

A W A R D No. 1

Name of the village: M A S O O

Nature of acquisition: permanent.

Purpose of acquisition: PLANNED DEVELOPMENT

A W A R D

These are proceedings for determination of compensation U/s 11 of the Land Acquisition Act, 1894. The land of 4826 bighas 4 biswas situate in village Masoodpur was acquired U/s 4 of the Land Acquisition Act vide Notification No. F.4(98)/64-L&H dated the 23rd January, 1965 for a public purpose namely for the Planned Development of Delhi. After objections U/s 5-A, the Delhi Administration issued a declaration U/s 6 of the Land Acquisition Act for the acquisition of an area 3895 bighas 11 biswas vide Notification No. F.4(98)-L&H dated the 6th September, 1966. In pursuance of the above notifications, notices U/s 9 & 10 of the Land Acquisition Act were issued to the persons interested and claims made by them are discussed hereafter under the heading "COMPARISON OF CLAIMS".

TRUE AND CORRECT AREA:

The land was measured on the spot by the Land Acquisition Field Staff alongwith a representative of the requiring department and the available area found to be is as under:-

Field No.	Area Big.Bis.	Kind of
1	5 - 10	G.M. B.2
2/1 ✓	8 - 14	G
2/2 ✓	8 - 16	
2/3 ✓	8 - 16	
2/4 ✓	8 - 10	
312/3 ✓	4 - 2	
313/3 ✓	4 - 9	
314/3 ✓	4 -	
4 ✓	7 -	

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3115 श्री मसूदा

म. 2225 तारीख 26-3-69

सुनाया गया / निम्नलिखित व्यक्त

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642 ✓C			G.Apash. 1
✓B 8	1 - 13	✓	G.Apash. ✓
✓C 9	10 - 13	✓	G.M.Pahar.
✓C 10	6 - 11	✓	G.M.Pahar.
✓C 11.	12 - 13	✓	G.M.Pah
✓A 377/12	6 - 8	✓	G.Apash
✓A 411/107	1 - 12	✓	G.Apash
✓A 414/113	0 - 13	✓	G.Apash. ✓
✓A 416/114	2 - 15	✓	-do- ✓
✓B 331/115	4 - 19	✓	-do- ✓
✓B 332/115	2 - 13	✓	-do- ✓
✓B 333/115	0 - 07	✓	-do- ✓
✓B 116/2	0 - 11	✓	-do- ✓
✓B 456/117	2 - 3	✓	-do- ✓
✓B 457/117	2 - 4	✓	-do- ✓
✓B 118	1 - 2	✓	-do- ✓
✓B 119	0 - 11	✓	-do- ✓
✓B 120	0 - 9	✓	-do- ✓
✓B 121	1 - 2	✓	-do- ✓
✓B 122	1 - 2	✓	-do- ✓
✓B 123	0 - 14	✓	-do- ✓
✓B 124	0 - 13	✓	-do- ✓
✓B 125/2	0 - 9	✓	-do- ✓
✓B 350/129/2	2 - 1	✓	-do- ✓
✓B 130/2	2 - 3	✓	-do- ✓
✓B 135/2	1 - 7	✓	-do- ✓
✓B 136/2	4 - 5	✓	-do- ✓
✓B 137/2	0 - 5	✓	-do- ✓
✓B 138	11 - 11	✓	-do- ✓
✓B 139/2	3 - 10	✓	-do- ✓
✓B 140	3 - 5	✓	-do- ✓
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✓B 453/143	1 - 8	✓	
✓B 454/143	1 - 9	✓	
✓B 455/143	1 - 7	✓	
✓B 455 /144	0 - 17	✓	
✓B 352/145	1 - 9	✓	
✓B 353/145	2 - 00	✓	
1-1 ✓A 421/146	17 - 00	✓	
1513 ✓B			

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५५ निम्न मध्य उच्च जीवित

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पुनः प्रारम्भ वि. न्युन्यु (११) ११११११

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Announced on 26-3-69

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✓C 250/1
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6-2 ✓C 274/2
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CLASSIFICATION OF AREA

1. G.Apash.
2. Banjar Jadid.
3. Banjar Qadim
4. G.M.Pahar.

592 bighas 06 biswas.
 20 bighas 13 biswas.
 13 bighas 16 biswas.
 3263 bighas 12 biswas.
 Total 3895 bighas 07 biswas.

There is difference of ~~22~~ bighas 04 biswas (excess) between the area notified and the area available at the spot, which is the result of actual measurement carried out at the spot.

COMPENSATION CLAIMS:

The following persons have filed claims for compensation.

S.N.	Name of the claimant.	Compensation claimed
1.	S/Sh.Chhotu, Bnim Singh, Sultan, Mohan Lal s/o Sada Sukh.	Have claimed compensation in respect of their land bearing 312/3, 321/251, 244, 164 per sq.yd.
2.	Sh.Gugan Singh.	Has claimed compensation in respect of land @ Rs.50/-
3.	S/Sh.Man Phool, Lakhi, T-kan, Bhartu, Sobha of village Mohdpur Munirka.	Have claimed compensation in respect of 272, 273, 328, 262, 271, 28. No rate has

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4. S/Sh.ManPhool, Lakhi, Tekan, Have claimed compensation in Bhartu and Sobha ss/o Sohan. respect of Kh.No.328/278, 268, of village Mohdpur 277min. No rate has been given Munirka.
5. S/Sh.Manphool, Lakhi, Tekan, Have claimed compensation in Bhartu and Sobha ss/o Sohan. respect of Kh.Nos.142, 471/155 279/2, 303min, 268/2, 272, 271 328/278min, 327/278, 262, 271, 284, 264/2, 328/278, 268min, 277min in full and for half share in Kh.No.291/2 @ Rs.30/-per sq.yd.
6. S/Sh. -do- Have claimed compensation in respect of Gaon Sabha land.
7. Sh.Balbir Singh on behalf of Pehladi s/o Bharat Singh. Has claimed compensation in respect of Kh.No.413/113 @ Rs.15/- to Rs.20/-per sq.yd.
8. Sh.Bhagwan Singh s/o Ram Parshad, Mukhtar Singh, Jagdish Singh ss/o Narain Singh. Have claimed compensation in respect of Kh.No.244 and 164 @ Rs.15/- to Rs.20/-per sq.yd.
9. Teeka Ram s/o Udmi. Has claimed compensation in respect of Kh.No.262, 271, 282, 266, 468, 469, 266, 263, 260, 303, 258, 260 @ Rs.10000/-per bigha.
10. Sh.Singh Ram s/o Chatru. Has claimed compensation in the extent of 1/2 share in 264/1, 258min @ Rs.5000/-per bigha.
11. S/Sh.Sanwalia, Ran Singh, ss/o Mangtu. Have claimed compensation in respect of Kh.No.264/1 and @ Rs.5000/-per bigha.
12. S/Sh.Hari Singh, Goverdhan, ss/o Bhoop Singh. Have claimed compensation for their share in Kh.No.264 and 258min @ Rs.5000/-per bigha.
13. Sh.Rattan Singh for self and on behalf of S/Sh.Devak Ram, Tulsi Ram, Khazan Singh, Krishan Lal and Narain Singh. Has claimed compensation @ Rs.30/-per sq.yd.
14. Mir Singh for self and on behalf of S/Sh.Facira, Goverdhan, Dhan Singh, Daryao Singh. Has claimed compensation @ Rs.30/-per sq.yd.
15. Sh.Manphool, Tekan ss/o Sohan. Have claimed compensation @ Rs.20000/-for a bungalow constructed in Kh.No.142 279, 303, 261, 272, 323 327/278/2, 291/2, 262, 286, 276.
16. Sh.Bhartu, Kanak Singh for self and on behalf of Sh.Shiban through Sh.H.L.Datt, Advocate. Have claimed @ Rs.30/-per sq.yd.

17. Sh.Jai Ram Singh s/o Ude Ram through Sh.P.N. Kapur, Advocate. Has claimed compensation in respect of Kh.No. 273, 328/278, 327/2, 262, 271, and 264/2 @ Rs.30/-per sq.yd. alongwith
18. +Sh.Hoshiar Singh for self and on behalf of Sh.Lakhi, Sardar Singh, Lachman Singh, Sanwal Singh R/o Mohdpur Munirka. Has claimed compensation in respect of Kh.No. 1, 4, 6, 11, 152, 153, 245, 248, 253, 255, 256, 259, 261, 270, 274, 276, 279, 283, 286, 292, 294, 296, 298, 300 @ Rs.50/-per sq.yd.
19. Sh.Partap Singh, Kalra s/o Takhat Singh. Has claimed compensation in respect of Kh.Nos. 1, 4, 6, 10, 11, 152, 153, 245, 253, 255, 256, 257, 259, 265, 270, 274, 276, 279, 285, 286, 292, 294, 296, 300, 301, 302, 303, 304, 309, 310, 311 @ Rs.50/-per sq.yd.
20. Smt.Jasbir Kaur Bedi W/o Amerjit Bedi. All of them have claimed compensation in respect of claim No.20 at the same rate.
21. Smt.Jagjit Kaur.
22. Smt.Gian Kaur.
23. Ajit Singh Kalra.
24. Charanjit Singh Kalra.
25. Ram Singh.
26. Amarjit Singh.
27. Smt.Khillianwd/o Sunder. Has claimed compensation in respect of Kh.No.468/2, 266/1, 470/282, @ Rs.50/-per sq.yd.
28. Devi Singh s/o Gheesu, Chandgi Ram, Het Ram, Bhagwana ss/o Ram Parshad, Jagdish, Mukhtiar Singh (minor) s/o Narain Singh. Have claimed compensation in respect of Kh.No.312/3 @ Rs.30/-per sq.yd.
29. Har Narain, Laje Ram, Sher Singh ss/o Siri Ram, Smt. Jallo, Bhagwani ds/o Siri Ram, Smt.Lali wd/o Siri Ram. Have claimed compensation in respect of Kh.No. Rs.30/-per sq.yd.
30. Chandgi, Bhagwana, Het Ram, ss/o Ram Parshad, Jagdish, Mukhtiar Singh ss/o Narain Singh. Have claimed compensation in respect of Kh.No.164 @ Rs.30/-per sq.yd.
31. Het Ram s/o Ram Parsad, Has claimed compensation in respect of Kh.No. 421/143min @ Rs.30/-per sq.yd.

32. Sh.Tek Chand s/o Trikha. Has claimed compensation respect of Kh.No.462/156 @ Rs.30/-per sq.yd. along with solatium.
33. -do- Has filed claim on S/Sh.Narain Singh, Trikha, Smt.Nandi, ds/o Trikha, Bmt.Bh. Trikha and requests of compensation in re. Kh.Nos.151, 160, 166 @ per sq.yd.
34. S/Sh.Ram Sarup s/o Dhani Ram, Mangtu, Lakhi Ram, ss/o Siri Chand, Devi Ram, Hoshiar Singh, Mange etc. Have ~~claimed~~ compensation requested that compensation respect of Kh.No.293 be made to Sh.Omparkash till decision of the civil court.
35. S/Sh.Ram Sarup s/o Dhani Ram, Mangtu, Lakhi Ram ss/o Siri Chand. Have claimed compensation in respect of Kh.No.254 @ Rs.30/-per sq.yd.
36. Sukh Lal s/o Rampat. Has claimed compensation respect of Kh.No.244, 164, 421/146 @ Rs.30/-per sq.yd.
37. Suraj Bhan, Dharampal ss/o Ram Kala, Smt.Khazani wd/o Ram Kala. Have claimed compensation respect of Kh.No.122, 124, 164, 244, @ Rs.30/-per sq.
38. Hoshiar Singh, Kartar Singh, Balwan Singh, Dwan Singh ss/o Yad Ram, Smt.Risalo, Ratni, Santosh ds/o Yad Ram, Smt.Mankaur wd/o Yad Ram, Kale s/o Jas Ram. Have claimed compensation respect of Kh.Nos.3 125/2, 416/114, 243/2, 335/147, 241, 349./148, 348/148, 116/2, 172, 14 279/2, 303min @ Rs.30/-p
39. S/Sh.Maha Singh, Ram Dhan, Partap Singh, Jit Ram, Sardar Singh ss/o Bhartu. Have claimed compensation respect of Kh.No.453/14 @ Rs.30/-per sq.yd.
40. S/Sh.Chandgi s/o Kanhiya, Surjan, Ramphal, Umed Singh, Gaje Singh ss/o Mehar. Have claimed compensation respect of Kh.No.334/ 169, 7min & 8min @ per sq.yd.
41. Sh.Raja Ram s/o Kallu. Has claimed compensation respect of Kh.No. 456/117 @ Rs.30/-per sq.yd.
42. Sh.Sheo Lal s/o Tota Ram. Has claimed compensation respect of Kh.No.33/115, 254, 118, 119, 141, 120, 121, 455/143, 167, @ Rs.30/-per sq.yd.
43. Jot Ram s/o Sheo Lal. Has claimed compensation respect of Kh.No. 156 @ Rs.30/-

44. Risal Singh s/o Lekha, Smt. Gulab Kaur, wd/o Lekha. Have claimed compensation in respect of Kh.No. 474/246, 159, 161, 162, 163, 334/1 @ Rs. 30/-per sq.yd.
45. Devi Singh s/o Chisu. Has claimed compensation in respect of Kh.No.s. 312/3, 32. No rate of compensation has been given.
46. Risal Singh S/o Lekha, Smt. Gulab Kaur wd/o Lekha. Have claimed compensation in respect of Kh.No. 254, @ Rs. 30/-per sq.yd.
47. Devi Singh s/o Chisu. Has claimed compensation in respect of Kh.No. 4 in 244, 164 @ Rs. 30/-per sq.yd.
48. Lala s/o Kehar Singh. Has claimed compensation in respect of Kh.No. 2/n @ Rs. 10/-per sq.yd. a3 Rs. 25000/-for a bund & 1/4th share.
49. Mohan Lal (self and on behalf of) Bhagwan, Singh, Fateh Singh, Jai Dev Singh, Dev Raj Singh, Pratap Singh, ss/o Sub. Maj. Sukhram. Have claimed compensation in respect of their land n per bigha alongwith compensation for trees etc.
50. Parbhu s/o Lal Ram. Through Sh. A.K. Sharma Advocate. Has claimed compensation in respect of Kh.No. 138min, 139, 472/155, 137, 138, 142, 139 @ Rs. 30/-per sq.yd. alongwith 15% solatium and claims compensation for trees.
51. Smt. Pramod Gupta, Sh. Siri Ram Gupta s/o Chotey Lal, Mehar Chand s/o Sagar Chand, Babu Ram through Sh. L.R. Gupta, Advocate. Have claimed compensation in respect of Kh.No. 1, 4, 6, 10, 11, 152, 153, 249, 253, 255, 256, 257, 261, 265, 270, 274, 276, 283, 285, 286, 292, 294, 298, 299, 300, 301, 302, 305, 309, 310, & 311. upto extent of 1/4th share @ Rs. 30/-per sq.yd.
52. Sh. Siri Ram s/o Chotey Lal. *etc. through Sh. A.K. Sharma advocate* Has claimed compensation in land bearing Kh.Nos. as in claim No. 51 @ Rs. 50/-per sq.yd.
53. Ravinder Kumari s/o Radhey Lal through Sh. D.K. Sharma, Advocate. Has claimed compensation in respect of 548 being undivided in Kh.No. as enumerated in No. 51. @ Rs. 50/-per sq.yd.
54. Dip Chand, Pirthi Singh, Rattan Singh, Sham Lal ss/o Umi. Have claimed compensation in respect of Kh.No. 124, 145, 266/2 @ Rs. 30/-per sq.yd.
55. Dip Chand, Pirthi Singh, Rattan Singh, Sham Lal ss/o Umi Ram, Tek Chand, Narain Singh, Piare Singh ss/o Tirkha, Smt. Har Kaur, Nandi ds/o Tirkha, Smt. Bharto wd/o Tirkha, Jai Ram, Kartar Singh, ss/o Bhima. Have claimed compensation in respect of Kh.No. 266/3 @ Rs. 30/-per sq.yd.

56. Sh.Amin Chand, Chhelu Ram ss/o
Bharat Singh. Have claimed compensation in
respect of Kh.No.356/150 @
Rs.30/-per sq.yd.
57. ~~Mir~~ Kehar Singh s/o Kehar Singh. Has claimed compensation in
through Khazan Singh. respect of Kh.No.250/4+2/4 @
Rs.10000/-per bigha.
58. Sh.Khazan Singh s/o Kehar
Singh. Has claimed compensation in
respect of Kh.No.2/2 + 250/2
@ Rs.10000/-per bigha.
59. Sh.Nihaloo, Deep Chand,
Kamllu, Lila Singh, Tek
Ram, Ghasi. Have claimed compensation in
respect of Kh.No.468/232,
469/232, 266/1, 263 @ Rs.10000/
per bigha.
60. Deep Chand, Kamlu, Lila Singh, Have claimed compensation in
respect of Kh.No.257/150 @ Rs.30
per sq.yd. 262, 271, 264/2, 263
& 303 @ Rs.10000/-per bigha.
61. Sh.Parbhu, Sis Ram s/o
Rizak Ram. Have claimed compensation in
respect of Kh.No.357/150 @ Rs.
per sq.yd.
62. Paras Ram s/o Jawahar Has claimed compensation in
respect of Kh.No.140min.,
454/143 @ Rs.30/- per sq.yd.
63. Hari Singh s/o Ramji Lal. Has claimed compensation in
respect of Kh.No.1 472/155, 138,
138 @ Rs.30/-per sq.yd.
64. Mohan lal s/o Ramji Lal Has claimed compensation in
respect of Kh.No.138, 139, 472
155 @ Rs.30/-per sq.yd.
65. Jai Ram, Kartar Singh ss/o
Bhima. Have claimed compensation in
respect of Kh.No.151, 166, 160
466/2, 153, 154min, 157, 242,
350/139, 353/145, 158 @ Rs.30/
per sq.yd.
66. Sh.Madan Gopal Gupta
s/o Asa Ram. Has claimed compensation in
respect of Kh.No. as enumerated
in claim No.51.
67. Des Raj Jain s/o Munshi
Ram. Has claimed compensation in
respect of Kh.No. as at S.N
51 @ Rs.50/-per sq.yd.
68. Sh.Mani Ram s/o Ranji Lal. Has claimed compensat
respect of Kh.No.139,
473/155, 472/155 @ Rs.30
per sq.yd. alongwith 1
69. Has-submitted-that-his
father-in
Sh.Manus/o Desu. Has submitted that
in whose name noti
has been issued,
Kh.No nor any
-sati n has be

70. Fateh Singh s/o Sub. Maj. Sukh Ram. Has Claimed compensation in respect of Kh. No. 267, 269, 323/273 min, 263/1 min, 275, 303, 272, and 277 @ Rs. 12000/- per bigha.
71. Smt. Chinta Vati wd/o Maya Ram. Has claimed compensation in respect of Kh. No. 473/155, 133, 139.
72. Gagan Singh s/o Hardey Ram, Faqira s/o Sham Ram, Mir Singh, Gordhan, Daryao ss/o Mahi Pal, Ram Chand s/o Shera, Lakhi s/o Lala, Meer Singh, Sardar Singh, Balbir Singh, Mahabir Singh, Dharambir Singh, Kanwal Singh ss/o Sanwalla, Jhandu, Bhartu, Karan Singh ss/o Ram Jas, Devak Ram, Tulsi Ram, Khazan, Rattan ss/o Surja, Narain Singh, Kishan Singh ss/o Sultan, Mam Chand, Deep Ram, Sada Ram, Hoshiar Singh, Maharaj Singh ss/o Sheo Singh, Jai Ram s/o Udey Ram through H.S. Yadav, Advocate. Have claimed compensation in respect of Kh. No. 266/2. No rate of Compensation has been given.
73. Mahinder Kumar Bansal s/o Joti Parshad. Has claimed compensation in respect of Kh. No. as enumerated at S.No. 1 @ Rs. 50/- Per Sq. Yds.
74. Sh. Om Parkash s/o Lachhu Mal. Has claimed compensation to the extent of his share in Kh. No. 29 @ Rs. 30/- Per Sq. Yds. along with
75. M/S Bhagwati Glass Works, Pvt. Ltd. through M/S Prem Nath Madan Gupta, Advocate. Have claimed compensation amounting to Rs. 15,03414/- for the unexpired period of their lease.
76. Fateh Singh for self and on behalf of S/Sh. Bhagwan Singh Mohan Lal, Fateh Singh, Jai Dev Singh, Deo Raj Singh, & Partap Singh. Have claimed compensation in respect of Kh. No. 297 @ Rs. 12000/- Per bigha
77. Sh. Mir Singh s/o Kahar Singh. Has claimed compensation in respect of Kh. No. 250/4 and 2/4 @ Rs. 15/- per sq. yd. along with 15% solatium of Rs. 30000/- spent for development of land. Also claim interest @ 6% per annum.
78. Sh. Lal Chand s/o Butta Ram. Has claimed compensation in respect of more than 123 bigha being his undivided share in Kh. Nos. enumerated at S. No. 51.

According to the situation and physical condition, the land under acquisition is divided into three blocks viz 'A', 'B', & 'C'

BLOCK 'A': would consist of all land abutting on the Dairy-Mahipal Road and comprise the following field Nos. 377/12, 414/113, 416/114, 411/107, 421/146 min(1-6 total measuring 15 bigha 1 bis.

BLOCK 'B': would consist of all land falling behind block 'A' and comprise the following field Nos.

7min(1 - 15), 8, 116/2, 456/117, 457/117, 118, 119, 120, 121, 122, 123, 124, 125/2, 350/129/2, 130/2, 135/2, 136/2, 137/2, 138, 139/2, 140, 141min(7 - 10), 142, 453/143, 454/143, 455/143, 144, 352/145, 353/145, 334/147, 421/146min, (15 - 19), 331/115, 332/115, 333/115, 335/147, 348/148, 349/148, 149, 356/150, 357/151, 151, 153, 154, 471/155, 472/155, 473/155, 462/156, 463/156, 157, 158, 159, to 169, 172, 241/2, 242, 243/2, 244, 474/246, 475/246, 247/2, 254, 258, 260, 262, 263, 264/1, 264/2min, 266/1, 266/2, 266/3, 267, 268, 269, 271, 272, 273, 274/2, min(6 - 2), 275, 328/278, 277, 327/278/2, 468/282/2, 469/282, 470/282, 283/2, 284/2, 291/2, 293, 297, 303min(9 - 0), 259 total measuring 597 bighas 13 biswas.

BLOCK 'C': would consist of all G.M. Pahar and uneven land and comprise the following field Nos.

1, 5, 264/2min, 2/1, 2/2, 2/3, 2/4, 312/3, 313/3, 314/3, 4, 6, 7min(64 - 01), 9, 10, 11, 141min(0 - 4), 152, 245, 249, 248/2, 250/1, 250/2, 250/3, 250/4, 321/251, 322/251, 323/251, 323/251/2, 324/252, 325/252, 253, 254, 255, 256, 257, 259, 261, 265/1, 270, 274/2min(21 - 3), 276, 279/2, 285/1, 292/2, 294/1, 298/2, 299/2, 300, 301/2, 302, 303min(243 - 16), 304, 305/2, 309/2, 310/2, 310/3, 311, total measuring 3232 bighas 8 biswas.

DOCUMENTARY EVIDENCE:

The following documentary evidence have been filed by the claimants:-

1. An attested copy of sale deed No. 2252 dt. 29.3.63 in respect of which 1/12th share in 900 bighas was sold at Rs. 3000/-.
2. An attested copy of sale deed No. 2390 dt. 12.5.64 in which a part of Kh. No. 389(1-00) situated in village Kasoompur was sold for Rs. 5000/-.
3. An attested copy of judgement of the Addl. District Judge, in L.A. Case No. 624/62 in respect of Kh. No. 349/1(0-17) situated in village Mohdpur Munirka in which the compensation amount was enhanced to Rs. 8800/-.
4. An attested copy of sale deed No. 3419 dt. 29.7.59 in which 900 bighas in undivided share was sold for Rs. 5000/-.

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MARKET - VALUE:

In determining the market value of the land, many factors enter into ~~the~~ reckoning, for instance, size and shape of the land, its situation, the tenure, the uses to which it is put, its potential value and rise and fall of the demand for land. The best evidence available to prove what a willing purchaser would pay for the land under acquisition would be evidence of genuine sales affected about the time of notification for the acquisition either in respect of the land under acquisition or a portion thereof, or the sales of the land precisely parallel in all circumstances to the land in question. If the evidence of the sales of the similar land or the awards of the court in the locality with ~~the~~ similar advantages are available, the market value can be fixed with reference to the prices mentioned in them.

The claimants in this case have put forth exorbitant claims regarding the market value of the land without any corroborative evidence, whatsoever. Documents mentioned at S.No.1 & 4 cannot be taken into account as prices paid in these sale deeds are much below the prevalent market value as the sale price of undivided share in holding always brings low price as the vendee cannot ~~be~~ ~~obtained~~ possession of the land without a partition suit. It is not known as to why these documents were at all produced particularly when they do not represent/^{the} true market value of the land, being on the lower side. The sale deed referred to at S.No.2 as cited by the claimants cannot be inferred to as the sale does not appear to have been actuated, on strict business principles between the buyer and the seller and seems to have been gone into with a view to ^{inflate} ~~raise~~ the compensation in the prospective acquisition proceedings. The price paid in this sale transaction was very high and it is anybody's guess as to why s

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a high price was paid by the vendee, before ascertaining prevalent market value of the land. In the circumstances, therefore, this sale deed can in no way be relied upon. Further, the document referred to at S.No.3 on page No.14 is also not a proper guide as this judgement relates to village Mohdpur Munirka which is far off from the land under acquisition and has a much higher potentiality than the land under acquisition.

There is no award of the court with reference to the material date in the instant case which should have been helpful in evaluating the market value of the land. In award No.1944, the material date of which was October 24, 1961, the Land Acquisition Collector awarded Rs.1200/-per bigha for Block 'A' comprising Rosli land, Rs.900/-for block 'B' comprising of G.M. Pahar Banjar Qadim and Rs.750/-per bigha for block 'C' comprising G.M.Pahar. These rates were fixed because the land under acquisition in the award under reference adjoined largely to village Ber Sarai wherein certain award had been given. Further, in award No.2040 of the same village, the material date of which was 24.10.61, the Land Acquisition Collector awarded Rs.1000/-per bigha for block 'A' comprising all land abutting on the Dairy-Mahipalpur Road, Rs.800/-for block 'B' for land lying behind block 'A' and Rs.600/-per bigha for G.M.Pahar. The assessment was based on the basis of sale deed dated 11.4.61 in which an area of 10 bighas 8 biswas was sold for Rs.10400/-, the incidence of sale price being Rs.1000/-per bigha kham. The following sale transactions nearest to the material date are recorded in this village:

S.N.	Year	Mutation No.	Date of regn.	Area Btg.Bis.	Consideration money.	Average per bigha
1.	1963	487	15.10.63	26 - 6	Rs.30000/-	Rs.1140/-
2.	-do-	499	8.3.63	20 - 10	Rs.6350/-	Rs. 300/-
3.	1964	493	17.7.64	8 - 5	Rs.11190/-	Rs.1356/-
4.	-do-	495	7.10.64	54 - 04	Rs.85500/-	Rs.1577/-

In mutation No.487, land measuring 26 bighas 6 biswas

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sold on a consideration of Rs.30000/-, the incidence of sale price being Rs.1140/-per bigha. In the mutation referred to at S.No.2, the incidence of sale price comes to Rs.300/-per bigha kham. It is not known under what circumstances, such a low price was struck in the transaction without keeping in view the prevalent market value of the land. It appears in this transaction that sale price was not actuated on strict business principles. In fairness, therefore, this transaction cannot be taken into consideration. In mutation No.493 cited at S.No.3 an area of 8 bighas 5 biswas was sold on a consideration of Rs.11190/-, the incidence of sale price being Rs.1356/-per bigha. But it is surprising to find that an amount of Rs.1190/-was only paid before the Sub-Registrar. Since the entire sale price was not paid before the Sub-Registrar, hence it is not possible to ascertain the true price for the land paid by the vendee. This sale deed therefore, has no value. Lastly in mutation No.495, an amount of Rs.85500/- was paid for the land measuring 54 bighas 4 biswas, the incidence of sale price being Rs.1577/-per bigha. The land as referred to in this sale deed was transferred through a sale deed on 7.10.64 and is by far nearest to the material date abutting on a Kucha Rasta and a corner ^{of which} touching the Dairy Mahipalpur Road. This transaction is a good guide in assessing the market value of the land classified in block 'A' as a corner of it abuts on the Dairy Mahipalpur Road.

In view of this sale deed I fix the market value of the land as classified in block 'A' at Rs.1530/- per bigha. As stated earlier there is no proper sale deed which can be taken into account in determining the market value of the Rosli land as classified in block 'B' except mutation No.487 discussed above. As stated in the preceding paragraphs, the land covered in this sale transaction was sold at the rate of Rs.1140/-per bigha and comprise Rosli land. In award No.2040, the material date of

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which was 24.11.61, the price of Rosli land was fixed at the rate of Rs.800/-per bigha. In the instant case, the market value has to be assessed as on 23.1.65 and as such keeping in view the price paid in mutation No.487 and the material date with reference to the present award, the market value of the Rosli land/^{as classified in block 'B'} is assessed at Rs.1175/- per bigha. There is no evidence, whatsoever, to prove that there has been any such enhancement in the value of the land comprising Banjar Qadim and G.M.Pahar land since the year, 1961 and as such Rs.600/- is awarded for all Banjar Qadim and G.M. land classified in block 'C' as assessed in award No.2040/-.

M/s Bhagwati Glass Works Private*-Ltd, have claimed compensation of Rs. 15,03,414/- on the basis of annual profit as worked out during the year, 1966-67, 1967-68. From a perusal of the copy of the lease-deed filed by the above firm, it is clear that a mining lease for the excavation of China Clay was obtained by the firm w.e.f. 1 May, 1965 for a period of 20 years. It would thus appear that the mining lease was obtained after the notification, and therefore, compensation for the out-lay and improvements made after the notification is ~~barred~~ under section 24 clause seventhly. The claimant firm is therefore, not entitled to any compensation whatsoever. One Shri Mir Singh has claimed compensation of Rs30000/-for running China Clay Factory. There is no factory on the land under acquisition except that there are 4 pits on the land without any structural work. The compensation has already been assessed for the surface of the land and as such no separate compensation is payable for it. Some of the claimants have claimed for Bundh. This Bundh is in^a dilapidated condition and seems to have been constructed ~~for~~ by putting stone ~~columns~~ ^{assessed}. No compensation is therefore, for the same.

TREES: There are some trees in the land under acquisition. The Naib-Tehsildar has assessed the price of the ^{Contd...} trees at Rs.1131/-to which I agree and award the same accordingly. (List of trees is enclosed at Annexure 'A')

APPORTIONMENT:

Payment of compensation will be made on the basis of the latest entries in statement 'B' which has been prepared from the record.

LAND REVENUE DEDUCTION:

The land under acquisition is assessed at Rs.93.72P as land revenue which will be deducted from the Khatauni of the village from the date of taking over possession of the acquired land.

The aforesaid land will vest absolutely in the government free from all encumbrances.

SUMMARY OF THE AWARD:

The award is summarised as under:-

S.N.	Block	Area Big.Bis.	Rate per bigha.	Amount of compensation.
1.	"A"	15 - 01	Rs.1580/-	Rs. 23,779.00P.
2.	"B"	597 - 18	Rs.1175/-	Rs. 7,02,532.50
3.	"C"	3282 - 08	Rs. 600/-	Rs. 19,69,440.00
	Total	3895 - 07		Rs. 26,95,751.50
4.	Add price of trees.			Rs. 1,131.00
			Total	Rs. 26,96,882.50
5.	Add 15% selatium.			Rs. 4,04,532.38
			G.Total	Rs. 31,01,414.88

(G.BAHADUR)

26/3/69.
LAND ACQUISITION COLLECTOR(ME):DEL

Announced & filed by

26/3/69