

Name of the Village:

HEERMI.

Nature of Acquisition:

Permanent.

This is a case for the acquisition of land in Village Heermi required by the Government at the Public expense for a public purpose, namely, for the Planned Development of Delhi. A general notification regarding this area under section 4 of the Land Acquisition Act was made vide notification No. 14(14)/59-156 dated 13.11.59 along with other area, the total area is to about 31 thousand acres. The land is being acquired from time to time as and when the necessity for such acquisition arises after publication of notification under section 4 of the Land Acquisition Act. Due publicity was given to this the substance of the notification under section 4 inviting objections. The objectors were heard and the Land Acquisition Collector sent a report to the Delhi Administration for their consideration along with objections in original. A notification under section 6 of the Land Acquisition Act regarding the area which is a subject matter of this award was made vide notification No. 14(14)/59-156 dated 26.10.61. Notice under section 9(1) of the Land Acquisition Act was given due publicity on 17.2.62 inviting claims upto 5.1.62. Individual notices under section 9(1) and 10(1) of the Land Acquisition Act were also served upon the non-interested parties. Almost all the interested parties have responded to the notices.

MEASUREMENT & OWNERSHIP.

According to notification under section 6 of the Land Acquisition Act, the total area to be acquired was 264 bighas and 8 biswas. Khana No 128 has got recently built house in

3 bighas and 3 biswas. The owner has represented that he has got no other house to reside in. No award is being made regarding this area at present. Instructions will be sought from the Delhi Administration and award regarding this house will be made when instructions have been received from Delhi Administration. Khaira No. 222/42 measuring 3 bighas and 12 biswas is a Chitrakul Path belonging to the Government. It is a path as well as a canal. This area should be taken from the Department in whose possession it stands by Departmental negotiations. From measurements made on the spot, it is found that the remaining area to be acquired comes to 258 bighas and 6 biswas. The total thus comes to 265 bighas and 1 biswa and hence there is a difference of 19 biswas between the area of notification and the actual measurement. This difference is due to the fact that a part of this area was acquired for the Hazafgarh Drain ^{and Khaira No. 222} ~~51~~ 20th Khaira Number. The difference is minor and is ignored. I, therefore, hold the area for acquisition to be at 258 bighas and 6 biswas.

This area is situated at two places. The area which is situated on the northern side of the neemri, Municipal quarters, is placed in Block 'B', while the area situated on the South of these quarters is placed in 'A'. The area of Block 'A' is situated near the Municipal Quarters and Bharat Nagar colony. It has got a potential value for building purposes though not very high. Bharat Nagar colony was built about 12 years ago. Had there been much potential value of this area, then houses

have been built in the area under acquisition. In great

According to the Revenue Record, the ownership of the land

is given as below:-

Sl. No.	Name of the owner	Khasra No.	Area	Kind of	Name of	Claim
			Sigra-Misra	land	block.	made.
1.	Kala Khan s/o Gulam Khan.	264/24	1	-	1	Bendi B
		263/20	1	-	2	-do- B
		6	4	-	7	-do- B
			4	-	17	Baghachari B
		5	5	-	5	-do- B
			6	-	6	-do- B
		7	1	-	0	-do- B
		8	1	-	5	-do- B
		10	0	-	16	-do- B
		11	1	-	0	-do- B
		12	3	-	12	-do- B
		13	1	-	0	-do- B
		14	3	-	5	-do- B
		15	2	-	10	-do- B
		16	2	-	5	-do- B
		17	2	-	7	-do- B
		18	1	-	15	-do- B
		19	3	-	17	-do- B
		20	4	-	0	-do- B
		21	9	-	0	-do- B
		22	2	-	8	-do- B

Sh. Kala Khan s/o Gulam Khan is the widow of Sh. Kala Khan s/o Gulam Khan. She has some forward & stated that according to the will of their father, Sh. Kala Khan s/o Gulam Khan is the right heir. She has demanded compensation & stated that Rs. 10/- per sq. yd.

71 - 8

Bendi B 11 - 20

Bendi B 20 - 18

71 - 8

2.	Om Parash adopted	20	5	-	17	Sh. Hiralal	B	Sh. Hiralal
	son, Sh. Hiralal							adopted
	daughter & Sh.	21	6	-	11	-do-	B	Sh. Hiralal
	Islo widow of Sh.							adopted
	Rajmohan Das	22	7	-	0	-do-	B	Sh. Hiralal
	s/o, Chhatar Singh							adopted
	s/o Parja 1/2.	23	10	-	4	-do-	B	Sh. Hiralal
		24	6	-	17	-do-	B	Sh. Hiralal

Contd. ...

	31	5	-	4	Babu Hari. B	Rs. 15/- per sq. yd.		
	55	2	-	5	-do-	B		
	57	2	-	8	-do-	B		
	59	2	-	17	-do-	B		
	60	5	-	17	-do-	B		
		50	-	3				
1.	Haran Chand s/o Ram Chand	129/1	13	-	5	-do-	A	Claimed Rs. 2,71,000/-
4.	Harinder Singh s/o Sunder Singh	132	2	-	19	-do-	A	Claimed Rs. 53/- per sq. yd.
		134/2	9	-	11	-do-	A	
			101	-	110			
5.	Shm. Dhanwati & Smt. Shanti widow of Sh.	73	4	-	9	-do-	B	Sh. Shiv Pd. has claimed Rs. 35/- per sq. yd.
	Badr Singh 1/4, Shiv Farhad s/o	75	5	-	11	-do-	B	& Sh. Anar Singh
	Shiv Farhad 1/4, Shiv Singh s/o	276/77	3	-	11	-do-	B	Rs. 15/- per sq. yd. and Rs. 500/- for trees.
	Shiv Singh 1/2	279/78	3	-	7	-do-	B	Sh. Anar has claimed that the compensation should be given to him as he is the legal heir of late Shri Badr Singh.
	Shiv		16	-	18			
6.	Ward Singh s/o Nishan Lal s/o Dalpat	231/51	6	-	5	-do-	B	Rs. 10/- per sq. yd. for land and Rs. 9600/- for family trees & burials.
		233/53	3	-	4	-do-	B	
		48	3	-	12	-do-	B	
		235/224/54	2	-	10	-do-	B	
		94	2	-	10	-do-	A	
		236/51	4	-	5	-do-	A	
			23	-	10			

Babu Hari 'A' 9 - 10

Babu Hari 'B' 13 - 14

23 - 10

K. Anori Lal s/o Ramji Lal	230/51	3	-	16	Baghmuri	Rs. 44/- per	
	232/53	2	-	8	-do-	sq. yd. for	
	223/51	3	-	2	-do-	land and	
	231/224/54	3	-	11	-do-	Rs. 57455/-	
	100	4	-	6	-do-	for 2nd	
17					-	3	Rs. 432/- for
							Rs. 400/-
							for half
							acre of
							well and
							Rs. 4800/-
							for 1st
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1.	Gram Sabha 1/2, Custodian 1/2.	252/150-150	0	-	0	Chandamohan Wali	100 sq. yd.
2.	Rafter Singh a/o Abdul Karim 2/3, Rafiq Begum d/o Abdul Karim 1/3.	41/2	2	-	16	Bagh Bhandal B. Sardar Raj, Kishan Baldev, Dhar- an Pal, Dhar- an Mir have	
			7	-	1		

3. Custodian.	210/46	9	-	7	Hari B	Rs. 1200/- per Bigha. Chanda non- occupancy tenant den- ies compen- sation for the land @ Rs. 20/- per sq. yd.
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Note:- Shri Mir Singh has claimed compen-
sation for the share of Shri Jagram,
Shri Faruk Singh etc. have also
claimed compensation in the land of
their late father Shri Jag Ram, lessee
in Khata No. 94 & 256/114. The term
of the lease of Shri Jag Ram expired
in 1957 according to the Revenue Record.

Note:- Shri Chaman has claimed compensation
for 1 Bigha of land in Khata No. 94 alleging
that he is the owner of this land. According
to the Revenue Record, it was Chaudhankin path
under the ownership of Gram Sabha. The appli-
cant has taken illegal possession of one Bigha
of land and he is claiming for it.

	Bigha	-	Hawa
Total.....	252	-	15

BOOK 'A'.

Bagh Mehri	43	-	0
Chaudhankin.	1	-	2
	44	-	2

BOOK 'B'.

Bagh Mehri.	176	-	6
Mehri	21	-	17
Chaudhankin.	7	-	1
Harvry.	3	-	0

The claims have been discussed in details under the head "Messurement & Ownership". The evidence produced by the claimants is as follows:-

Sari Laxender Singh has produced an attested copy of a report dated 22nd April 1961 from the Mamanchi of the Patwari, according to which a garden of 13 bighas and 10 biswas was auctioned by the Custodian for a sum of Rs.97,000/- in Village Sadhora Kalan, yielding an average of Rs.7/- per sq.yd.

According to another copy of the report of Mamanchi of Patwari of Sadhora Kalan dated 26th January 1961, a garden of 9 bighas and 11 biswas situated in Village Sadhora Kalan was auctioned for a sum of Rs.1,20,000/- yielding an average of Rs.12/- per sq.yd. He has also produced copies of Mutations No.1045 & 1046 in which Gairnamdin plots of 3 biswas in Village Sadhora Kalan were sold for a sum of Rs.2700/- yielding an average of Rs.18/- per sq.yd. Other claimants have produced the same evidence in support of their claims. These transactions relate to Village Sadhora Kalan which is situated just near Shakti N.g.c. The land under acquisition is not of same potentiality as the land of Village Sadhora Kalan. Moreover the sales ^{by} auctions are not reliable indication of the Market Value of the land on the relevant date especially when these are made against claims of displaced persons. The transactions also relate to a date after the relevant date. On account of above circumstances the transactions produced in evidence cannot be made a basis for arriving at the Market Value of land on the relevant date i.e. 13.1.59.

Shri Parvat Singh has produced several witnesses stating that he has a Nursery in his garden and these plants are very valuable. He has also produced a price-list of rose-plants in Government Garden Nursery near Hanuman's tomb stating that the price of the Nursery plants should be assessed according to the list.

MARKET VALUE.

For arriving at the Market Value of the land, the whole land has been divided into two blocks. Block 'A' consists of the gardens situated near Bharat Nagar colony in between the Municipal Corporation quarters and Kazaagach drain. On one side this land touches the area of Village Chowkri Mubarikabad while on the other that of Sadhora Kolan. The situation of this part of land is better than that of Village Chowkri Mubarikabad and much less than the situation of the gardens of Sadhora Kolan. This land has got good potential value as building site. Block 'B' consists of the area on the northern side of the Municipal Quarters. This area touches on one side the area of Taxirpur on the other the area of Chowkri Mubarikabad. It has got some potential value for building purposes, but not such as that of Block 'A'.

MARKET VALUE OF BLOCK 'B'.

Sale-transactions in the land under acquisition are available in this area, although these pertain to the date after the notification under section 4 of the Land Acquisition Act was issued. The details of the transactions is given below:-

Sl.No.	Mutation No.	Date of Mutation.	Area in Sq. Yds.	Area in Sq. Ft.	Local Average Price
1.	430	9.11.61	146	12	12000/-
2.	431	9.11.61	112,115 & 92	12	1,23000/-

According to these transactions, the Market Value of gammas on 9.11.61 was about Rs.2300/- per bigha. These gamma transactions relate to a period one year after the relevant date. Two awards No.792 and 813 were made for the acquisition of land in which relevant date averaged 31.1.56 & 15.12.56 respectively. The rate given in the provisions of previous awards was Rs.2000/- while in the second award it was Rs.2/4/- per sq. yd. The land which was acquired by these awards is situated immediately in the neighbourhood of the land under acquisition. It is, therefore, clear that the market value of land on 15.12.56 was Rs.2/4/- per sq.yd. According to transactions No. 430 & 431 dated 9.11.9.11.60, the price was the same i.e. about Rs.2/4/- per sq.yd. Sh. Girdi Ram and Kishan Gidder etc. were the claimants in this case, purchased 7 bighas and 4 biswas of land on 26.6.61. The rate in both the transactions is the same i.e. Rs.2000/- per bigha. From the evidence it is clear that the rate of land in Block 'B' remained constant between Rs.2000/- & Rs.2500/- from the year 1956 to the present date. In Village Chokri-Barikahad the land has been acquired by Award No.1260. This land is situated in the immediate vicinity of the land which is a subject matter of this award. Although the situation of Block 'A' is better than the situation of land in Mybarishad, but the situation of the land in Block 'B' is exactly similar. In that case a rate of Rs.2000/- has been given for the land. I am, therefore, convinced that the rate of Rs.2000/- per bigha for the land including the wreck ^{presently} on the relevant date. This rate includes the price due to the potentiality of the land for building purposes. From the

can be
horticulture point of view, the rate calculated as follows:-

Sari Harnam Lal claimant has stated that he sold the fruit of his garden of 13 bighas and 11 biswas for one year at Rs. 1200/-. Similarly Sari Anir Singh has stated that he sold the fruit of his garden of 9 bighas and 19 biswas for one year for Rs. 700/-. From these two statements, it is clear that the average yield to the owner from the horticulture point of view was only about Rs. 80/- per bigha. Capitalising this value for a period of 20 years, the price of land including that of the trees comes to Rs. 1600/- per bigha. If we deduct the price of the fruit trees ^{As per} then the price of the land will be about Rs. 1100/- per bigha. When the sale-price is calculated at Rs. 2000/- per bigha, it means that the price of the potentiality of building site is included in it. I, therefore, award Rs. 2000/- per bigha for the land of Block 'B'. The price is being given on the basis of potentiality for building purposes, the land owners cannot claim compensation of the trees on horticulture basis. Only the wood value of the trees can be given. From ^{sum 2} ~~stated~~ calculations made by the horticulture Department, it is found that the price of the wood does not exceed Rs. 500/- per bigha. I, therefore, allow Rs. 2500/- per bigha as the price of area under gardens.

MARKET VALUE OF BLOCK 'A'.

The situation of Block 'A' is better than the area in Block 'B' as already stated. There is a difference in the potentiality of Block 'A' & 'B'. No sale-transactions of gardens or land in this area are available. I consider a margin of Rs. 900/- per bigha to be reasonable in the price of land of Block 'A' and Block 'B'. I, therefore, award Rs. 2500/- for the land in

Block 'A' and Rs.3000/- for the gardens in this Block. There
is 11 bighas 3 bighas of Gulamukhi kind of land which is being
used either a Path or a water channel. I award Rs.500/- per b
in this kind of land, as it is short land used for common purposes. 2

OTHER WORKS AWARD.

In addition to the above compensation Bhai Partap Singh
has claimed the price of the Nursery on the Horticulture basis.
As already calculated the price of land on horticulture basis
is Rs.1100/- per bigha. The price of the Rose-plants and
other plants in the Nursery has been assessed at Rs.10480/- by the
Horticulture Department. I, therefore, award Rs.1100/- per bigha
as the price of the land of 3 bighas of Partap Singh and
Rs.10,480/- as the price of Nursery Plants.

PRICE OF WELLS.

There are 5 wells in the land under acquisition. Out
of these 4 are very small wells situated in Khaura No.36, 37,
332/53 and 65. These are used for drinking purposes. The
Naib Tehsildar, Land Acquisition has assessed their price at
Rs.300/- each. For another well situated in Khaura No.14E, (P)
being used for agricultural purposes, and the price has been
assessed at Rs.1200/- by the Naib Tehsildar, Land Acquisition.
I agree with the prices assessed by him and award Rs.300/- each
for the first four wells and Rs.1200/- for the well in Khaura
No.14. The total awarded amount for the wells comes to Rs.2400/-
The price of the trees has been included in the rate of the
Gardens.

Contd....

PRICE OF STRUCTURE.

The Naib Tehsildar, Land Acquisition has assessed the price of the structure on the land as given below:-

Name of the owner.	Khasra No.	Kind of structure.	Price assessed.
Shri Sale Khan.	14	Paada double storey room & Paada Marai House.	Rs. 1600/-
Shri 13 Lal.	23 & 24/54	Paada one room with tin shed.	Rs. 700/-
Sh. Om Parkash etc.	57	-do-	Rs. 700/-
			Rs. 3000/-

I agree with the prices assessed by the Naib Tehsildar, Land Acquisition and hence award Rs. 3000/- as the compensation for the structure.

In addition to the compensation for the land, building and structure, the land owners will get 1% of the compensation as solatium for compulsory nature of acquisition. The possession has not been taken so far, therefore, the question of interest does not arise.

APPROPRIATION.

There are many disputes regarding the ownership of the land under acquisition. The compensation of only 1% of the land will be sent to the District Judge for distribution, in which Civil Suits are pending for decision. In other cases, the compensation will be paid to the owners entered in the Revenue Record.

THE AWARDED IS SUMMARIZED AS FOLLOWS.

Compensation for 43 Big. 9 Bis.
of Bagh Mehri in Block 'A' @ Rs.3050/-
per bigha.

Rs. 1,30,350.00

Compensation for 4 bighas and
2 biswas of Gairmantra in Block 'A'
@ Rs.500/- per bigha.

Rs. 2,050.00

Compensation for 176 bigha and
5 biswas of Bagh Mehri in Block 'B'
@ Rs.2500/- per bigha.

Rs. 4,40,750.00

Compensation for 21 bighas and
17 biswas of Mehri in Block 'B' @
Rs.2000/- per bigha.

Rs. 43,700.00

Compensation for 7 bighas and
1 biswa of Gairmantra in Block 'B'
@ Rs.500/- per bigha.

Rs. 3,525.00

Compensation for 5 bighas of
Nursery land in Block 'B' @ Rs.1100/-
per bigha.

Rs. 3,300.00

Compensation for Nursery as
assessed by the Horticulture Deptt.

Rs. 10,480.00

Compensation for walls.

Rs. 2,400.00

Compensation for tax houses.

Rs. 3,000.00

Rs. 6,39,555.00

15% on the above compensation
as solatium for compulsory nature
of acquisition.

Rs. 95,933.25

Grand Total:-

Rs. 7,35,488.25

The land is assessed to a Land Revenue of Rs.249.61 mp.
It will be deducted from the Revenue Roll from Kharif 1962.


(Head Kishore)
Land Acquisition Collector(I),
Delhi.28.2.62.

Submitted to the Collector of District for information
and filing.

