

A W A R D NO. 1965
Name of the village: MOHD PUR - MUNIRKA.
Nature of acquisition. Permanent.
Purpose of acquisition: Planned Development of Delhi.

A W A R D :

Land measuring 19 biswas comprising field Nos.485 & 487 situated in village Mohdpur Munirka was notified for acquisition for the Planned Development of Delhi under section 4 of the Land Acquisition Act(I), 1894, vide Notification No.F.15(17)/57-LSG. Vol,IV, dated 26th September, 1966 issued under the authority of the Chief Commissioner, Delhi. Due publicity was given to this notification and objections under section 5A were duly considered and rejected by the Delhi Administration, Delhi. After this a declaration under section 6 was issued vide Notification No.F.15(17)/57-LSG(Vol.IV), dated 9th February, 1967 in respect of the same numbers and area. Wide publicity was given to this notification and notices under section 9 & 10 of the ~~Land~~ ^{Land} ~~ibid~~ ^{ibid} Act were issued to the persons interested in the land under acquisition inviting claims for compensation. These claims are discussed below under a separate heading "COMPENSATION CLAIMS".

TRUE AND CORRECT AREA:

The land was measured on the spot by the Land Acquisition Field Staff with a representative of the requiring department. The true and correct area is found as follows:-

Khasra No.	Area Big.Bis.	Kind of soil.
485	0 - 15	Ghairmunkin Kabristan.
487	0 - 4	Ghairmunkin Masjid.
Total	0 - 19	

COMPENSATION CLAIMS:

In pursuance of notices issued under section 9 & 10 of the Land Acquisition Act, 1894, the interested persons have submitted their claims which are mentioned below:-

S.N.	Name of the claimant.	Compensation claimed.
1.	Khushia etc.	Claims compensation for whole of the land @ Rs.50/-per sq.yd. and further Cont.....2/

allege that the land has been used by them as cattle shed and there is boundary wall.

2. Secretary, Delhi Wakf Board, Delhi.

It has been claimed that the area under acquisition is used as grave-yard which should not be acquired.

3. Custodian.

The compensation of the land under acquisition ~~is used~~ should be kept in dispute, because no report has so far been received from the office of the custodian. The disbursement of compensation amount be made after settling dispute.

None of the claimant has produced either documentary evidence or oral evidence in support of their claims. Hence, it is not possible to fix the compensation amount as demanded. On the other hand, the compensation shall be fixed on the basis of facts and figures collected from the Revenue Record.

MARKET-VALUE:

Before fixing the market value of the land now under acquisition, it seems necessary to mention here that the land now under acquisition is not under cultivation, but on the other hand it is Ghairmumkin either under grave-yard or Mosque. Whole of the area will be kept in one block and the compensation shall be fixed on flat rate.

In calculating the amount of compensation to be awarded certain points as mentioned under section 23(1) of the Land Acquisition Act, are to be kept in view. In order to determine the market value, many other factors entered into reckoning which are also necessary, for instance the sale transactions of the village concerned that took place during first 5 years preceding to the date of notification u/s 4 of the act, i.e. 24.10.61, nearness of the land under acquisition to any pucca road, the size and shape of the land now under acquisition, all the previous transactions, situation and use to which it can be put to, rise and fall in prices due to demand of the land in market and the land acquired previously in the villages concerned. It is fact that exact market value is not likely to be fixed in any case, but it cannot be denied that every possible

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effort should be made to fix up the correct market value prevailing on the date of notification. The claims of the right holders already discussed are also to be kept in view for the market value.

In order to have the idea of price per bigha for the ^{7/4/65} land already acquired in this village, it is necessary that those awards should be discussed. In this village land had already been acquired at different times but at present only those awards are to be perused which were drawn under notification 4 of the Land Acquisition Act, issued on ~~13.10.61~~ 24.10.61 or prior to it and these awards are as under:-

S.N.	Award No.	Date of notification	Market value per bigha.
		under section 4.	
1.	1561	24.10.61	Block 'A' Rs.2500/- " " " 'B' Rs.1000/-
2.	1938	24.10.61	Block 'A' Chahi. Rs.3750/- " " " 'B' Rosli. Rs.3000/- " " " 'C' G.M. Rs.1500/-

The above table shows that all the awards were drawn under notification section 4 which was issued about 5 years previous to the notification issued under section 4 for the acquisition of present area. Had there been any acquisition under a notification issued just before the publication of the present notification or on the same date, the prices of the land now under acquisition would have been fixed quite easily. It also cannot be denied that the prices fixed vide both these awards can be of great help.

It is not out of place to mention here that the claimants were not satisfied with the price fixed by the Land Acquisition Collector in ~~both these above mentioned~~ No.1561 awards and they put up their applications for making references to the A.D.J. In many cases judgments have already been passed. In L.A. Case Nos. 63, 486, 488, & 491 & 493 of 1964, judgment was passed on 3.9.66. The rate per bigha of the acquired land has been increased from Rs.2500/- of Block 'A' and Rs.1000/- of block 'B' to Rs.3750/- and

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and Rs.1500/-per bigha respectively. In block 'B', most of the area included is Chairmankin. Area now under acquisition is also either Grave-yard or G.M.Mosque. It is also a fact that there has been upward trend in the prices of land since ^{then.} In this case, the price of the land per bigha can be fixed on the basis of enhanced price of Rs.1500/-per bigha in block 'B', but a margin of rise in prices ^{is} of the land since 24.10.1961/certainly to be added to.

Before fixing the market value of the land now under acquisition, it also seems necessary to mention here the year-wise sale which took place during 5 years immediately preceding to the date of publication of notification under section 4 of the Land Acquisition Act i.e. 26th September, 1966. The statement is as under:-

S.N.	Year.	Area Big.Bis.	Amount	Average per bigha.
1.	1961-62	Nil.	Nil.	Nil.
2.	1962-63	3 - 7	Rs.3767.50P.	Rs.1124.63
3.	1963-64	26 - 8	Rs.3,12,030/-	Rs.11,819.32P.
4.	1964-65	2 - 5	Rs.7,900/-	Rs.3955.55P.
5.	1965-66	0 - 3	Rs.3,500/-	Rs.22333.33P.
	Total	32 - 03	Rs.3,28,197.50P	Rs.10,208.32P Average.

The above table shows that the average price per bigha for the period mentioned above comes to Rs. 10,208.32P and the highest price per bigha is Rs.22333.33P during the year 1965-66 ^{price} and the lowest i.e. Rs.1124.63P per bigha of the land during the year, 1962-63. The perusal of the record reveals that either the land was sold in small patches or the land was sold which is far away from the land now under acquisition and hence these sales are not helpful in any case. It is a well known fact that when the land is sold in small patches it is bound to fetch high price, because it remains within the purchasing limit of large number of persons and the correct position is not known. Keeping all these facts in view, it is of no use to make scrutinizing of all the

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sale transactions which took place during the above mentioned period.

From the above mentioned facts, it is now quite clear that the price of the land now under acquisition could not be fixed with the help of the sale transactions which took place during the period shown in the above table. The land has already been acquired vide above mentioned awards and the judgments of the A.D.J. had already been passed on the references made by the claimants of the land acquired vide ^{No.1561} these awards as mentioned above, and the enhanced amount per bigha can be helpful for fixing the market value of the land now under acquisition.

Keeping the price of the land fixed by the A.D.J. in case mentioned above and after giving margin of rising trend in the prices of the land since, 24.10.61, the price of the land now under acquisition @ Rs.2200/-per bigha seems fair and reasonable ~~Market value of the land now under acquisition~~, I, Therefore, assess the same.

TREES WELLS AND OTHER STRUCTURES:

TREES: There is no tree in the area now under acquisition.

WELLS: There is no well in the area now under acquisition.

OTHER STRUCTURES: In both these Khasra Nos. there are very old structures in dilapidated condition and the Naib-Tehsildar, Land Acquisition has reported that no price should be fixed for these structures. I also agree with the report of the Naib-Tehsildar and hence no price is fixed for the same.

POSSESSION: The possession of the land has not been taken as yet.

APPORTIONMENT: The interested persons shall be paid compensation according to the latest entries in the revenue record regarding the land now under acquisition; but there is a dispute regarding payment of compensation. Hence, the compensation of whole of the area will be kept under dispute and shall be paid to them if they come to any amicable settlement and in case of their failure the matter shall be referred to the competent court for adjudication.

15% FOR COMPULSORY ACQUISITION:

As required by section 23(2) of the Land Acquisition Act, 1894, 15% shall be paid on account of compulsory acquisition.

MAUFI AND JAGIR:

There is no Maufi and Jagir regarding the area now under acquisition.

INTEREST: No interest shall be paid because the possession of the land under acquisition has not so far been taken.

LAND REVENUE DEDUCTION: NIL.

The aforesaid land will vest absolutely in the Government free from all encumbrances from the date of taking over possession.

SUMMARY OF THE AWARD:

The award is summarised as under:-

S.N.	Area Big.Bis.	Rate per bigha.	Amount of compensation.
1.	0 - 19	Rs.2,200/-	Rs. 2,090.00
2.	15% for compulsory acquisition.		Rs. 313.50
	G. Total		Rs. 2,403.50P. ✓

(BISHAN SINGH)

LAND ACQUISITION COLLECTOR:(M):DELHI.
dt.4.4.67

Submitted to the Collector, Delhi for information.

(BISHAN SINGH)

LAND ACQUISITION COLLECTOR:(M):DELHI.
dt.4.4.67

seen. Filed.

Niharwa

16.5.67

COLLECTOR, DELHI

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16.5.67