

Name of the village: Nesarri.  
Nature of Acquisition: Permanent.  
Purpose of Acquisition: Planned Development of Delhi.

INTRODUCTION:

The land situated in the estate of village Nesarri is required by the Government at the public expense for the public purpose namely for the Planned Development of Delhi. A notification u/s 4 of the L.A. Act was made vide the notification No. F.15(141)/59-L&N dated 13.11.1959. In this notification a big area of about 34,670 acres situated in various villages was involved, and the lands are being acquired from this area from time to time as and when the necessity arises by publication of notifications u/s 6 of the L.A. Act. The substance of the notification u/s 4 of the L.A. Act was given due publicity, and objections were invited from interested persons. The objections were heard and a report was made to the Delhi Administration along with the objections in general. A declaration under section 3 of the L.A. Act was made vide the notification No. F.15(57)/64-L&N dated 11.3.1965, according to which the total area to be acquired was 138 bighas and 6 biswas. Notice under section 9(1) was given due publicity, and notices under sections 9(3) and 13(1) of the L.A. Act were issued to the interested persons. Almost all the interested persons had responded to the notices given to them. Their claims and evidences were also entertained, and the whole proceedings were finalized and the case was on the stage of drawing the final award. In the meanwhile, three civil writ petitions bearing Nos. 233-D, 234-D, and 235-D were filed in the Punjab High Court. The Hon'ble High Court have passed orders on 26.10.1966, whereby the notification u/s 6 No. F.15(57)/64-L&N dated 11.3.1965 in so far it relates to the land of the respective petitioners in these three cases was held to be illegal and ineffective, and the proceedings thereunder in

respect of the land of the respective petitioners bearing Khazra Nos. 138(1-02), 148(6-03), 152/2(13-07), 155(2-03), 158(3-13), 160(1-05), 162(2-10), 253/164(6-02), 254/164(3-13), 255/164(1-06), total measuring 40 bighas and 24 biswas have been quashed. Hence these Khazra Nos. are deleted from the present award. The Delhi Administration, (Housing Deptt.) has therefore, issued a fresh notification u/s 4 of the Land Acquisition Act bearing Nos. F.13(57)/64-L&H dated the 4.11.1966 in respect of the Khazra Nos. 255/164, 138, 148, 152, 254/164, 158, 160, 162 and 253/164 measuring 40 bighas and 3 biswas, the proceedings of which are being held separately. It is, however, seen that the fresh notification u/s 4 of the L.A. Act does not cover the Khazra No. 155 measuring 2 bighas 3 biswas, although it is covered in the writ No. 235-D of 1966, regarding which the Housing Department is being moved separately. Thus after excluding the above said land the remaining land measuring 97 bighas 14 biswas is being acquired under the present award.

'MASTHEAD' & OVERSHP'

From the verification made on the spot under section 8 of the Land Acquisition Act the total area to be acquired now, was found to be correct at 97 bighas and 14 biswas. I, therefore, hold the area under acquisition to be true at 97 bighas and 14 biswas the details of which are as given below according to the revenue record:-

Khazra No.	Area.		Kind of land.
	Biz.	Bis.	
147	1	- 00	Ghairmuakin Dahana.
149.	0	- 09	" Ghah Fukhta.
165.	2	- 08	" Dahana.
173.	1	- 05	" Rasta.
175.	1	- 05	" Rasta.

Contd. ....

176.	13 - 10	Bagh Nehri.
177.	31 - 03	Bagh Nehri.
178/1.	4 - 02	Bagh Nehri.
179.	17 - 10	Bagh Nehri 17-07 Ga. Chab 0 - 02
180.	6 - 10	Bagh Nehri.
181.	4 - 17	Bagh Nehri =3-10 Ga. Graveyard =1-07
182.	5 - 12	Ga. Johr.
183,	5 - 17	Ga. Rasta.
	<u>97 - 14</u>	

CLASSIFICATION OF LAND:

Bagh Nehri	=	13 - 03
Ga. Chab	=	4 - 02
Ga. Rasta	=	6 - 07
Ga. Johr.	=	5 - 12
Ga. Graveyard	=	1 - 07
		<u>97 - 14</u>

- Not: 1) The Nos. 181 (1-07) and 182 (5-12) in the revenue record are entered as Ga. Graveyard and Ga. Johr respectively. But on the site inspection they were not found so. Hence they are being acquired.
- 2) Similarly Nos. 177 (31-03), 179 (17-10), 180 (6-10) and 181 (4-17) are shown as Bagh Nehri land in the revenue record, but on the site they are not so. Hence these lands have not been considered as Bagh Nehri lands.

'CLAIMS AND EVIDENCE'

The following persons have filed their claims for compensation:-

Sl. No.	Name of the claimants.	Compensation demanded.
1.	Om Prakash and Jagdish Chander ss/o L.Jiwan Dass, through Shri Manbir Singh Advocate.	Rs.35/- per sq.yd. for the land.
2.	Krishan Pal Singh s/o Ram Chander Singh, Ravinder Singh, Karan Singh ss/o <del>Krishan</del> Singh, vijay Pal Singh s/o Ram Chander Singh, and Ram Chander Singh s/o Bhagwan Dass.	Rs.30/- per sq.yd. for the land and Rs.2000/- per bigha kham for trees and Rs.3000/- for well.
3.	Virsen and others through S/Shri Raghbir Singh and Chandu Lal Advocates.	Rs.20/- per sq.yd.
4.	Rattan Lal s/o Kundan Lal, through H.L.Dat Advocate.	Rs.1000/- for the structure, Rs.125/- for one handpump, Rs.1100/- for contract money, for one year and Rs.50125/- as loss of business and nursery.
5.	Rajrani wd/o Nanak Chand through Shri Manbir Singh Advocate.	Rs.35/- per sq.yd.
6.	Ishwar Dayal, Ram Lal and Mool Chand ss/o Shiv Bakht, through Shri Manbir Singh Advocate.	Rs.3500/- for the land, Rs.100/- for levelling, Rs.500/- for the structure, and Rs.5000/- for the loss of business.
7.	Suraj Bhan s/o Hazari Lal through Shri Manbir Singh Advocate.	Claimed a total compensation of Rs.10205/-.
8.	Kalyan s/o Kishan Lal and Parbhu Dayal s/o Bairo Ram through Shri Manbir Singh Advocate.	Claimed total compensation of Rs.13600/-.
9.	Shmt. Gurbachan Kaur w/o S.Charan Singh through Shri Manbir Singh Advocate.	Claimed total compensation of Rs.17,600/-.
10.	Shri Mewa Singh s/o Bhima Singh through Shri Manbir Singh Advocate.	Claimed total compensation of Rs.15,360/-.
11.	Jiwan Dass s/o Tej Bhan through Shri Manbir Singh Advocate.	Claimed total compensation of Rs.18,150/-.

12. Krishan Pal and others through Shri Kali Chaaran Mittal Advocate. Have stated that Shri Kundan Lal has no concern with the compensation of land and trees.
13. Shanti Sarup, Lal Chand and Prem Chand ss/o Kishan Chand through Shri Tirlok Nath Sethi Advocate. Compensation of land at Rs.25/- per sq. yd., and compensation for various other items totalling Rs.10,985/-, plus 15% usual solatium.
14. Lakhi Ram s/o Johri Mal. Claimed total compensation of Rs.20,000/-.
15. Deputy Commissioner, Delhi through O.S.D(Land Management). Rs.25/- per sq.yd.
16. Sant Lal s/o Ram Chander Gupta, Jagdish Prashad s/o Shiv Lal, Bishambar Dayal s/o Shanker Lal, Jee Sukh Ram s/o Kharak Sham, and Shri Rameshwar Prashad s/o Bishumber Sahai, Through Shri G.R. Chopra Advocate. Claimed a total compensation of Rs.15,000,00/-.

Only on behalf of the claimants at sl. No.13, S/Shri Shanti Sarup and others, the following documents have been produced in support of their claims for compensation:-

Documents produced

Sl.No.	Name of the document.	Area.	Total sale price.	Average.
1.	Copy of the sale deed No. 6021 dated 22.7.59, of village Sadhora Khurd.	0-16	Rs.8000/-	Rs.10/- per sq.yd.
2.	Copy of the sale deed No. 6022 dated 22.7.1959 of village Sadhora Khurd.	0 - 16	Rs.7500/-	Rs.9.37 ps. per sq.yd.
3.	Copy of the sale deed No.8583 dated 13.11.59, of village Sadhora Khurd.	1-04	Rs.12780/-	Rs.10.65 per sq.yd.
4.	Copy of the sale deed No.3723, dated 29.4.60 of village Sadhora Khurd.	2-05	Rs.22500/-	Rs.10/- per sq.yd.

5. Copy of mutation No.1598 110-06 Rs.13,50,000/- . Rs.12.24 per  
dated 11.5.59 of village sq.yd.  
Chowkri Mubarkabad.
6. Copy of judgment in the Rs.10.70 per  
L.A. Case No.133 of 1964 sq.yd.  
of village Sadhora Khurd,  
pertaining to award No.  
1556 in which the enhancement  
from Rs.4500/- to Rs.10,700/-  
per bigha has been allowed.
7. Copy of judgment in the As above.  
L.A. Case No.144/1964 of  
village Sadhora Khurd  
pertaining to award No.  
1556 in which the enhancement  
from Rs.4500/- to Rs.10,700/-  
has been allowed.
8. Copy of judgment in the  
suit No.248/1962 dated  
7.6.1962 ~~in which the mutation~~  
in favour of Budh Singh etc.  
~~has been allowed.~~
9. Estimate of trees amounting to  
Rs.1,2,235/-.
10. Estimate of wells and houses  
total amounting to Rs.20,710.46ps.
11. A map showing the distances  
between the land under acquisition  
and certain lands involved in the  
above said documents produced  
of villages Sadhora Khurd and  
Chowkri Mubarkabad.

From the above documents it will be seen that the highest rate as embodied in the mutation No.1598 (at sl.No.5) is Rs.12.24. per sq.yd., whereas the rate claimed by the <sup>respective</sup> claimants S/Shri Shanti Sarup and others in the claim petition is Rs.25/- per sq.yd. This shows that there is no corroboration between the rate actually demanded and the rates based on the evidence. Besides, the above documents relate to lands of other villages and not of the village Nimri where the land under acquisition is situated. A perusal of the map (as stated at Sl.No.11 above) indicating the distance between the land under acquisition, and the lands involved in the above said documents will show that the documents at sl. Nos. 1 to 4, 6 and 7 relate to lands

situated in village Sadhora Khurd. These lands, no doubt are at a distance of about 300 or so yards from the land under acquisition as indicated by the claimants on the map. But actually these lands are situated just on the Circular Road linking Shakti Nagar with the old Rohtak Road, and it extends towards Delhi City. The land under acquisition, on the other hand, has no direct access, and is less favourably situated, as it is farther from the Delhi City. As such the rates involved in these lands cannot be applied to the land under acquisition.

The fifth document mutation No. 1598 <sup>relates</sup> ~~rates~~ to the land in village Chowkri Mubarkabad. The distance as indicated on the map by the ~~respective~~ claimant is about 935 yards, which is rather too far for comparing its value favourably with the value of the land under acquisition. Besides, as already discussed in the award No. 1397-A, this transaction does not appear to be reliable in as much as the Bali Ganj Co-opp. Housan Building Society <sup>had</sup> ~~had~~ transferred the land in favour of Kumar Promoth Nath Ray, Charitable Trust (Both the Societies were in Calcutta) at more than a treble of the market value existing on the date of its sale transaction, viz 11.5.1959.

The document at sl. No. 8 is in support of the ownership rights of the claimants, and it does not relate to compensation.

The document at sl. No. 9 is the assessment of Milak Garden in khasra No. 177 and 179 amounting to Rs. 2,02,235/-. In this regard it is noted that the entire garden has been cut and the plots are being sold unauthorisedly. Hence no extra assessment for the garden has been allowed.

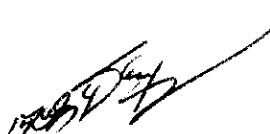
The documents at sl. No. 10 is the estimate of wells and other structures which amounts to Rs. 20,710.46 <sup>as per</sup> p. The prices of these structures seem to be exaggerated, and the prices have been fixed at the site after looking to the existing conditions of the structures, as stated under heads 'Other Compensation' and 'compensation for wells'.

*above 2*

In view of the facts the claim of S/Sari Shanti Sarup and others appears to be untenable, and the evidence adduced cannot be relied upon for arriving at the true market value of the land under acquisition.

Other claimants have not filed any evidence in support of their claims for compensation. Hence the value of the compensation demanded by them cannot be regarded as genuine, and authentic.


'MARKET VALUE'

The land under acquisition is situated in between the boundaries of villages Sadhora Kalan, Chowkri Mubarkabad, and Sadhora Khurd. The Najafgarh Drain passes on the north and the Jamuna Western Canal passes on the south of the land under acquisition. The land under acquisition comprises of Bagh Nehri (Garden) in khasra Nos. 176(13-16), and 178/1 (4-02), total measuring 17 bighas and 18 biswas. This area is superior to the other remaining lands, and as such it is entitled to relatively a higher price. Out of the other remaining land the khasra Nos. 177(31-03), 179(17-10), 180(8-10), 181(4-17), and 182(5-12) total measuring 67 bighas 12 biswas, consists of cultivable nehri land having no gardens. The balance land bearing khasra Nos. 147(1-00), 149(0-09), and 165(2-08) total measuring 3 bighas and 17 biswas is Ghairmumkin Dahana and chah, and the khasra Nos. 173(1-05), 175(1-05), and 186(5-17) total measuring 8 bighas 7 biswas is a Ghairmumkin path. These lands are not cultivable and hence their value should essentially have to be the lowest of the above said three categories

Only one transaction has taken place during the last five years prior to the date of notification under section 4 of the Land Acquisition Act, according to which the land bearing khasra Nos. 41/2 and 43 measuring 4 bighas 13 biswas



of village Neemri was sold for Rs.7,000/- under a registered sale deed dated 22.12.1958 and recorded under the mutation No.439. The average sale price is worked out to be Rs.1505/- per bigha. Thus it will be seen that the sale of land in village Neemri during the period prior to the date of notification u/s 4 of the L.A. Act was scarce, and as such it is not possible to infer any definite market value as it existed on the crucial date of section 4 notification, viz.13.11.1959. However, a number of sales transactions have been taken place in villages of Chowkri Mubarkabad and Sadhora Khurd, and as discussed under the head 'Claims and evidence' the transactions as referred to by the claimants are not quite helpful in arriving at the true market value of the land under acquisition.

 Some lands of village Neemri were acquired vide awards Nos. ~~1273~~, 1274, ~~1275~~ in which the compensation was allowed at the rate of Rs.3000/- per bigha for the Bagh Nehri land and Rs.2500/- per bigha for the other lands. But the land involved in this award is not very close to the land under acquisition. Besides, the situation of the land under acquisition is better, and hence it is entitled to a somewhat higher value than the value allowed in the above said awards.

Recently an award has been drawn for the acquisition of land measuring 4.1 bighas and 15 biswas of village Chowkri Mubarkabad, in which the compensation of Rs.3500/- per bigha had been allowed for the garden lands and Rs.3000/- per bigha for other lands. The land under acquisition is situated adjacent to the land acquired in the above said award. Especially the khasra Nos. 177, 179, 180, 181, and 182, which are being acquired under the present award are attached to khasra Nos. 520, 521 & 522 of the above said awards with a road passing in between them. The land under acquisition and the land covered under the above said award are similar to

each other. The dates of notification under section 4 of the Land Acquisition Act of both these awards are also one and the same, namely 13.11.1959.

Thus after looking to all these factors, and after examining the claims and evidence produced by interested persons, I consider the rate of Rs.3500/- per bigha for the Bagh Mehri (Garden) land, Rs.3000/- per bigha for the other land, and Rs.700/- per bigha for the Ghairmunkin Dahan and Gm. Rasta(path) as classified above, to be fair and reasonable market value and I award accordingly.

'OTHER COMPENSATIONS'

There are some structures in the following khasra numbers. The C.P.W.D. was referred to for the valuation of the same, but as no reply was received from the C.P.W.D., the Naib Tehsildar(Land Acquisition) has assessed the value of the structures at the site after looking to the existing conditions of the structures as follows:-

<u>Khasra No.</u>	<u>Kind of structure.</u>	<u>Value assessed.</u>
176.	2 room (Tin roofs).	Rs.505.00
177. <i>2</i>	1 room and one Verandah.	Rs.1029.00
179. <i>2</i>	one room.	Rs. 510.00
Total .....		Rs.2044.00

There are some structures in the khasra No.177 and 181. These structures were constructed after the date of notification u/s 4 of the L.A.Act. Hence no value has been assessed for these structures belonging to the following persons:-

<u>Khasra No.</u>	<u>Name of the constructor.</u>
177.	1. Lakhi Ram s/o Johri Mal. 2. Bela Ram. 3. Mewa Ram. 4. Satpal s/o Hari Chand. 5. Suraj Bhan s/o Hazari Lal. .....11

6. Ramesh.
7. Sr. Karam Singh.
8. Dewan.
9. Harnek Singh.
10. Ajeb Singh.
11. Bholu Ram.
12. Yashpal.
13. Assa Ram.
14. Mr. Mehta.
15. Jagdish Prashad.
16. Sham Chand.
17. Babu Ram Sharma.
18. Siri Chand.
19. Dr. Bajaj.
20. Joginder Nursery.

181.

1. Ishwar Dayal.
2. Kalyan.
- 3.

Note:-

During recent site inspection it has come to notice that the garden existing in the khasra No. 179, and 180 have been entirely cut by the respective owners and the plots have been and are still being sold to various persons illegally and unauthorisedly. The purchasers are vigorously construct buildings on these lands on a large scale presumably without any sanction from the Competent Authority. All this is being done indiscriminately by certain irresponsible persons, although they have full knowledge of the land acquisition proceedings. The matter has been reported to the Housing Department as well as to the Municipal Corporation of Delhi from time to time. Hence no compensation has been assessed for these buildings. The compensation of the land, however, will be treated as disputed, and it will be paid after verifying bonafide title. From the speed the unauthorised sale of land is going on, it is likely that many such lands might be transferred and buildings might come up by the time this award is finalised announced.

Compensation for wells:

There are some wells in the land under acquisition, the values of which have been assessed by the Naib Tehsildar (LA) at the site after considering the existing conditions. The details are as follows:-

<u>Khasra No.</u>	<u>No. of wells.</u>	<u>Value assessed.</u>
176.	1.	Rs.500.00
177.	1.	Rs.1000.00
178.	1.	Rs.2000.00
149.	1.	Rs.1000.00
		-----
		Rs.4500.00
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I have inspected the site and found that the values assessed by the Maib Tehsildar(LA) for the structures and wells are quite reasonable, and I award accordingly.

Note:- No compensation has been assessed for the nursery situated in the khasra No.176, as the plants are being sold and the nursery is removable. The owners of the nursery Shri Rattan has ~~produced~~ agreed under a ~~plot~~ registered deed dated 24.10.1964 to remove the nursery within two years of the execution of the said deed. Hence the owner is allowed to sell or remove the said nursery.

'APPORTIONMENT'

1. The compensation will be paid on the basis of the latest entries in the revenue record. The compensation regarding khasra No.176 will be paid in presence of Shri Kishan Gopal Singh etc. and Shri Rattan Lal. In case of dispute it will be sent to Addl. District Judge, Delhi for adjudication.
2. The compensation regarding khasra Nos. 177, 179, 180, ~~181~~, and 182 will be paid in presence of the plot-holder and the owners, and in case of dispute it will be sent to Addl. District Judge, Delhi for disbursement.

3. The compensation regarding khasra No.181 will be paid in presence of Gaon Sabha(O.S.D., Land Management, Delhi), Shanti Sarup and Budh Singh etc. In case of dispute it will be sent to Addl. District Judge, for adjudication.

INTEREST:

As the possession of the land under acquisition has not been taken, the question of payment of interest does not arise.

'THE AWARD IS SUMMARISED AS FOLLOWS'

Compensation for 17 bighas 18 biswas of land @ Rs.3500/- per bigha(Bagh Nehri).	Rs.62,650.00
Compensation for 67 bighas 12 biswas of land @ Rs.3000/- per bigha(Nehri land).	Rs.2,02,800.00
Compensation for 12 bighas 4 biswas of land @ Rs.700/- per bigha (Ga.Dahana, Gm. Chah and Ga. Path).	Rs. 8,540.00
Compensation for structures.	Rs. 2,044.00
Compensation for wells.	Rs. 4,500.00
	Rs.2,80,534.00
15% of the above as solatium for compulsory acquisition charges.	Rs. 42,080.10
G.Total .....	Rs.3,22,614.10

The land is assessed to a land revenue of Rs.107.82 which will be deducted from the revenue roll from Kharif, 1967.

(Zal Nowsherwanji)  
Land Acquisition Collector,  
Delhi Shahdara Circle,  
DELHI.  
28.12.1966.

Submitted to the Collector, Delhi for information and filing.

seen. Filed  
N. Sharma  
11-1-67  
COLLECTOR, DELHI  
(Zal Nowsherwanji)  
Land Acquisition Collector,  
Delhi Shahdara Circle,  
Delhi.  
28.12.1966.

Shanti Sarup  
N.T. (A)