

Name of the Village:

NEERGI.

Nature of Acquisition:

Permanent.

This is a case for the acquisition of land in Village Neergi required by the Government at the public expense for a public purpose, namely, for the Planned Development of Delhi. A declaration under section 4 of the Land Acquisition Act was made vide Notification No. F.4(14)/61-LAH(1) dated 26.10.61. The substance of the notification was given due publicity on 18.12.61 inviting objections within a period of one month from the date of notification under section 5. The objectors were heard and a report along with the objections in original was sent to the Delhi Administration for taking decision on the objections. The objections were considered and were found to be unsubstantial and a notification under section 6 of the Land Acquisition Act was issued vide Notification No. F.4(14)/61-LAH dated 12.5.62. A notice under section 9(1) of the Land Acquisition Act was given due publicity on and around the area under acquisition and notices under section 9(3) and 10(1) of the Land Acquisition Act were served upon the known interested parties whose addresses were known. Most of the parties have responded to the notices.

MEASUREMENT & OWNERSHIP.

According to the notification under section 6 of the Land Acquisition Act, the total area to be acquired was 93 Bighas 15 Dhasas. This area is found to be

on
 further measurement on the spot. None of the claimants
 have made any objection against this measurement. Whole
 of this area was evacuated and it has been either sold in
 auction or allotted to different persons by the Custodian.
 Sale-certificates have been issued in the case of some
 purchasers while in other cases, these have not been
 issued. The details regarding the rights in these areas
 are as follows:-

Sl.No.	Name of the Auction purchaser.	Khasra Number	Area Big-Sis	Kind of land	Amount for which pur- chased.	Date of Auction.
1.	Shmt. Gaitri Devi w/o Sh. Jai Lyal Sharma.	1 262/20 21 22	1 - 9 3 - 12 1 - 15 1 - 1 3 - 6	Dehri Dehri	1375/- 1350/-	29.8.60 29.8.60
		27min 271/28 2 - 7 2 - 4	1 - 17 2 - 7 2 - 4	Dehri	925/-	29.8.60
		27min 270/28 2 - 8 3 - 8	1 - 8 2 - 8 3 - 8	Dehri	2200/-	23.11.60
		29min 29min 58 66 67 9 - 15	4 - 4 3 - 0 1 - 3 8 - 6 1 - 9 9 - 15	Dehri Dehri Dehri Dehri	2125/- 1900/- 650/- 10700/-	29.8.60. 23.11.60 29.8.60 3.9.60
		70 71 5 - 2 7 - 0	1 - 18 5 - 2 7 - 0	Dehri	7500/-	3.9.60.
Total.....			37 - 9		28445/-	

Sale Certificate not issued.

Note:- The purchaser has claimed compensation @ Rs. 40/-
 per sq. yd. plus 1500/- for the trees standing
 thereon and 15% on the above compensation as
 solatium for compulsory nature of acquisition.

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She has given no evidence to prove her claim. It is not understood ² ~~that~~ why she claims Rs.40/- per sq.yd. when she herself purchased this land from the Custodian approximately @ -/12/- per sq.yd. and the sale is not yet complete. According to the Revenue Record, Shri Mai Chand is the cultivator of 1 Bigha and Gangan is the cultivator of 9 Bighas of land of Khassra No.1. Both these tenants have claimed compensation @ Rs.20/- per sq.yd. stating that they should be shoomidars of this land. According to the statement of the Patwari from the record, it is found that they did not cultivate this land before the partition. ~~XXXXXXXXXXXX~~. They are the illegal occupants of this land and they ~~have~~ are paying no rent either to the Custodian or to the auction purchaser. They are not entitled to Shoomidari of this land. They, are therefore, entitled to no compensation. The widow of Kale Khan tenant in Khassra No.262/20 also claims compensation @ Rs.20/- per sq.yd. stating that she is also a tenant from before the partition. From the Revenue Record, her contention is totally wrong. She is, therefore, not entitled to any compensation as in the case of Mai Chand and Gangan. According to the Revenue Record, Shri Charan Singh is a tenant of Khassra No.21 and 22 & he has claimed the whole compensation for the land on the ground that he also cultivated the land before the year 1947. His contention is totally wrong according to the Revenue Record. He is also, therefore, not entitled to any compensation. Main Singh a tenant in Khassra No.27^{min}, 270/28 and 29^{min} has also claimed compensation @ Rs.30/- per sq.yd. for the relinquishment of his rights of tenancy stating that he also cultivated land before the partition. His contention is also totally wrong. As a matter of fact all these

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tenants are illegal occupiers and are liable to pay damages to the Custodian and the Auction Purchaser. Had they been the cultivators before the partition, then they would have been declared Bhoodidars in this land although it was a property of the Custodian. The Custodian sold this area without any encumbrance to the Auction purchaser which was a legal possession. The claims of the claimants are, therefore, rejected in total.

2. Sh. Makhan Lal 19/1 1 - 0 Henri
 s/o Ram Parshad 25 1 - 5 -do-
 265/24 0 - 12 Ishri
 3 - 4 Henri 650/- 29.8.60

Sale Certificate issued on 6.10.61.

Note:- Shri Makhan Lal has audacity to claim compensation @ Rs.25/- per sq.yd. when he himself purchased this land @ -/3/- from the Custodian and the sale certificate was issued on 6.10.61 only 20 days ~~ext~~ before the date of notification under section 402 of the Land Acquisition Act. He has given no evidence in support of his claim of Rs.25/- per sq.yd. according to the Revenue Record, Shri Jai Dayal is the tenant in Khassra No.23. He has made no claim regarding his rights of tenancy. Shri Mang^L & Shat. Sagira Begum widow of Kule Khan who are tenants in the other two Khassra numbers have claimed compensation @ Rs.25/- per sq.yd. stating that they have been cultivating this land from before the partition. Their contention of cultivation before the partition is wrong according to the Revenue Record. They are liable to ejectment from the land of the Custodian. They have been paying no rent either to the Custodian or to the present owner. On the other hand, they should pay damages for such cultivation without any rent to the

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Custodian. They are not entitled to any compensation and hence their claim is rejected.

3.	Sunder Dass s/o Sunder Dass.	41/1 61	4 - 13 0 - 14 5 - 7	Bagheri	TEMPORARY ALLOTTEE.
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Note:- The address of Shri Sunder Dass was not known and therefore no service of notice under section 9(3) could be effected upon him. He has filed no claim.

4.	Har Kishan Lal s/o Bali Chand.	44	10 - 3	Bagheri.	25500/-	19.8.59.
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Note:- Sale certificate has not so far been issued. He has stated that although ~~separate~~ the bid was made in his name yet there were Shiv Charan & Krishan Gopal partners in this sale. He has claimed compensation @ Rs.30/- per sq.yd. for the land and Rs.25,000/- on other grounds. He has given no evidence in support of his claim.

5.	Ram Babu Sharma s/o Bansi Dhar.	45 241/46	3 - 15 1 - 6 5 - 1	Neori	5100/-	1.3.60.
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Note:- Sale Certificate was issued on 29.8.61. He claims compensation @ Rs.25/- per sq.yd. Shri Chandu s/o Chhotu a non-occupancy tenant has claimed compensation @ Rs.30/- per sq.yd. stating that he is the Mokidari of this land and that he has filed a Civil Suit. From the Revenue Record, it is found that his father Shri Chhotu cultivate this land even before the partition. The compensation for this land may be sent to the District Judge for disbursement.

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6. -Guradwar Dass 79 1 - 5
s/o Gagan. 30 $\frac{1-5}{2-9}$ Mehri 3600/- 3.9.60.

Note:- Sale certificate has not been issued so far. He has claimed compensation @ Rs.30/- per sq.yd. and also compensation for the trees. According to the Revenue record, the land is in possession of the auction purchaser. Shri Shaman Lal, however, claims that the land is in his possession although his he has lost a suit filed against him. A criminal proceeding is going on. His contention is totally wrong. He is not entitled to any compensation when he has been legally ejected from the land. He is, however, entitled to the price of structure, and the price of the trees newly planted by him.

7. Kul Marain Dass 92 5 - 18 Mehri
s/o Mal Thakar 110 0 - 12 Mehri
Dass. 113 $\frac{3-6}{18-1}$ High Mehri 23000/- 5.5.59.

Note:- Sale certificate has been issued in the name of the auction purchaser on 1.6.60. He has died and his heirs have claimed compensation @ Rs.30/- per sq.yd. In addition they have also claimed compensation of Rs.5000/- for the well, Rs.2000/- for the trees and Rs.3000/- for other expenses.

Ekan Chand, Sokal
Chand sons of Thakar
Dass, Hari Chand s/o
Bunker Dass, Shant.
Chandani Lal.

98 3 - 2 Mehri TEMPORARY ALLOTTEE.

Note:- They have claimed compensation @ Rs.30/- per sq.yd. They have stated that they have sold 2000 sq.yds. of land for a sum of Rs.7000/- in August 59.96 and 98 to ...7

Shri Des Raj and Ram Phal sons of Ramaji Ram and Mand Lal s/o Bote Ram on 29.3.61. The said purchasers have also claimed compensation @ Rs.85/- per sq.yd. Shri Suran Chand s/o Mangla a tenant according to the Revenue Record has claimed compensation @ Rs.30/- per sq.yd. stating that he is cultivating this land from the year 1952 and that he has been spent Rs.5000/- in breaking up the land which was originally Budge. He further states that he has filed no civil suit. There is a dispute regarding the apportionment of compensation of this Khassra number and it may be sent to the District Judge for disbursement.

Jai Ram Shrivastava s/o
Amir Chand.

120
121
122
123

3 - 2 High Mehri
2 - 15 -do-
3 - 2 -do-
8 - 0 -do-
16 - 19 Baghmehri 40700/-

19.8.59.

Note:- Sale certificate has not yet been issued. He has claimed compensation @ Rs.70/- per sq.yd. Rs.2500/- for the well. He has further stated that although he was the bidder in the auction but it was also on behalf of Bharampal, Bharamvir, Gopal Chand Kandan & Harbans Lal. The compensation should be distributed to all these persons.

93 - 15

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The claims of the various auction purchasers have been discussed under the head 'Measurement & Ownership'. No evidence has been produced by any of the claimants in support of high prices claimed by them. As a matter of fact, the claimants after purchasing the land @ ^{about 2} 4/π/- per sq.yd. from the Custodian are demanding compensation @ Rs.30/- per sq.yd. The claims are totally devoid of reality and have not been made on any basis.

MARKET VALUE.

Whole of this land belongs to the Custodian. It will be seen from the statement under the head 'Measurement & Ownership' that the auctions of these lands took place in the year 1959 and 1960. In some cases sale-certificates have been issued while in other these have not been issued so far. It means that the sales are not final. These purchases have been made in free auction and represent the true market value of the land on the date of auction as well as on the date of notification under section 4 of the Land Acquisition Act. Prices have had a tendency of going down after November 1959 when the General Notification under section 4 of the Land Acquisition Act for the acquisition of 34 thousand acres of land was issued. This is very evident from the sale in auction made by the Custodian in the area under acquisition as is given above. I have inspected the

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the site several times. The land under acquisition is not situated at one place but in parts at different places. No road or even path leads to most of these khasra numbers. They cannot be used for any other purpose than that of agriculture. From my inspection on the spot I find that the prices paid in auction are generally correct. I, therefore, award the same compensation to the auction purchasers [✓] as they paid to the Custodian for the land. Even in this case they will get $1\frac{1}{2}$ times the price of land paid by them. These purchases were made against the claims and the price of the claim in the year 1955 and 1960 was about -/12/- for every rupee. Actually for a sale of Rs.100/- they had to pay only Rs.75/-. At the present rate of compensation they will get Rs.115/- for Rs.75/- paid by them, thus earning 50% profit. Khasra No.98 is situated near Khasra No.120, 121, 122 and 123 total measuring 16 Bighas 19 Dismas which have been sold for a sum of Rs.40,700/- yielding an average of about Rs.2500/- per bigha. I consider this rate to be reasonable and award Rs.2500/- per bigha for Khasra No.98. Khasra No.41/1 and E1 are in the vicinity of Khasra No.41 measuring 10 Bighas 3 Dismas which has been sold for a sum of Rs.23000/-. The rate works out to Rs.2300/- per bigha. I, therefore, award this rate for these two Khasra numbers.

✓ OTHER COMPENSATION.

In the sales made by the Custodian, the auction price included the compensation for the trees, wells and any other structure standing thereon at that time. The prices of these items are, therefore, included in the compensation awarded. No separate compensation for these items is, therefore, necessary. None of the claimants has claimed any compensation for improvements made by them after the purchase from the Custodian. From verifications on the spot, it has been found to be correct that no improvement has been made by any of the purchasers in the above area except that in Khassra No. 79 and 80 & 241/46 and 45. In these four Khassra numbers, the improvement is made by occupiers Shri Chaman Lal and Shri Chaudh and the compensation for such improvement has been assessed as follows by the Naib Tehsildar, Land Acquisition.

Khassra No.	Name of tree	Number of trees	Rate	Total compensation.
79 & 80	Shava	74	Rs. 2/-	Rs. 148/-
	Pomegranate	6	Rs. 2/-	Rs. 12/-
	Mulberry	1	Rs. 10/-	Rs. 10/-
241/46 & 45		16	Rs. 3/-	Rs. 48/-
		8	Rs. 2/-	Rs. 16/-
		88 mandis	Rs. 2/-	Rs. 176/-
				Rs. 406/-

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The compensation assessed by the Raib Tehsildar, is correct and I award Rs.166/- for the trees in these two khasra numbers.

✓ COMPENSATION FOR THE STRUCTURES BUILT AFTER ACQUISITION.

Khasra No.	Name of the owner of the structure.	Kind of structure	Compensation assessed.
15	Chandu s/o Chhotu	2 Huts.	Rs.50/-
79	Chaman Lal s/o Ramesh	1 Kotha.	Rs.75/-
92	Dhara Singh s/o Mohan Singh	2 Huts.	Rs.50/-
123	Shadi Ram s/o Mangal Singh	2 Huts.	Rs.40/-
			<u>Rs.175/-</u>

I, therefore, award Rs.175/- for the structures as mentioned above.

APPORTIONMENT.

The apportionment has already been discussed under the head 'Measurement & Ownership' against each item. The compensation to the auction purchasers and the allottees will be paid on the production of sale-certificates or Sumnads to be issued by the Rehabilitation Department.

THE AWARD IS SUMMARIZED AS BELOW:-

Sl.No.	Name of the owner	Area High-Misra	Compensation	Remarks.
1.	Shri. Gajend Devi	37 - 9	Rs.28,425/-	Purchase price.
2.	Makhan Lal	3 - 4	Rs. 650/-	-do-
3.	Sunder Dass.	5 - 7	Rs.12,305/-	@ Rs.2300/- per bigha
4.	Har Kishan Lal	10 - 3	Rs.23,500/-	Purchase price.
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5.	Ram Baba Sharma	3 - 1	Rs. 6,100/-	Purchase price.
6.	Rameshwar Dass.	2 - 9	Rs. 3,600/-	-do-
7.	Kal Narain Dass.	10 - 1	Rs. 23,000/-	-do-
8.	Hukam Chand etc.	3 - 2	Rs. 7,750/-	0.2.2500/- per bigha
9.	Jai Ram Shah.	16 - 19	Rs. 46,700/-	Purchase price.

Compensation for structure

Rs. 1,46,030/-

Rs. 175/-

Rs. 1,46,205.00

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

Rs. 21,930.75

Rs. 1,68,135.75

Compensation for trees.

Rs. 406.00

Rs. 1,68,541.75

The land is assessed to a Land Revenue of Rs. 77.81 Rs
which shall be deducted from the Revenue Roll from Rabi
1965.

(Mand Kishore)
Land Acquisition Collector (I),
D E E R F.
23.10.62.

Submitted to the Collector of District for
information and filing.

(Mand Kishore)
Land Acquisition Collector (I),
D E E R F.
23.10.62.

Seen. L. ded.
COLLECTOR
23.10.62.