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A W A R D NO. 1993

Name of the village:
Purpose of acquisition:
Nature of acquisition:

MOHD PUR - MUNIRKA.
HOUSING SCHEME
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 Scheme'. After hearing the objections U/s 5-A, the Delhi Administration issued a declaration U/s 8 of the Land Acquisition Act for the acquisition of an area measuring 17 bighas 17 biswas vide Notification No. F.15(17)/57-LSG, dated 18.12.63. 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 along with a representative of the requiring department and the available area was found at the spot is as follows:

Field No.	Area Big. Bis.	Kind of soil.
28/1	0 - 5	Ghairmumkin Makan.
54/3/2/1	0 - 3	-do-
73/1/1	2 - 00	Ghairmumkin Diary
73/1/2	0 - 11	-do-
73/1/3	5 - 11	-do-
73/2	0 - 14	-do-
73/3	3 - 18	-do-
73/4	5 - 7	-do-
97/2	0 - 3	-do-
Total	16 - 12	Banjar Qadim.

CLASSIFICATION OF THE LAND

G.M. Makan.	0 - 8
G.M. Diary.	16 - 01
Banjar Qadim	0 - 03
Total	16 - 12

4. Deep Chand s/o Sita Ram. He has claimed compensation @ Rs.50/- per sq.yd. for ownership rights as he is a occupier of the land from more than 12 years i.e. from 1950-51. He has also claimed compensation Rs.4000/- for structures. The following evidence produced by the claimant.
 1. A copy of Khasra Girdawari from Kharif, 1959 to Rabi, 1961 for showing a possession on 3 biswas out of field No.97.
 2. A certified copy of Goshwara No. 19535 (Deep Chand V/s New Delhi Municipal Committee). Suit for permanent injunction.
5. Sh.Kedar Nath Khosla s/o Hukam Chand Khosla. He has claimed compensation for field No.73/1/3 measuring 3 bighas 11 biswas @ Rs.50/-per sq.yd. total compensation amounting to Rs.200000/-, Rs.2000/-for structures and 15% for compulsory acquisition.
6. Sh.Randha Mal s/o Mulraj. He has claimed compensation for field No.73/3, area measuring 3 bighas 18 biswas as co-sharer..40/78 share @ Rs.50/-per sq.yd.
7. Surjit Singh, License Holder, Ramesh Takkies Moti Bagh, New Delhi. He has filed an application and states that he had taken the land for running a temporary Cinema from Shri K.N.Khosla for a period upto 16.2.64 which has now been expired. He has not claimed compensation for the same.
8. Ram Mehar, Kankoo, Mahipat ss/o Shib Dayal. They have claimed compensation for field No.28 min measuring 5 biswas at the rate of Rs.60/-per sq.yd.
9. Sarvshri Laluwa s/o Surjan, Ram Sarup s/o Har Dhayan, Dina Nath s/o Sohan, Arjan Ram s/o Duli Chand. They have claimed compensation @ Rs.40/- per sq.yd. and 13 annas out of rupee for non-occupancy tenancy rights in field No.73 as under:-
 Sarvshri Laluwa has claimed compensation for 700 sq.yds and Rs.7000/-for structures.
 Ram Sarup has claimed compensation for 600 sq.yds. and Rs.6000/-for structures.
 Dina Nath has claimed compensation for 800 sq.yds. and Rs.7000/-for structures.
 Arjan Ram has claimed compensation for 250 sq.yds and Rs.5000/-for structures.
10. Hukam Singh s/o Moti, Patten Lal s/o Shambhu Bajay s/o Chet Ram, Rampat s/o Ram Nath, Lala s/o Ram Parshad. They have claimed compensation @ Rs.40/- per sq.yd. and 13 annas out of rupee for non-occupancy rights in field No.73 as under:-
 Hukam Singh has claimed compensation for 500 sq.yds and Rs.6000/-for structures.

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10.

Pattan Lal has claimed compensation for 250 sq.yds and Rs.3000/-for structures.

Rajay has claimed compensation for 550 sq.yds. and Rs.5000/-for structure

Rampat has claimed compensation for 200 sq.yds and Rs.2000/-for structures

Lala has claimed compensation for 200 sq.yds and Rs.2000/-for structures.

11. Mrs. Vinla Samal w/o P.K.Samal.

She has filed an application for payment of compensation @ Rs.50/-per sq.yd. for 6704 sq.yds. & Rs.1500/-for levelling. The evidence produced by her are discussed under the heading 'DOCUMENTARY EVIDENCE'.

12. Smt. Maneshwar Kaur w/o Des Raj

She has claimed compensation @ Rs.100/-per sq.yd for 500 sq.yds out of field No.73/1/2 and also stated that the market value of the land at the time of notification U/s 4 was Rs.35/-per sq.yd.

13. Sh. Sahinder Lal Sachar, s/o Sh. Shiv Ram Dass Sachar.

He has claimed compensation for 1 bigha 18 biswas out of field No.73/3 @ Rs.100/-per sq.yd. and also stated that the price of the land at the time of notification was Rs.35/-per sq.yd.

14. Sh. Narang Lal s/o Bal Mukand.

He has claimed compensation for an area of 2 bighas out of field No.73/1/1 @ Rs.100/-per sq.yd. and also states that the price of the land at the time of notification U/s 4 was Rs.35/-per sq.yd.

15. Smt. Satya Wati, Smt. Kamla d/o Vishwa Nath s/o Ram Rakhamal.

They have claimed compensation for field No.73 as legal heirs of Ram Rakhamal deceased and they have claimed compensation at the rate of Rs.50/-per sq.yd. and Rs.2000/-for well.

16. Sh. Om Parkash Sandhir, Rajendar Kumar, Vishwa Nath s/o Ram Rakha Mal.

17. Sh. Pushp Nath Khosla.

He has filed an application with affidavit dated 11.4.66 and stated that he has got a decree from High Court against Shri Kedar Nath Khosla s/o Hukam Chand Khosla for an area of 3 bighas 4 biswas out of field No.73/1, and 73/1/2. He further stated that the property was attached by the order of Punjab High Court, Circuit Bench, Delhi in Civil misc. 845-D, 1957 and the compensation may not be paid till the decision of the case.

Contd..... compensation 5000/-for

ontd.....4/-

DOCUMENTARY EVIDENCE:

Mrs. Vimla Samal w/o P.K.Samal produced the following documentary evidence by way of exemplars regarding the market value of the land in support of her claim:-

1. One uncertified copy of sale deed dated March 1962 in respect of shop No.34 measuring 76 sq.yds. situate in Defence Colony for Rs.23700/-.
2. One uncertified copy of sale deed No.2086 dated 11.8.53 in respect of plot measuring 200 sq.yds. out of field Nos. 114, 116 & 124 & 126 situate in Sunlight Colony for Rs.3000/-.
3. One uncertified copy of sale-deed No.1981 dated 23.9.52 in respect of land measuring 402 $\frac{2}{3}$ sq.yds.situate in Sunlight Colony for Rs.5000/-.
4. One uncertified copy of sale-deed No.2460 dated 28.12.52 in respect of one plot measuring 402.69 sq.yds for Rs.5000/-.
5. One uncertified copy of sale deed No.87 dated 12.1.53 in respect of one plot measuring 406.25 sq.yds. for Rs.5073/-.
6. One uncertified copy of sale deed No.2350 dated 15.12.52 in respect of one plot measuring 400 sq.yds for Rs.5000/-.
7. One uncertified copy of sale-deed No.794 dated 24.4.53 in respect of plot measuring 208 sq.yds for Rs.3120/-.
8. One uncertified copy of sale-deed No.2352 dated 15.11.52 in respect of one plot measuring 200 sq.yds. for Rs.3000/-.
9. One uncertified copy of sale deed No.96 dated 8.1.58 in respect of one plot No.A-236 measuring 217 sq.yds.situate in Defence Colony.
10. One sale-deed No.48 dated 17.1.57 in respect of area measuring 500 sq.yds out of field No.55 for Rs.6000/-.
11. One uncertified copy of sale-deed No.3607 dated 13.6.56 in respect of plot measuring 252 sq.yds. out of field No.54 for Rs.3000/-.
12. One uncertified copy of lease-deed No.1851 dated 31.5.57 in respect of plot measuring 11000 sq.ft for Rs.300/- as annual rent(out of field No.55).
13. One uncertified copy of judgment in L.A.Case No.47 & 48. reference U/s 18 against award No.889 of village Mohdpur Munirka in which Addl. District Judge enhanced compensation from Rs.3/- to Rs.9/- per sq.yd.
14. One uncertified copy of judgment in L.A.Case No.24 of 1954. Reference U/s 18 of L.A.Act against award No.883 of the same village regarding field No.112, 76, 77 & 78 measuring 21 bighas for Rs.1,31,914.
15. One uncertified copy of judgment in L.A.Case No.31 of 1960. Reference U/s 18 against award No.889 of village Mohdpur Munirka regarding field No.55/2 in which the Addl. District Judge, awarded Rs.70/- per sq.yd. against the awarded Rs.3/- by the Collector.

Contd.....6/-

16. One uncertified copy of sale deed No. 1050 dated 8.5.52 regarding field No. 112 measuring 73 bighas 3 biswas for Rs. 1,88,946.7 annas. The average price comes to Rs. 5166 per bigha.
17. One uncertified copy of sale-deed No. dated 15.7.52 regarding field No. 76 to 81 measuring 37 bighas 13 biswas for Rs. 1,75,523/6 annas and its average comes to Rs. 4.10 annas per sq. yd.
18. One uncertified copy of sale-deed No. 1574 dated 31.7.52 regarding field No. 82 measuring 10 bighas 10 biswas for Rs. 48951/.
19. One trace for the land under acquisition and adjoining other land.
20. One Delhi Guide Map.

No other claimant filed any documentary evidence in support of his claim regarding market value.

MARKET VALUE:

The market value to be ascertained is the ^{value to the} owners of the land in its actual condition at the date of publication of notification under-section 4 of the Land Acquisition Act with all its existing advantages and with all its potentialities. By market value is reckoned the price which a willing vendor might reasonably expect to obtain from a willing purchaser for the land in that particular position and with these particular potentialities. The best evidence available to prove that a willing purchaser would pay for the land under acquisition would be a evidence of genuine sales, effected about the time of notification. In determining the market value of the land on the basis of sales of other lands, the question of similarity between the two lands is of particular importance or in other words lands must be actually parallel. In support of her contention Smt. Vimla Saral has filed several exemplars to serve as guide in determining the market value of the land. But these exemplars are hardly of any avail as they are in no circumstances parallel to the land under acquisition. The exemplars cited by her at S.No. 1 is hardly of any use, as it pertains to a transaction ment for commercial use. Obviously, premises ment for Industrial or Commercial uses fetch a much higher market value than those put for residential purpose. Further, the sale-deeds cited by her at

2,3,4,5,6,7,& 8 have also no bearing in determining the market value of the land as these plots were purchased in highly developed locality, whereas the land under acquisition is not in a developed condition. Further, the sale-deed cited at S.No.9 pertains to a transaction affected in Defence Colony which is a highly developed and sophisticated colony and is about 3 miles away from the land under acquisition. This sale-deed cannot be in any way helpful in determining the market value of the land. Further, the exemplar cited at S.No. 10 & 11 pertain to lands on the front of the Ring Road and decidedly more advantageous than the land under acquisition. A lease-deed produced by her^{as} cited at S.No.12 was given to Caltex for commercial purposes and therefore, no inference can be drawn from this lease-deeds. Further, the sale-deeds cited at S.No.16, 17 & 18 cannot be taken into consideration as they relate much before the material date. Apart from these sale-deeds, three uncertified copies of judgments of the Addl. District Judge, have been filed in which the compensation was enhanced under the reference petitions from Rs.3000/- to Rs.7000/-per bigha kham and in other case from Rs.3000/- to Rs.9000/-per bigha kham.

It may be noted that the lands in these awards have better location than the land under acquisition., and it would thus appear that all the documents filed by Smt. Vimla Samal have no bearing in determining the correct market value of the land.

Efforts were made at this end to find out the parallel sale-deed executed a few years preceding the material date. The following statement shows the various transactions made during the different years and the sale price of the land per bigha.

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S.N.	Year.	Area Big. Bis.	Considration 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 - 24	Rs. 9,20,649.50	Rs. 3,525.70
4.	1956-57	260 - 16	Rs. 9,55,190.12	Rs. 3,662.54
5.	1957-58	20 - 02	Rs. 1,48,800.00	Rs. 7,402.98P.
Total		819 - 7 1/2	Rs. 28,96,444.31	Rs. 3,534.94P.

I have inspected the land and find that the land is not very fertile for agricultural purposes but had acquired some potential value as building site/due to various Housing Schemes sponsored by the Government. In view of the above observations and considering the various sale-deeds as cited above. the market value of the land has now to be determined with reference to judicial decisions for parallel lands, if any.

Apart from similar sales, awards of the courts U/s 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 previous decisions in acquisition cases are relevant in a subsequent case where the market value of the land in the same neighbourhood is in issue". In the land Acquisition Case No.2 of 1964 of Smt. Vimla Samal V/s Union of India decided by the Addl. District Judge on August, 27, 1965 in a reference petition, the rate of compensation for the land was enhanced and fixed at Rs. 6,200/- per sq. yd. The land under reference is just adjacent to the land under acquisition with parallel circumstances. This also hold good in case of Khasra Nos. 54/3/2/1 and 28/1 though they lie on the other side of the Ring Road. The preliminary notification in the case of land of Smt. Vimla Samal as stated above was issued on 26.10.57, that is to say after about a year. The question now arises what has been the change in the market condition in the locality regarding the land values during the intervening period of a year. During this period, the market conditions had been normal and if there

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had any transactions representing higher price, they cannot be relied upon as being speculative purchases. In view of the above observations, therefore, I fixed the market value of the land at a flat rate of Rs.6000/-per bigha kham.

TREES WELLS & OTHER STRUCTURES:

TREES: There are no trees in land under acquisition, and hence no compensation is payable.

WELLS: There is one well in field No.73, which has been valued at Rs.1902 by the Valuation Officer, I agree with the estimate and award Rs.1902 for the well.

STRUCTURES: The land under acquisition has numerous structures. The Valuation Officer has assessed these structures at Rs.31729/- which is reasonable. The claimants have filed exorbitant claims as compensation for these structures, without filing any valuation estimates hence no reliance can be placed on their claims for want of evidence, I agree with the estimates of the Valuation Officer and award Rs.31729/- for the structures(List of structures prepared by the Valuation Officer is enclosed with this award).

15% FOR COMPULSORY ACQUISITION:

15% solatium is payable over and above, the compensation assessed under section 23(1) firstly.

INTEREST: According to sub-section 3 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 statement 'B' which has been prepared from the revenue record. This land is governed by the Delhi Urban Area Relief Act, 1961 under which the non-occupancy tenants of the lands have substantial rights who have claimed compensation thereof. In cases where the

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persons interested do not come to compromise, the compensation amount will be deposited with the Addl. District Judge for decision under section 31 of the Land Acquisition Act. The compensation for structures will be payable to the owners on proof of valid title.

SUMMARY OF THE AWARD:

The award is summarised as under:-

S.N.	Area Big.Bis.	Rate awarded per bigha.	Amount of compensation.	
1.	16 - 12	Rs.6000/-	Rs. 99,600.00	
2.	Add price of well.		1,902.00	
3.	Add price of structure.		31,729.00	
		Total	Rs.1,33,231.00P.	
4.	Add 15% solatium.		19,984.65P.	
		Total	Rs.1,53,215.65P.	
5.	Add interest @ 6% from 6.11.61 to 5.6.67.		44,612.31P.	
		G.Total	Rs.1,97,827.96P.	

LAND REVENUE DEDUCTION:

The land under acquisition is assessed to Rs.3.02P as land revenue which will be deducted from the Khalsa Rent Roll of the village with effect from the harvest in which the department takes over possession of the acquired land.

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

(G.BAHADUR)
LAND ACQUISITION COLLECTOR:(M):DELHI
dt.25.5.67

Submitted to the Collector, Delhi for information.

(G.BAHADUR)
LAND ACQUISITION COLLECTOR:(M):DELHI
dt.25.5.67

seen, Filed
W Sharma
9.6.67

COLLECTOR, DELHI

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