

A W A R D No. 41/78-79.

Name of the village : Mohd.pur Munirka.

Purpose of acquisition: Planned Development of Delhi.

These are proceedings under section 11 of L.A. Act, 1894 for determination of compensation in respect of land measuring 2-11 bighas situated in village Mohd. Pur Munirka. The land forms part of general notification u/s 4 No.F.15(111) 59-LSG dated 13.11.59 for 34070 acres scheme. It is required by the Government at the public expense for a public purpose namely, for the planned development of Delhi. A declaration u/s 6 of the Act was issued vide notification No.F.7(49)/62-L&H(11) dated 2.1.1969 for an area 3-05 bighas in the case.

It transpired on scrutiny of the revenue record that an area measuring 11 biswas comprising khasra no.850/1 was already acquired vide award No.1133 of village Mohd.Pur Munirka. Further an area measuring 0.03 biswas in khasra No.850/2/1/1 under the temple, is kept out of acquisition as per instruction of the Land & Building Deptt. vide their letter No.F.9(26)/76-L&B/1791 dated 28.1.77. The acquiring department will provide an access to the temple from the main road, while preparing the layout plan of the area.

Notices u/ss 9 & 10 of the L.A.Act were issued to the persons interested in the land. Claims filed will be discussed under the appropriate heading "Claims & Evidence".

Measurement & True Area:

The land acquisition field staff carried out the necessary measurement of the area under acquisition at the spot and it was found correct as 2-11 bigas. The details of the land under acquisition are as under:

<u>Khasra No.</u>	<u>Area</u>	<u>Kind of soil</u>
849/2/1	0.03	Rosli.
849/2/2	0.02	-do-
849/2/3	0.03	-do-
849/2/4	0.16	-do-
850/2/1/2	1.05	G.M.Ahata & Qtrs.
850/2/2	0.02	-do-
	<u>2.11</u>	

OWNERSHIP & OCCUPANCY:

<u>S.No.</u>	<u>Name of the owner</u>	<u>Name of occupant.</u>	<u>Khasra No.</u>	<u>Area</u>	<u>Kind of soil</u>
1.	Shri Dalpat Singh s/o Behari Lal 1/4 share.	Self	849/2/3 849/2/4 850/2/1/2 850/2/2	0.03 0.16 1.05 0.02	Rosli. -do- G.M.Ahata & Qtrs -do-
2.	Lekh Ram, Lajje Ram s/o Chuna in equal share 1/2 share.				
	Smt. Prem Kala d/o Surti w/o Dalpat Singh 1/4 share.				
3.	Shri Jagdish Chander Chwachak s/o Shri Inder Ram R/o V. Munirka Kartar Market.	Self	849/2/1	0.03	Rosli.
4.	Shri Sunder Lal s/o Surti Dhar.	Self	849/2/2	0.02	-do-

Claims & Evidence:

<u>S.No.</u>	<u>Name of the claimant</u>	<u>Kh. No.</u>	<u>Area</u>	<u>Rate claimed</u>	<u>Evidence.</u>
1.	Dalpat Singh s/o Behari Lal. Lekh Ram s/o Chunna. Lajje Ram s/o -do- Prem Kala w/o Dalip Singh.	850/2 849/2	- -	(i) Rs. 70,000/- for the Nil structures, well & school building. (ii) Rs. 80/- per sq.yd. for the land. (iii) The land came to the share of Sh. Dalpat Singh in family partition.	Nil
	Shyama Mehta w/o Late Shri Jitender Nath.	-do-	-	(i) Tenant of Sh. Dalpat Nil Singh. (ii) Rs. 10,000/- for dis- turbance & loss of earnings. (iii) Alt. accommodation. (iv) Rs. 2,000/- for the structures.	Nil
	Ghisa Ram	-do-	-	(i) Tenant of Sh. Dalpat Singh. (ii) Rs. 5,000/- for dis- turbance and shifting. (iii) Alt. accommodation.	Nil

Shiv Narain Sangar.	849/2 850/2	-	(i) Tenant of Sh. Dalpat Singh. Nil (ii) Rs. 5,000/- for disturbance and shifting. (iii) Alt. accommodation.
Roshan Lal.	-do-	-	-do- Nil
Krishan Lal.	-do-	-	-do- Nil
Jagan Nath.	-do-	-	-do- Nil
Raghubir Saran	-do-	-	(i) As at sl. No. 4. (ii) Rs. 10,000/- for disturbance & shifting. (iii) Alt. accommodation.
Nathu Ram Thakur	-do-	-	-do- Nil
Kedar Nath, Satish Kumar.	-do-	-	-do- Nil
1. Surinder Singh	-do-	-	-do- Nil
12. Munni Lal Aggarwal	-do-	-	-do- Nil
13. Om Parkash	-do-	-	(i, ii & iii) as at sl. No. 8. Nil (iv) Rs. 1,000/- for the structure.
14. Ved Parkash.	-do-	-	(i, ii & iii) as at sl. No. 8 Nil (iv) Rs. 2000/- for the structure.
15. Chander Shekher.	-do-	-	As at sl. No. 8. ent
16. G.P. Shashtri, Jl. Secy. Janta Adarsh Ksha Sansthan.	-do-	-	(i) Prays for exclusion from acquisition. (ii) Rs. 50,000/- for disturbance and shifting. xxxxxxx 24 (iii) Alt. accommodation. xxxxxxx 24 dated
17. Gopal Pershad Shastri.	-do-	-	As at sl. No. 4.
18. Ganga Sahai	-do-	-	-do- Nil
19. Rajinder Kumar Prop. Raj Floor Mills.	-do-	-	(i) As at sl. No. 4. Nil (ii) Rs. 30,000/- for disturbance & loss of earning. (iii) Alt. shop.
20. Murari Lal Garg Prop. Expeler, Floor Mills Cotton Mills.	-do-	-	-do- nil
21. Krishna Devi	849/2	-	(i) Tenant of Shri Sunder Lal. Nil xxxxxxxxxxx (ii) & (iii) as at sl. No. 4. 6.
22. P.R. Goplan New Madras Cafe.	849/2 850/2	-	(i) As at sl. No. 4. Nil (ii) Rs. 15,000/- for the disturbance & loss of earning (iii) Alt. accommodation.
23. Agam Dass	849/2	-	(i) Tenant of Shri Sunder Lal. Nil (ii) Rs. 10,000/- for disturbance & loss of earning. (iii) Alt. accommodation for shop. 27 ent

4. Devi Dayal	849/2 850/2	-	(i) Tenant of Sh. Dalpat Singh. Nil (ii) Rs.10,000/- for disturbance & loss of earning. (iii) Alt. accommodation.
5. Nanak Chand	-do-	-	-do- Nil
6. Rewar Mal.	-do-	-	(i, ii & iii) As at sl. No.24. Nil (iv) Rs.2,000/- for the structure.
7. Om Parkash Sharma	-do-	-	(i, ii & iii) as at sl. No.24. Nil (iv) Rs.3,000/- for the structure.
8. Sunder Lal Sharma	849/ 100 sq. 850/2 yds.	-	(i) Rs.150/- per sq.yd. for the land. (ii) Rs.6,000/- as cost of construction. (iii) Alt. plot. Nil
9. Jagdish Chander	-do- 150 -do-	-	(i) Rs.150/- per sq.yd. for the land. (ii) Rs.10,000/- for the construction. (iii) Alt. accommodation. Nil
10. Dalpat Singh.	849/2 0.19 850/2 1.10	-	Requests for the release of the Nil land from acquisition.
11. Om Parkash Sharma.	-	-	Says that he has transferred his Nil workshop to Smt. Sudesh Popli, & she be paid the necessary compensation.
12. Sudesh Popli	-	-	-do- Copy of rent receipt dt. dt. 5.2.72.
13. Nathu Ram s/o Chakur Singh.	-	-	As at xxxx sl. No.24 xxxxxxxxxxxx Attested copy of shop registration dated 10.11.71.
14. Krishna Devi	-	-	Requests for alt. accommodation. Nil Copy of rent receipts dt. 5.1.72 & 5.12.65.
15. Agam Dass Prop.M/s Das Tailors.	-	-	-do- Rent receipts dt. 5.12.65 & 5.1.72. Attested copy of certificate of shop. esttt. dt. 4.2.68. Attested copy of letter dated 11.3.70 from MCD. Attested copy of sugar Card No.2454 . t
16. Nathu Ram, Prop. - of Jai Jagdambe Bakery.	-	-	-do- Attested copies of rent receipt dt. 5.3.59, 5.4.59. (ii) Rent Recpt. dt. 1.11.71. (iii) A chit issued on 10.2.72 by G.I.R.K. Puram through that shop No.7, Kartar Mkt. is licensed for the trade of bakery.

Murari Lal Mika Shopkeepers Welfare Association (d.) Delhi.	-	-	Alt. accommodation.	Attested copy of letter dt.19.2.66 from the Controller of Rationing, Delhi (ii) Attested copy of license No.21248 dt.21.11.68 issued by MCD. (iii) Attested copy of summary trial by Shri N.L. Kakkar, M.I.C decided on 19.10.62. (iv) Attested copy of Rent receipt No.70 dt. 1.1.66. 11/9-3-66 (v) Attested copy of Registration of shop Estt.No. 6181 6181592 dt.26.2.65.
S. Rajender Kumar	-	-	-do-	Attested copies of Rent receipts dt. 5.7.71, 1.11.71, 5.4.70, agreement dt. 14.1.69, Rent shop of central nation- dt. 3.4.6. Copy of of Shri
9. Raghbir Sharan	-	-	-do-	Attested receipt dt. 15.4.71 receipt MCD, Registr. on certi- ficate of Estt. dt. 24.2.65, rent receipt dt. 4.9.64, rent receipt dt. 1.2.72, licence of MCD dt. 24.7.68, Sales Tax Licence dt. 16.5.66, H.V. Oil Dealer licence dt. 5.5.67, Kerosene oil licence No.676/ 70 dt. 15.11.71 Drugs Sales Licence No.12(312)/20-A dt. 6.6.70.
10. Munni Lal Aggarwal.	-	-	-do-	Rent receipts dt. 1.2.72, 1.8.65, 1.1.67.
11. P.R. Gopalan	-	-	-do-	Rent receipts dt. 1.11.71, 1.10.64.
12. Roshan Lal Kawatra.	-	-	-do-	Rent receipts dt. 5.8.70 & 1.12.71
13. Gopal Pershad Chastri.	849/2 850/2	- -	(i) Tenant of Shri Dalpat Singh. (ii) Alt. accommodation.	Rent receipts dt. 5.6.59, 1.1.72.
14. Ganega Sahai	-do-	-	-do-	Rent receipts dt. 6/59, 1.1.72.

G.P. Shastri	849/2	-	As at sl. No.43.	As at sl.No.43.
Secy. Janta	850/2	-		
Arsh Shiksha				
sthan.				
Rewer Mal.	-	-	Alt. accommodation.	Copy of certificate reg. running a shop by Ch. Dalip Singh, Rent receipt dated 1.2.67, Receipt reg. submission of application issued by licence clerk (Health) Chit showing that he is a voter.
Chandra	-	-	-do-	Attested copy of letter dt. 8.11.67 from MCD.
Shakher, Prop.				Rent receipt dt. 1.2.72, 1.6.65,
1/3 Sunder Store.				Receipt No. 604963 issued by Chief Inspector of shops & Estt. Delhi., Receipt dt. 9.12.67 from M.C.D., letter dt. 1.12.65 from the Controller of Rationing, Delhi. Copy of Affidavit of Shri Chander Shekher.
48. Ghisa Ram.	849/2	-	-do-	Rent Receipt dated 5.7.68.
	850/2	-		
49. Jagan Nath.	-do-	-	-do-	-do-
50. Nanak Chand.	-	-	Alt. Accommodation.	Rent receipt dt. 5.4.70.
51. Krishan Lal	849/2	-	-do-	Rent receipt dt. 5.7.58.
	850/2	-		
52. Sunder Lal	-	-	-	Copy of sale deed dt. 8.10.64.
Sharma.				Affidavit.
53. Jagdish	-	-	-	Copy of sale deed dt. 30.9.64.
Chander.				Affidavit.
54. Om Parkash	-	-	Alt. accommodation.	Attested copy of rent receipts dt. 1.11.71, 1.12.71, Court fine payment receipt No. 320998 dt. 7.5.71.
Tea Stall.			add	Rent receipt dated 1.2.72.
55. Ved Parkash	-	-	-do-	Rent receipt dated 1.2.72, Copy of rent receipt dt. 1.11.71, summon for 2.1.71, fine payment receipt dt. 2.1.71.
of Parkash Coal				Rent receipt dt. 5.12.71
Depot.				Attested copy of rent receipt dt. 1.6.68;

ntd.....55

Attested copy of rent receipt dt.1.1.66;
Rent. No.977 dt.6.4.67,
Receipt No.2177 dated 4.4.67, Receipt No.9388 dt.3.5.67; Receipt No.605 dt. 22.5.65.

6. Surinder Singh. - - Alt. accommodation. Rent receipt dt.5.12.70
Copy of receipt for purchase of garage malba.

7. Devi Dass - - -do- Copy of receipt dated 15.4.71 issued by MCD.
Copy of rent receipt dt. 5.8.62.

8. Sudesh Gupta, - - -do-

9. Satish Kumar Gupta, for Kedar Nath Satish Kumar Gupta. - - -do- Attested copy of rent receipt dated 9.11.63.
Rent receipt dt.1.2.72
Copy of registration certificate of shop dt. 20.10.66.

Market Value:

The market value in the present case is to be determined as prevailing in the area on the material date, which is 13.11.59 in the instant case.

The record of rights was consulted by the Revenue Staff with the view to find out sale deeds nearest to the material date.

Following sale transactions came to notice :-

Mutation No.	Date of Registration	Khasra No.	Area	Amount	Average per bigha
1738	2-11-59	851	2-10	Rs-22000/-	Rs. 8,800/-
1768	13-10-59	922/10/1 924/10/1 922/10/2 924/10/2	0-16	Rs.1496/-	Rs.1870/-
1769	-do-	-do-	0.14	Rs.1309/-	-do-
1770	-do-	-do-	0-16	Rs.1496/-	-do-
1819	2-2-59 31 8-1-59	925/10/1 924/10/1 1300/917/8/1 922/10/1	2-0	Rs-16000/-	Rs. 8000/-
1825	12-7-59	-do-	0-10	Rs. 4000/-	Rs-8000/-
1827	3.1.59	-do-	0-08	Rs. 3200/-	Rs-8000/-
1829	7.2.59	-do-	0-03	Rs-1200/-	Rs. 8000/-

The average sale price per higha in the above mentioned sale transaction at Sl. No.1,2 to 4, and 5 to 8 is Rs. 8,800/-, Rs.1870/- and Rs.8000/- respectively. The land involved in the sale transactions at Sl. No.2 to 8 is away from the land under acquisition, while the land involved in sale at Sl.No.1 is quite adjacent. So this sale offers proper guidance in the present case.

There have been the following awards in the village, the material date in which was the same as in the present case.

No.	Award No.	Date of notification	Rate awarded by the L.A.C.
		Rs u/s 4	
1.	1569	13.11.59	Rs.2500/- per bigha.
2.	1737	-do-	Rs. 2500/- per bigha.
3.	1939	-do-	Block A Rs. 3750/- Block B Rs. 3000/- Block C Rs. 1500/- per bigha
4.	2122	-do-	Rs.2750/- per bigha
5.	11/69	-do-	Rs.1500/- per bigha.

Out of the above awards, award No.1939 offers the best guidance, as a part of Khasra No.850 was acquired through this award, and now a portion of the same Khasra No. is being acquired in the present case. The other Khasra No. is 849 which also adjoins the same. It was placed in Block 'B' in the said award and a rate of Rs.3000/- per bigha was awarded by the L.A.C for the part of the Khasra No.850~~x~~ acquired. The persons interested, not being satisfied, preferred an appeal against this award. In L.A. case No.490/67, Dhanpat Singh and Others Vs. Union of India, the Additional District Judge enhanced the compensation at the rate of Rs.8800/- per bigha in respect of Khasra No.850/2/3. The Union of India did not file any appeal against the decision of the court. This judgement was relied on a judgement in LA case No.169/1966 Shri K.L. Swaran and others Vs.Union of India against award No.1737 in respect of

Khasra No.851 and LA case No.624/62 Shri Dhanpat Singh Vs.

Union of India in respect of Khasra No.849 and 850, in which a rate of Rs. 8,800/- per bigha was awarded. Parts of the same Khasra Nos. are being acquired in this case. Decisions of the courts are excellent guides in determining the value of the land. It has been held that there can not be a clearer authority than previous decisions in the land acquisition cases, relevant in subsequent cases where the market value of the land in the same neighbourhood is in issue. In view of this, I consider a rate of Rs.8,800/- per bigha quite fair and reasonable in the present case and award the same accordingly for the total area measuring 2 Bigha 11 Biswas.

OTHER COMPENSATION

TREES AND WELL

There is no tree or well on the land under acquisition. Hence no compensation is assessable under this Heading.

STRUCTURES

There are petty structures on the land under acquisition, the detailed list of which is placed on the award file. The Assistant Engineer(Val), DDA was requested vide this office letter No.F.5(12)/69-LAC(MSW) 7195 dated 21.5.73 to assess their value as on 13.11.59, the date of notification u/s 4 in the case. He intimated vide his office letter No.AE(V)482/73-255 dated 19.12.73 that the present structures had been constructed after the date of notification u/s 4 i.e. 13.11.59, hence the valuation is not required. In view of this, no compensation is assessable for these structures and the owners are at liberty to remove their Malba immediately after the announcement of the award.

SOLATIUM

15% solatium will be paid over and above the market value of the land towards compulsory nature of acquisition.

INTEREST

The case falls within the purview of the land acquisition (Amendment and Validation) Act, 1967. The date of notification

u/s 4 L.A. Act is 13.11.59 while the date of declaration u/s 6 is 2.1.1969. Therefore, interest would be payable on the market value of the land from the date of expiry of three years of the date of preliminary notification i.e. from 13.11.62 to the date of the announcement of the award which is tentatively fixed as 30.1.1979.

APPORTIONMENT

Payment will be made according to the latest entries in the revenue record. In case of dispute the matter will be referred to the A.D.J., Delhi u/s 30,31 of the L.A. Act, if the parties fail to reach an amicable settlement within a reasonable time.

LAND REVENUE

The land is assessed to Rs. Nil Paise 47 as Land-revenue. The same will be deducted from the Khalsa Rent Roll of the village w.e.f. taking over the possession.

SUMMARY

The award is summarised as below:-

- | | | |
|----|--|---------------|
| 1. | Market value for land measuring 2 Bighas 11 Biswas @ Rs.8800/- per bigha. | Rs. 22,440.00 |
| 2. | Add 15% solatium | Rs. 3,366.00 |
| 3. | Interest @ 6% p.a. w.e.f. 13.11.62 to 30.1.1979 (16 years 79. days) only on the market value of the land (Rs. 22,440/-). | Rs. 21,833.81 |

Rs. 47,639.81

(Rupees Fourtyseven thousands six hundred thirtynine & paise eightyone only).

Announced and filed today

B.S. ANAND

(B.S. ANAND)

LAND ACQUISITION COLLECTOR(MSW); DELHI.

B.S. ANAND

31/1/79

LAC (MSW)

Delhi

(TO BE PUBLISHED IN PART IV OF DELHI GAZETTE)

DELHI ADMINISTRATION: DELHI

NOTIFICATION:

Dated the January, 1969.

F.7(49)/62-L&B(11):- Whereas it appears to the Lt. Governor of Delhi that land is required to be taken by Government at the public expense for a public purpose, namely for the Planned Development of Delhi, 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 of the Land Acquisition Act, 1894, to all whom it may come 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.
	Bis.	Bis.	
Chd.pur Mirka.	3	5.	849/2, 850/1, 850/2/1, 850/2/2.

By order,

Edh
(D.P. BAHUGUNA)
DEPUTY SECRETARY (III)
(LAND & BUILDING DEPARTMENT)
DELHI ADMINISTRATION: DELHI:

F.7(49)/62-L&B(11)

Dated the January, 1969.

Copy forwarded to the:-

Public Relations Department (In duplicate) for favour of publication in the Delhi Gazette.

Additional Distt. Magistrate(L.A.), Tis Hazari, Delhi.

Land Acquisition Collector(MW), Tis Hazari, Delhi.

Pehsildar(S), (Land & Building Deptt.), Vikas Bhawan, N. Delhi.

Legal Adviser, (Land & Building Deptt.), Tis Hazari, Delhi.

Land Record Cell, (L & B Deptt.), Vikas Bhawan, New Delhi.

10.2.69
(D.P. BAHUGUNA)
DEPUTY SECRETARY (III)
(LAND & BUILDING DEPTT.)
DELHI ADMINISTRATION: DELHI: