been challenged in appeal in the High Court should be relevant to the present award. I, therefore, award

the compensation of the land under acquisition @ Rs.2000/- per bigha.

TREES: WELLS AND OTHER COMPENSATIONS:

are 2
There trees in the land under acquisition, the values of which has been *assessed by the 2* Naib Tehsildar as follows:-

Khasra No. &	No. of trees.	Kind of tree.	Approx. weight.	Avalue assessed.
1346	3	Khajoor	10 mnds.	Rs.10/-
1816/1420	1	Beri	15 "	Rs.60/-
	1	Kikar.	10 "	
1419/1	1	Beri	15 "	Rs.30/-
1849/1409/2 & 1850/1409/2	1	Kikar	10 "	Rs.30/-
1415	1	Kikar	6 "	Rs.18/-
1423/1	1	Janti	4 "	Rs. 8/-
1564/1	1	Kikar	6 "	Rs.18/-
1656/2	1	Khajoor	4 "	Rs. 4/-
1575	1	Kikar	4 "	Rs.12/-
				<u>Rs.190/-</u>

The Naib Tehsildar (LA) has assessed Rs.190/- for the above mentioned trees with which I agree and award the same value accordingly.

WELLS:

There are two wells in khasra No.1570 and 1590. These are made of bricks and are in good condition. The Naib Tehsildar (LA) has estimated their costs at Rs.2000/- and Rs.1500/- respectively. I have inspected the site and I found that the values assessed by the Naib Tehsildar (LA) are quite reasonable and I award accordingly.

Note: Although there is no entry of these wells in the revenue record, yet their values have been assessed as these wells seem to be very old.

TUBE WELLS:

There is one tube well and some temporary structure in khasra No. 1624 for which no value has been assessed, but Rs.150/- has been assessed as removal charges for the above said tube well and the temporary structure.

There is one bore well and some temporary structure in khasra No. 1582. No value has been assessed for the above said bore well and the temporary structure, but Rs.100/- has been assessed as the removal charges for the above said bore well and the temporary structure.

STRUCTURES:

According to the revenue record, there are some houses in khasra Nos.1649 and 1652. But on the spot no houses were found to be existing. Hence no value has been assessed.

INTEREST:

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

APPORTIONMENT:

The compensation will be paid on the basis of latest entries in the revenue record. The compensation of field Nos.1603/1,1589/2, 1631,1643,1565/1, 1577, 1581/1, 1581/2, 1826/1567, 1828/1578, 1830/1585, 1581/1675, 1423/1, 1424, 1574, 1564/1, and 1577/1676 will be paid in the presence of the parties as these lands involve the rights of occupancy tenants, "Saqitul Malkiyat" and "sear." In case of dispute it will be sent to the Additional District Judge, Delhi for disbursement.

As there is no entry of ^S/Tej Pratap Singh, Sarbinder Singh and Nirbouy Singh in the revenue record as executors. Therefore the compensation of Shri Jagmer Singh will be sent to the Additional District Judge, Delhi for disbursement.

According to the Revenue Record, Shri Lal Singh is the bhumidar of khasra Nos.1344/2,1346, and 1347/2, tot

measuring 12 bighas and 9 biswas. But the bhumidari rights of Shri Lal Singh have been transferred in the names of Sardare, Mange ss/o Prithi by the civil court. The mutation has been also been sanctioned in favour of Sarvshri Sardare and Mange ss/o Prithi. As the both the parties have claimed compensation, the compensation will be held as disputed and will be sent to the Additional District Judge, Delhi for disbursement.

The compensation regarding khasra Nos.1652 and 1656/2 will also be treated as disputed, as the compensation of these khasra Nos. has been demanded both by the Gaon Sabha as well as Shri ^{Tej} Pratap Singh. Hence it will be sent to the Additional District Judge, Delhi for disbursement.

15% FOR COMPULSORY ACQUISITION:

15% shall be paid on account of compulsory acquisition as provided in section 23(2) of the Land Acquisition Act(II), 1894.

LAND REVENUE DEDUCTION:

There will be a deduction of Rs.170/- from the khalsa Rent Roll of the village from Rabi, 1966.

SUMMARY OF THE AWARD:

Sl.No.	Area Big. Bis.	Rate per bigha.	Amount of compensatio
1.	473 - 10	Rs.2000/-	Rs.9,47,000.00Ps.
2.	Add.Price of well.		Rs. 3,500.00Ps.
3.	Add 15% for compulsory acuisition.		Rs.9,50,500.00 Ps. -Rs.1,42,575.00 Ps.
			Rs.10,93,075.00 Ps
4.	Add price of trees.		Rs. 190.00 Ps
5.	Add cost of removal charges.		Rs. 250.00 Ps.
		G.Total	Rs.10,93,515.00 Ps.

(Zal Nowsherwanji)
Land Acquisition Collector,
Delhi Shahdara Circle,
D E L H I.

28.9.1965