

TO BE PUBLISHED IN PART IV OF THE DELHI GAZETTE)
DELHI ADMINISTRATION DELHI.
NOTIFICATION.

Dated the 6th November, 1958.

No.F.15(17)/57-LSG:- Whereas it appears to the Chief Commissioner of Delhi that land is likely to be required to be taken by Government at the public expense for a public purpose, namely, for Housing Schemes, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Chief Commissioner of Delhi is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of any land in the locality may within 30 days of the publication of the notification file an objection in writing before the Collector of Delhi.

S P E C I F I C A T I O N

<u>Village</u>	<u>Total Area</u>	<u>Field Nos. or Boundaries.</u>	
		<u>Big.</u>	<u>Bis.</u>
Mohdpur Munirka	31.79 acres	73	17
		97 min	-
		28 min	0
		54/3/2/1	-
		114 min	3
		116 min	2
		115 min	0
		118 min	1
		174	17
		175	3
		188	0
		189	10
		190	0
		191	0
		192	0
			6
			3
			5
			3
			10
			0
			1
			9
			0
			6
			9
			12
			18

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194	1	3
195	1	0
196	0	16
197	1	9
198	0	18
199	0	8
201	7	12
1359/202 to 1371/202	76	0
217 part	0	8
1144/234/Part	0	4
301 part	0	1
309 Part	0	0
1256/725	1	7
1257/725 min	2	0
1218/760 Part	0	12
1219/760 min	0	1
791 min	0	1

By Order,

Sd/- (Randhir Kishore)
Assistant Secretary (Local Self Government)
Delhi Administration: Delhi.

No.F.15(17)/57-LSG.

Dated the 6th November, 1958.

Copy forwarded to the :-

1. Recruitment & Services Department (in duplicate) for favour of publication in part IV of the Delhi Gazette.
2. Land Acquisition Collector Delhi for necessary action.
3. Secretary to the Government of India, Ministry of Works Housing and Supply New Delhi with reference to Shri D.P. Karnik, Officer on Special Duty (lands) letter No. 7526-L/58 dated the 17th October, 1958.

Sd/-

(Randhir Kishore)
Assistant Secretary (Local Self Government)
Delhi Administration: Delhi.

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(To be published in Part IV of Delhi Gazette)

DELHI ADMINISTRATION, DELHI.

NOTIFICATION.

Dated the September, 1904.

No. 7, 15(17)/57-130 Vol. III:- Whereas it appears to the Chief Commissioner of Delhi that land is required to be taken by Government at the public expense for a public purpose, namely for Housing schemes, it is hereby declared that the land described in the specification below is required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1904, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected at the office of the Collector of Delhi.

SPECIFICATION

Village or Locality.	Total area		Field Nos. or Boundaries.	
	Sq.	Dec.	Sq.	Dec.
Habusad pur Munirka.	1	0	115 pt	
			217 pt	0 1
			1144/234 pt	0 8
			391 pt	0 4
				0 1
			373 pt	0 1
			1212/750 pt	0 12
			1212/750 pt	0 1
			771 pt	0 1
			Total	1 0

By order,

(E.L. Rathore)
Housing Commissioner,
Delhi Administration, Delhi.

5(17) 7
6.11.58

شماره پرونده کاغذی 5/17

Sd/-
N.T.
21/9/04

N.T. LA.

immediate
please
LAC
7.9.04

A W A R D

NO. 1992

Name of the village:

M O H D-PUR - M U N I R K A.

Purpose of acquisition:

HOUSING SCHEMES:

Nature of acquisition:

Permanent.A W A R D

These are proceedings for determination of compensation under-section 11 of the Land Acquisition Act. The land measuring 31.79 acres situate in village Mohdpur Munirka was notified for acquisition U/s 4 of the Land Acquisition Act, vide Notification No.F.15(17)/57-LSG, dated 6.11.58 for a public purpose namely, for the "HOUSING SCHEMES". After hearing the objection U/s 5-A, the Delhi Administration issued a declaration U/s 6 of the Land Acquisition Act for the acquisition of an area measuring 1 bigha 9 biswas, vide Notification No.F.15(17)/57-LSG, dated 13.9.1964. In pursuance of the above notification, notices U/s 9 & 10 of the Land Acquisition Act were issued to all persons interested in the land under acquisition. The claims filed by the claimants are discussed hereafter under the heading "COMPENSATION 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 at the spot is as follows:

Field No.	Area Big.Bis.	Kind of soil.
1219/760/1	0 - 1	Chahi.
1218/760/1	0 - 12	-do-
115/1	0 - 1	Rosli.
217/1	0 - 2	-do.-
1144/234/1	0 - 4	Chahi.
309/1	0 - 1	G.M.Bhutta.
301/1	0 - 1	Banjar Qadim.
791/1	0 - 01	Chahi.
Total	1 - 3	

CLASSIFICATION OF THE AREA:

Chahi.	0 - 18
Rosli.	0 - 3
Banjar Qadim.	0 - 1
G .M.Bhutta.	0 - 1
Total	1 - 3

Con td.....2/-

There is a discrepancy of 6 biswas between the area to be acquired and the area notified under-section 6 of the Land Acquisition Act. According to the notification U/s 6 the area to be acquired in plot No.217/1 is 8 biswas. According to the revenue records the total area of plot No.217 is 22 bighas 13 biswas out of which 22 bighas 11 biswas have already been acquired previously vide award No.883. The actual area to be acquired in field No.217 now remain only 2 biswas and hence the difference of 6 biswas arose.

COMPENSATION CLAIMS:

The following persons have filed claims for compensation:-

S.N.	Name of the claimant.	Compensation claimed.
1.	Gugan Singh s/o Hirdey Ram.	He has claimed compensation @ Rs.50/-per sq.yd.
2.	Chhattar Singh s/o Kaloo.	-do-
3.	Mir Singh s/o Chandgi.	-do-
4.	Jai Narain s/o Lachhman.	He has given a statement on 25.11.64 that he has exchanged field No.1218/760 measuring 10 biswas with Bhagwana, Mahi Ram & Ram Parshad 15 years back. Shri Bhagwana & others have also constructed building at the site. He has not claimed any compensation for the same.
5.	Bhagwana s/o Hira.	He has given a statement on 25.11.64 that field No.1218/760 measuring 10 biswas has been taken from Jai Narain etc in exchange 15 years back. At site a building has already been constructed by the claimant and his brother (expenditure on building construction comes to Rs.50000/-). He has requested that this land may not be acquired.
6.	Dharan s/o Dharma.	He has given a statement on 25.11.64 in which he has claimed compensation @ Rs.50/-per sq.yd. for field No.791.
7.	Kehri s/o Nott Ram.	-do-
8.	Govt. Employees Sarvodaya, Co-operative House Bldg. Society Ltd. 734 Lakmi Bai Nagar, New Delhi-3.	They have claimed compensation for field No.217 @ Rs.30/-per sq.yd. for 400 sq.yds. amounting to Rs.12,000/-, compensation for property demolished Rs.10000/-, compensation for court fee Rs.1126/-, compensation for lawyer fee Rs.550/-, and other expenses Rs.50/-. They have also claimed compensation for field No.1144/234 for 1000 sq.yds. approx. Price Rs.30,000/-, compensation for property as per details on page 4 Rs.45000/-. The total amount of both field Nos. comes to Rs.98,726/-.

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9. Khushia s/o
Ramji Lal.

He has given a statement on 14.12.64 that he and Zalim constructed their houses on part of field No.760 measuring 1 biswa about 25 years back. (expenditure on building construction comes to Rs.10000/- Rs.100/-per sq.yd. for the land, and Rs.300/- for electric fitting. He has produced a copy of Khasra Girdawari from Kharif, 1960 to Kharif, 1964 and copy of Zamabandi of the year, 1918-19 of field No.160.

DOCUMENTARY EVIDENCE:

No documentary evidence to prove the value of the land was filed by the claimants,

MARKET-VALUE:

The best evidence available to prove what a willing purchaser could pay for the land under acquisition would be the evidence of genuine sales affected at the time of notification for acquisition ^{claim in respect of} ~~in support~~ of land under acquisition or any portion thereof or the sales of the land precisely parallel in all circumstances to the land under acquisition. If the evidence of sales of similar land in the locality with the similar advantages is available, the market value can be fixed with reference to the prices mentioned in them. The claimants have filed no sale-deed by way of exemplars which would have been helpful in evaluating the market value of the land. Consequently, their claims being not supported corroborative ~~by any~~ evidence are therefore rejected.

It may be stated that the land under acquisition is in small pieces and is scattered throughout the village. Efforts were made at this end to find out the parallel sale-deeds in determining the market value of the land. The year-wise average of sales during the last 5 years preceeding the date of notification U/s 4 of the Land Acquisition Act is as follows:-

S.N.	Year	Area Big.Bis.	Consideration money.	Average per bigha.
1.	1953-54	53 - 12	Rs.1,90,048/-.	Rs.3,545.67P.
2.	1954-55	223 - 15	Rs.6,81,756.69P.	Rs.3,046.96P.
3.	1955-56	261 - 2½	Rs.9,20,649.50P.	Rs.3,525.70
4.	1956-57	260 - 16	Rs.9,55,190.12	Rs.3,662.54P.
5.	1957-58	20 - 02	Rs.1,48,800.00	Rs.7,402.98
	Total	819 - 7½	Rs.28,96,444.31P.	Rs.3,534.94P.

I have inspected the site and find that the land under acquisition as stated earlier is broken up into very small pieces and scattered all over in the village. From the above sale-deeds, it would appear that during the years commencing from 1953 to 1956-57, the prices of the land remained almost stationary and thereafter they shot up during the year, 1957-58, apparently because these lands had better location.

Apart from the sales of similar land, the awards of the courts under section 26 of the Land Acquisition Act afford a guide to the amount of compensation to be awarded. It has been held that "There cannot be clearer authority that the previous decisions in acquisition cases are relevant in subsequent cases where the market value of the land in the same neighbourhood is in issue". In Land Acquisition Case No.2 of 1964 of the same village of Smt. Vimla Samal V/s Union of India decided by the Addl. District Judge, on 27th August, 1965 in a reference petition, the compensation for the land was enhanced and fixed at the rate of Rs.6/-per sq.yd. This land under reference lies on the other side of the Ring Road, but it is decidedly more advantageous ^{than the} the land under acquisition having better location and frontage. The preliminary notification in respect of the land of Smt. Vimla Samal was made on 26.10.57 in which year, that is, during 1957-58, the sale price was much higher than in the preceding years. The question now arises as to how far the land under acquisition is parallel to the land of Smt. Vimla Samal whose rate of compensation was enhanced U/s 26 of the Land Acquisition Act. The lands under acquisition are broken up into very small pieces and lie deep from the Ring Road with no advantage of frontage. Having taken these factors into consideration and the previous sales of land in the same village which were definitely more advantageous because of their better location, I assess the market value at a flat rate of Rs.5000/-per bigha kham.

TREES, WELLS & OTHER STRUCTURES:

TREES: There is no tree in the land under acquisition, hence no compensation is payable.

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WELLS There is one well in the land under acquisition in field No.1144/234 which has been valued at Rs.2663/- by the valuation officer I agree with the estimate and award Rs.2663/- for the same.

STRUCTURES: The land under acquisition has numerous structures. The Valuation Officer has assessed these structures at Rs.18975/- which is reasonable, I agree with the estimates of the valuation Officer and award Rs.18975/- for the structures (Valuation of structures prepared by the valuation officer is enclosed with this award).

*15% FOR SOLATIUM: 15% solatium will be paid over and above, the compensation assessed under section 23(1) clause firstly.

INTEREST: According to sub-section 23(1) of section 4 of the Land Acquisition (Amendment & Validation) Act, 1967, simple interest at the rate of 6% is payable after the expiry of 3 years from the date of publication of notification U/s 4. The preliminary notification was made on 6.11.58, and hence the interest is payable from 6.11.61 to 5.6.67.

APPORTIONMENT: Compensation will be paid on the basis of the latest entries in the revenue records.

SUMMARY OF THE AWARD:

The award is summarised as under:-

S.N.	Area Big Bis.	Rate awarded. per bicha.	Amount of compensation.
1.	1 - 3	Rs.5000/-	Rs. 5,750.00P.
2.	Add price of well.		Rs. 2,663.00
3.	Add price of structures.		Rs. 18,975.00
	Total		Rs. 27,388.00P.
4.	Add 15% solatium.		Rs. 4,108.20
	Total		Rs. 31,496.20P.
5.	Interest @ 6% from 6.11.61 to 5.6.67.		Rs. 9,170.85
	G.Total		Rs. 40,667.05

LAND REVENUE DEDUCTION:

The land under acquisition is assessed to Rs.0.22P as land revenue, which will be deducted from the Khalsa Rent Roll of the

Contd.... 6/-


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village with effect from the harvest in which the Deptt. takes over possession of the acquired land.

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

 28/5/67

(G. BAHADUR)
LAND ACQUISITION COLLECTOR: (M) DELHI.

Sub,otted tp the Collector, Delhi for information.

 28/5/67

(G. BAHADUR)
LAND ACQUISITION COLLECTOR: (M) : DELHI.

Seen. Filed.

N. S. Sharma
9.6.67

COLLECTOR, DELHI