

AWARD NO. 1097.

Village: Nangloi Syed.

Nature of acquisition: Permanent.

In pursuance of notification No.F.15(156)/60-LSG(XVI), dated the 20th June, 1960, under section 4 of the Land Acquisition Act, 1894 issued by the Chief Commissioner, Delhi, 56 bighas 15 biswas of land is under acquisition for a public purpose namely, for the Resectioning of Najafgarh Drain (Phase I) at village Nangloi Syed. Because of the emergent nature of acquisition, sub-section 1 of Section 17 of the said Act was applied and a declaration under section 6 of the Act was issued by the same authority, for the same purpose and area vide notification No.F.15(156)/60-LSG(XVII) of the even date. The Chief Commissioner, Delhi was pleased to direct the Land Acquisition Collector, Delhi to take possession of the land in question through his order vide notification No.F.15(156)/60-LSG(XVIII) of the even date.

AREA:

By actual measurement at spot the area has been found to be 56 bighas 11 biswas as against 56 bighas 15 biswas given in the notifications under sections 4 ^{and} 6 of the Act.

It has been intimated by the Land Allotment Officer-cum-Managing Officer(Rural), Ministry of Rehabilitation, vide his letter No.RSC/LAO/Acq/427/60, dated the 16th November, 1960 that the following field numbers have been allotted to different persons of whom the details are given below:-

<u>S.No.</u>	<u>Field No.</u>	<u>Allottee.</u>
1.	1 etc/355	Imdad Ali
2.	393/329	Kimat Rai
3.	³⁸⁸ 388/329	Sakhawati Rai
4.	1 etc/241	Amer Singh

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- | | | |
|------|-------------------------------------|--|
| 5. | 1 etc/252
1 etc/251
1 etc/260 | Meharban Singh |
| + 6. | 1 etc/375
1 etc/346 | Teja Singh |
| 7. | 1 etc/281 | Dayal Singh |
| 8. | 1 etc/283 | Mst. Dhimo Bi, Khanbi, Kesho Bi,
and Jasan Singh. |
| 9. | 1 etc/329
1 etc/328 | Amrit Rao |
| 10. | 1 etc/239
1 etc/240 | Mst. Dhimo Bi, Kanbi, Kesho Bi,
and Mohan Singh. |
| 11. | 1 etc/347 | Jiwan Singh. |
| 12. | 1 etc/333 - - | Ishwar Dass. |
| 13. | 1 etc/348 | Tara Singh |
| 14. | 1 etc/253 | Prem Singh |
| 15. | 1 etc/261 | Puran Singh. |

Out of the above field numbers, claims have been received in respect of 1 etc/355, 1 etc/252, 1 etc/251, 1 etc/260, 1 etc/346, 1 etc/281, 1 etc/283, 1 etc/347, 1 etc/333, 1 etc/348, 1 etc/253 and 1 etc/261. It goes to show that the persons interested are well aware that these field numbers have been included in the scheme. They did not find any mention in the notifications because these were shown to be evacuee area in the ^{revenue} papers. When the persons interested very well know about these field numbers to have been covered by the scheme, they have no objection to their acquisition and they have filed claims. There appears to be no necessity for any revised notification in respect of these field numbers. Field-wise details of the area given in the notifications, allotted by the Custodian, about which the acquisition proceedings are known to the persons interested, are given in Annexure 'A'.

Satisfaction about the area has been made by the Land Acquisition Field Staff and I have also enquired about it at spot. There is general satisfaction of the persons interested.

Therefore, the area is taken as correct.

Field Nos. 393/329/2, 1etc/339/2, 1etc/241/2, 1etc/329/2, 1etc/328/2, 1etc/239/2, measuring 8 bighas 9 biswas allotted to various persons and not mentioned in the notifications have to be acquired afresh. Some of them reside at distant places. Others were not served with notices because it was shown to be belonging to the Custodian of Evacuee property.

C O M P E N S A T I O N :

1. Sarvshri Anant Ram, Ram Narain, Partap Singh, Mehar Chand, Tika, Jaimal, Man Singh, Bishan Singh and Ballu demanded compensation at the rate of Rs. 3000/- per bigha through their written claims.
2. Teka, Mehar Chand through their written claims dated the 6th July, 1960 demanded compensation at the rate of Rs. 20000/- per bigha for land and compensation for crops.
3. Ram Dhan s/o Ram Lal, Mehar Chand s/o Bal Ram, and Puran adopted s/o Shadi through their written claims, dated the 6th October, 1960, demanded compensation at the rate of Rs. 4000/- to Rs. 5000/- per bigha.
4. Sis Ram through his written statement dated the 6th October, 1960 demanded compensation at the rate of Rs. 10,000/- per bigha.
5. Bishan Singh s/o Prem Singh through his written claim dated the 6th October, 1960 demanded compensation for Jawar crop and wanted the measurement of field No. 348 min.
6. Anant Ram, Ram Narain stated in their written claims to have purchased field Nos. 356 and 357 min. Partap Singh stated in his written claim to have purchased field Nos. 283 & 2

Shri Ishar Dass demanded compensation for field No.333.

Sarvshri Prem Singh and Mehar Chand demanded compensation at the rates of villages Khiala and Jawala Heri.

Lakhi Ram and Maya Ram stated in their claim to have purchased field Nos. 1, etc/352, 353, 355 and 361 and demanded reasonable compensation.

Lakhpat, Hans Ram through their written claim demanded compensation for field No.1 etc/338, which they are said to have purchased from Mohan Lal.

Sarvshri Man Singh and Bishan Singh stated in their claims to have purchased field Nos.325 min, 339 min and 340 min.

In their written statements Mehar Chand demanded Rs.20,000/- per bigha for the land and also compensation at the rates of villages Khiala, Kesho Pur, and Jawala Heri.

Kamal Singh, Kalu, Lakhi and Puran demanded the rates of villages Khiala, Keshopur and Jawala Heri, Man Singh the same rates, Partap the rates of Kesho Pur, Khiala and Nangloi, Anant Ram the rates of his neighbours, Mehar Chand, Tika and Jaimal at the rates of Rs.3000/- per bigha and they also demanded compensation for their Jawar crops at the rate of Rs.150/- to Rs.200/- per bigha and for sugar cane at the rate of Rs.500/- per bigha.

Jaimal stated on the 6th October, 1960 that he sold out field No.338 to Lakhpat, Hans Ram etc.

At the time of my visit to the spot on the 27th November, 1960, Dilbag Singh, Mohan Lal, Dewar Dayal, Shiv Dayal, Ude Ram, Shemsher Singh, Lo Ram, Puran, Mehar Chand, Chandgi, Ram Chand, Sugana Mal, Bidhu and Sukha stated that for valuation purposes Sailab should be treated at par with Chahi and that they were satisfied with the measurement.

Sarvshri Jiwan Singh ~~xxx~~, Dayal Singh himself and on behalf of Gurbax Singh demanded compensation at the rate given to others.

Bishan Singh through his written statement dated the 31st October, 1960 stated to have purchased field Nos. 1 etc/339, 340 and 391/325. He alongwith Man Singh filed another written claim for the compensation of field No. 1 etc/349.

The Assistant Settlement Commissioner ^{Cum} ~~(Cum)~~ Authorised Deputy Custodian, Government of India, Ministry of Rehabilitation through his letter No. RSC/LAO/Acq/60/9355, dated the 17th October, 1960 demanded compensation at the rate of Rs. 1000/- per bigha kham plus compulsory acquisition charges.

The persons interested produced registered deed Nos. 5040, 4109 and 2490 in order to establish their title to the compensation. In fact we are to go by the entries of the revenue records and it will be discussed under the heading apportionment.

The Naib-Tehsildar, Land Acquisition vide his report dated the 27th October, 1960 proposed the following rates:-

Chahi & Sailab	Rs. 500/- per bigha.
Rosli	Rs. 250/- per bigha.
Ghairmumkin (Rasta)	Rs. 150/- per bigha.

DEPARTMENTAL REPRESENTATION:

The Executive Engineer, Construction Division No. III, wrote to say vide his letter No. C-III/WA/5724, dated the 10th November, 1960 that the rates proposed for the land appeared to be reasonable.

FAIR AND REASONABLE VALUE:

I inspected the spot with Shri R.K. Sethi, Naib-Tehsildar, Land Acquisition on the 27th November, 1960. The following evidence

was produced by the persons interested before me on that day:-

(i) MATERIAL ACCORDING TO THE STATEMENT OF THE PERSONS INTERESTED

S.No.	Mutation number	Regn.No. & date	Field No.	Area	Kind of soil	Location	Rate per bigha.
				Big.Bis.			
1.	-	-	348	16 0	Chahi	under acquisition	Rs.312.50 nP
2.	-	<u>4109</u> 12.10.53	325,339, 340	21 0	Sailab	-do-	Rs.350.00 nP
3.	1138 (Pending)	<u>832</u> 2.3.60	1etc/283 min.	14	-0 Chahi	-do-	Rs.190.00 nP
4.	1125 (Sanctioned)	<u>3288</u> 19.4.60	1 etc/356	11	-15 Chahi	-do-	Rs.468.00 nP
5.	-	<u>3282</u> 2.4.60	1etc/357	4- 17	Chahi	-do-	Rs.474.20 nP
6.	1139 (Pending)	<u>833</u> 20.2.60	1etc/86 Min 260,251,252	33 - 1		F.Nos.251, 252 & 260 under acq. and 1etc/86 far from the drain.	Rs.283.20 nP
7.	-	<u>5040</u> 1.7.58	1etc/338	4	-3	Under Acquisition	Rs.248.00 nP

The lowest rate is at Rs.190/- per bigha. The reasons for which has been assigned to be the possession of the vendee who could not easily be ousted. The highest rate is at Rs.474/- per bigha and the reasons given, therefore, is that Rattan was Bhoomidar of this land, who transferred it to Raghbir, and in turn he transferred it to Anant Ram and Ram Narain in equal shares. This is a transfer about the substantial ^{high} rate of the transfer, so is the case of mutation No.1125, at the rate of Rs.468/- per bigha whereby one Nahar transferred his Bhoomidari rights in favour of Anant Ram and Ram Narain in equal shares. This is the only mutation which has been sanctioned. In other cases the mutations are either pending or not entered at all. Therefore, this is most reliable of all, especially for its being covered by the scheme itself. This related to the transfer of chahi land took place

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under normal circumstances.

(ii) ACCORDING TO MUTATION REGISTER OF VILLAGE NANGLOI SYED.

S.No.	Mutation number	Regn.No. & date	Field Nos.	Area Big.	Bis.	Kind of soil	Location	Rate per bigha.
1.	1126	<u>3565</u> 12.4.60	1etc/358	9	2	Sailab	200 yards away from the land under acq.	Rs.769.60 nP
2.	Vendees recently sold 30 bighas of their land at the rate of Rs.3000/- per bigha at a descent price and therefore, in turn they also advanced a fairly high rate.							
2.	1127 (Pending)	28.4.60	1etc/315	18	0	Rosli	Away from the land under acquisition	Rs.100/-
	(Verified to be Kalar, land of very inferior quality)							
3.	1128 (Pending)	5.5.60	1etc/348 min 317 min	18-	10	Chahi (16 bighas) Rosli (2 big.10 bis)	-do-	Rs.162.80 nP
4.	1129 (Pending)	<u>5398</u> 14.11.60	1etc/38	4	0	Nehri	-do-	Rs.375.00 nP
5.	1130 (Pending)	<u>3306</u> 24.2.60	1etc/45	9	0	Nehri	-do-	Rs.333.33 nP
6.	1131 (Pending)	<u>2185</u> 8.3.60	41,84	21	7	Nehri 60 big.	-do-	Rs.276.00 nP
7.	1132 (Pending)	<u>5724</u> 21.11.59	165	15	10	Chahi (6 big.10 bis) Rosli (8 bighas)	-do-	Rs.290.20 nP
8.	1136 (Pending)	<u>1384</u> 18.6.60	169,170, & 171	5	15	Nehri (19 biswas) Chahi (4 big.16 bis)	-do-	Rs.300.00 np
9.	1141	1.7.59	8,11,12,44	22	-12	Nehri (18 big.6 bis) Rosli (4 big.6 bis)	-do-	Rs.264.20 nP
10.	1143 (Pending)	<u>5886</u> 16.12.59	86	15	-0	Nehri	-do-	Rs.400.00 nP
11.	1144 (Pending)	<u>485</u> 5.11.59	86	14	-0	Nehri	-do-	Rs.357.14 nP

Mutation Nos.1135 and 1143 came into being on the

24th June, 1960, after the date of notification and 20.4.55 before the quinquennium. ^{respectively,} Therefore, it is not proper to take them into

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account. About other mutations the lands involved are situated away from the land under acquisition, except in the case of field No.348 transferred through mutation No.1128 giving at the rate of Rs.162.180 nP per bigha. In the presence of the material relevant to the case it is not at all proper to depend upon such like transactions.

(iii) SALE TRANSACTIONS PRODUCED ON THE SPOT:

Persons interested produced ^{by registered} sale transactions Nos.4240, dated 26.10.60, 4243, dated 26.10.59, 4239, dated 26.10.59, 2390, dated 6.6.59, 2361, dated 4.4.59, 2363, dated 4.6.59, 2362, dated 4.6.59, 4246, dated 24.10.59, 2377, dated 5.6.59 and 619, dated 15.3.59 involving lands away from the land under acquisition giving rates ranging from Rs.224.20 nP per bigha to Rs.333.33 nP per bigha.

The persons interested demanded very high rates which are not supported by the sale transactions available in this village. The highest rate of Rs.769.60 nP in mutation No.1126, in respect of sailab land is not truly representative. The lowest rate of Rs.100/- per bigha through mutation No.1127 as already discussed above is not dependable. Of all the transactions I consider the one through mutation No.1127 took place under normal circumstances about transfer of Chahi land at the rate of Rs.468/- per bigha ^{as} most reliable. The Sailab kind is not inferior to the chahi land as stated by the persons interested and according to my own observations at spot. There is a very little difference in the produce and it is, therefore, legitimate to consider the Sailab at par with Chahi land. The rate of Rosli should be lower than the rate of Chahi and Sailab. No compensation is due for the land under the thorough fare which is already used as a

public purpose.

Award No.1065 for acquisition of land for Harijans related to the land situated near the abadi away from the drain, therefore, is not dependable, because, the circumstances are not similar. Keeping in view the claims of the persons interested, the evidence produced by them, the chief-data provided by the ~~Department~~ Naib-Tehsildar, the departmental representation, the material on the file and my own observations of the spot, I consider a rate of Rs.470/- per bigha for Chahi and Sailab and Rs.235/- per bigha for Rosli land as fair and reasonable and award accordingly. No compensation is assessed for the thorough fare and the drain, being used already for a public purpose.

CROPS COMPEN SATION:

At the time of taking over possession of the land some crops were standing, for which the Naib-Tehsildar, Land Acquisition has proposed a sum of Rs.1417.11 nP towards compensation. He has kept the standard yield, the rates given in Delhi Gazette, dated the 11th July, 1960 in view and deducted 10% towards nourishing and watching, land revenue and cesses. I have no reason to differ from him and award the same amount. The details of which are given below:-

S.No.	Name of person interested.	Field Nos.	Area Big.Bis.	Kind of crop	Compensation.
1.	Puran adopted s/o Shiba	1etc/332/2	2 13	Jawar Stalk	Rs. 178.29 nP
2.	Kamal s/o Hari	1etc/340/2	1 2	Jawar Stalk	Rs. 74.02 nP
3.	Sis, Ram s/o Chagu	1etc/340/2 1etc/369/2	2 1 2 3	Jawar Stalk	Rs. 282.64 nP
4.	Chandgi s/o Ami Chand	1etc/340/2	2 1	Jawar Stalk	Rs. 137.02 nP
5.	Man Singh s/o Bhim Singh	1etc/340/2 1etc/345/2	2 1 1 10	Jawar Stalk	Rs. 237.60 nP

Comp. 10 00

6. Custodian

1 etc./347/2	0	18	Jawar Stalk	Rs. 420.13 nP.
1 etc/348	5=	7		

Total:- Rs. 1329.70 nP.

More details are given in the statement prepared under paragraph 55 of Standing Order No. 28 forming part of the award.

There is no tree, well and structure in the land under acquisition and no case of severance is made out.

SOLATIUUM.

15% will be added to the amount of compensation of land under sub-section 2 of section 23 of the Land Acquisition Act, 1894. No such statutory allowance is allowed on the compensation for damage to crops.

INTEREST.

Interest will be added at the rate of 6% P.A. from the 13th July, 1960 upto the 27th December, 1960.

APPORTIONMENT.

The land under acquisition is governed by the Delhi Land Reforms Act, 1954. Therefore, compensation will be distributed to the persons who are declared bhumidhars thereunder. In case of transfer of land subsequently the latest owner will be given compensation provided entries have been made in the revenue records in his favour. In other cases the matter shall have to be referred to the District Judge for verification and payment to the rightful owners. No notice will be taken of the mutation entered in the Mutation Register unless it is decided by the Competent Revenue Office.

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The award is summarised as follows:-

Kind of soil	Area		Rate per Bigha	Amount of compensation
	Big.	Bis.		
Chahi	34	19	Rs. 470/-	Rs. 25,826.50 n
Sailab	20	0		
Rosli	2	17	Rs. 235/-	Rs. 669.75 n
Ghairmumkin	0	12	NO COMPENSATION.	
Add 15% towards its compulsory nature of acquisition.				Rs. 3,974.44 nP
Add crop compensation				Rs. 1,329.70 n
Add interest @ 6% P.A. from 13.7.60 to 28.12.60....				Rs. 872. 71 nP
Grand Total:-				Rs. 32,673.10 n

LAND REVENUE DEDUCTION.

An amount of Rs. 29.26 nP will be deducted from the Khalsa Rent Roll of village Nangloi Syed from Rabi, 1961.

(Murari Singh)
Land Acquisition Collector,
Delhi. 30.11.1960.

Submitted to the Deputy Commissioner(Collector of the District), Delhi for information.

(Murari Singh)
Land Acquisition Collector,
Delhi. 30.11.1960.

Recd.
4.12.60.

Acct.
for Mr. Khosla.

5/12/60

24-6-60 at Page 11
(To be published in Part II of the Delhi Gazette)

DELHI ADMINISTRATION: DELHI.

NOTIFICATION.

Dated 20 June, 1960.

No.F.15(156)/60-LSG():- Whereas it appears to the Chief Commissioner, Delhi, that land is likely to be required to be taken by Govt. at the public expense for a public purpose, namely for the Resectioning of the Nazafgarh Drain (Phase II), 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 is pleased to authorise officers for the time being engaged in the under-taken 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.

The Chief Commissioner, being of opinion that the provisions of sub-section (1) of section 17 of the said Act are applicable to this land, is further pleased under sub-section (4) of the said section, to direct that the provisions of section 5(A) shall not apply.

Specification.

Village.	TOTAL AREA. Hgs. Bis.	Field Nos. or Boundaries.	
			Hgs. Bis.
Bangloi Yad.	56 - 15	1etc/235/2.	0 - 3
		1etc/251/2 ✓	0 - 15
		1etc/252/2 ✓	0 - 14
		1etc/250/2	0 - 12
		1etc/255/2 ✓	1 - 4
		1etc/260/2 ✓	2 - 17
		1etc/261/2 ✓	2 - 2
		1etc/270/2 ✓	0 - 3
		1etc/283/2 ✓	6 - 7
		1etc/240/2 ✓	2 - 2
		1etc/376/2 ✓	0 - 3
		1etc/328/2 ✓	0 - 11
		393/329/2	1 - 2

P.T.O.

No. 2763/RAB/20.660.

1etc/331/2	1 - 10
1etc/332/2	2 - 13
1etc/334/2	0 - 3
1etc/333/2✓	5 - 1
1etc/335/2	0 - 14
1etc/336/2✓	0 - 18
1etc/337/2.	0 - 4
1etc/338/2.	1 - 0
1 etc/340/2✓	7 - 5
1etc/345/2	1 - 10
1 etc/348/2.	5 - 7
1etc/355/2	1 - 19
1etc/356/2	1 - 11
1etc/357/2	0 - 12
1etc/369/2	2 - 3
1etc/370/2	1 - 2
1etc/375/2	1 - 7
388/325/2	0 - 15
390/325/2✓	1 - 12
391/325/2✓	1 - 2

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By order,

Sd/-

(JACMOHAN)

UNDER SECRETARY (LOCAL SELF GOVT) DELHI ADMIN: DELHI.

No. F.15(156)/60-LSG(xvi). Dated the 20 June, 1960.

Copy forwarded to the:-

1. R & S. Department (in duplicate) for favour of publication in Part II Delhi Gazette.
2. L.A.C. Delhi with reference to his letter No. 384/15920-LAC/60/Rev. 11th June, 1960.

J. Mohan

(JACMOHAN)

UNDER SECRETARY (LOCAL SELF GOVT) DELHI ADMIN: DELHI.

REC'D/18.6.60.