

AWARD NO. 1083.

Nature of acquisition:- Permanent.
Village:- Nilothi.
Purpose of acquisition:- Resectioning of the
Najafgarh Drain Phase

.....

An area of 107 bighas 17 biswas was notified for acquisition for a public purpose namely for the resectioning of the Najafgarh Drain (Phase II), at village Nilothi vide notification No.F.15(156)/60-LSG(xxxxiii) date the 20th June, 1960, under section 4 of the Land Acquisition Act, 1894 by the Chief Commissioner, Delhi. Simultaneously declaration under section 6 of the Act was made by the same authority in respect of the same area and purpose through notification No.F.15(156)/60-LSG(xxxxiv) of the even date. Because of the emergent nature of acquisition he was further pleased to order the Land Acquisition Collector, Delhi to take over possession of the land specified in the declaration under section 6 of the Act vide notification No F.15(156)/60-LSG(xxxxv) of the even date.

MEASUREMENT.

On actual measurement at the spot the area has been found to be correct. The field wise details are given below:-

Field No.	Area		Kind of soil.
	Bigha	Biswa	
30/3/1 ✓	0	3	Sailab.
30/8/1/1 ✓	0	15	Sailab.
30/8/2/1 ✓	1	7	Sailab.
30/12/1 ✓	2	5	Sailab.
30/19/1 ✓	1	12	Sailab.
30/20/1 ✓	0	15	Sailab.
30/21/1 ✓	1	19 ✓	Sailab.
28/25/1 ✓	0	1 ✓	Sailab.
31/5/1 ✓	2	5 ✓	Sailab.
31/7/1 ✓	2	3	Sailab.
31/13/1 ✓	2	5	Sailab.
44/10/1 ✓	1	12	Chahi.
44/1/1 ✓	1	19	Chahi.
43/1/1 ✓	2	2	Sailab.
31/18/1 ✓	1	13	Sailab.
31/19/1 ✓	0	12	Sailab.
31/22/1 ✓	2	0	Sailab.
31/21/1 ✓	0	7	Sailab.
45/6/1 ✓	0	16	Chahi

45/15/1	1	16	Chahi.
45/14/1	0	4	Chahi.
45/17/1	1	8	Chahi.
45/18/1/1	0	0	Sailab.
45/23/1	1	11	Chahi.
50/2/1	1	12	Chahi.
50/10/1	1	10	Sailab.
49/17/1	1	13	Sailab.
49/15/1	1	13	Sailab.
49/23/1	1	14	Sailab.
51/2/1	1	14	Sailab.
51/10/1	1	18	Sailab.
52/15/1	1	10	Chahi.
52/14/1	1	12	Sailab.
52/13/1	1	9	Chahi.
52/12/1	0	19	Chahi.
52/9/1	1	8	Chahi.
52/1/1	1	3	Chahi.
48/21/1	1	2	Chahi.
48/20/1	1	2	Chahi.
48/11/1	1	2	Chahi.
48/9/1	1	3	Chahi.
48/2/1	1	2	Sailab.
47/22/1/1	0	15	Sailab.
47/22/2/1	0	6	Sailab.
47/19/1	1	2	Chahi.
47/12/1	1	2	Sailab.
47/9/1	1	3	Chahi.
47/1/1/1	0	10	Chahi.
47/2/2/1	0	14	Chahi.
39/21/1	1	5	Chahi.
38/3/1/1	0	5	Chahi.
38/15/1	0	1	Chahi.
38/2/1	1	6	Sailab.
38/16/1	1	5	Chahi.
38/14/1	1	4	Chahi.
38/7/1	0	1	Chahi.
38/8/1	1	11	Chahi.
42/5/1	0	5	Sailab.
42/6/1	2	4	Sailab.
42/7/1	0	1	Sailab.
42/14/1	2	6	Sailab.
42/18/1	2	6	Chahi.
42/22/1	2	3	Chahi.
65/1	0	5	Ghairmumkin path.
58/1	0	3	Ghairmumkin path.
62/1/1	0	2	Ghairmumkin path.
36/22/2/1	0	4	Sailab.
36/22/1/1	0	10	Sailab.
36/21/1	1	1	Sailab.
36/20/1/1	0	11	Sailab.
37/16/1/1	0	4	Chahi.
37/16/2/1	0	18	Chahi.
37/15/1	0	9	Chahi.
37/14/1	0	18	Sailab.
53	5	7	Sailab.
53/1	3	1	Sailab.
53/2	2	0	Sailab.
53/3	1	8	Sailab.
53/4/1	3	15	Sailab.
53/4/2	3	15	Sailab.
53/5	4	15	Sailab.

Total:- 107 17

Chahi 37---4
Sailab 70---3
Ghairmumkin path 0---10

Satisfaction about the area has been made by the Land Acquisition field staff and, therefore, this area is taken as correct.

COMPENSATION.

The following persons interested filed their written claims of which the details are given below:-

Name of Claimant.

Amount claimed.

Surat Singh, Sube Singh,
Sher S-ingh, Zile Singh,
Dhan Singh, Hukam Singh,
Risal Singh, Amar Singh,
Ishwar Singh, Jage Ram.

They might be given compensation at the rate awarded for Hastal and Budhela lands according to their shares in the Shamilat land.

Daryao Singh, Banwari Lal

Rs. 5800/- at the rate of Rs. 2000/- per bigha for field Nos. 15/1 and 53/3 measuring 2 bighas 18 biswas. Rs. 4800/- for field No. 52/14/1, Rs. 1000/- for severance. Rs. 11,600/- in all with 15% for compulsory acquisition.

Sube Singh, Jage Ram,
Sarup Singh.

Rs. 10,500/- for field Nos. 45/6, 45/15 and 44/10 at the rate of Rs. 2500/- per bigha. Rs. 1,000/- for severance. Rs. 11,500/- in all with 15% for compulsory acquisition.

Kehar Singh, Rattan Singh,
Maha Singh.

Rs. 17,000/- for field Nos. 44/1/1, 42/18% 42/22 at the rate of Rs. 2500/- per bigha. Rs. 1,000/- for severance. Rs. 18,000/- in all with 15%.

Jug Lal, Kanahaya, Dhan
Singh, Chande and Mange
Ram.

At least Rs. 2,000/-, the rate of villages Budhela and Hastal.

Mange Ram, Sis Ram,
Prithi Singh, Narain Singh
and Man Singh

Rs. 13,200/- for field Nos. 45/23/1, 35/22/2, 38/14/50/1, 50/10, 47/22/1 measuring 16 bighas 16 biswas at the rate of Rs. 2,000/- per bigha. Rs. 11875 for field No. 53/5. Rs. 1000/- for severance. Rs. 26075/- and 15% in all.

Ranjit and Chander Bhan.

Rs. 9200/- for field Nos. 48/10, 48/11, 48/9, and 30/3 measuring 3 bighas 10 biswas at the rate of Rs. 2600/- per bigha. Rs. 9150/- for field No. 53/1. Rs. 1000/- for severance. Rs. 19350 with 15% compulsory acquisition cost in all.

On being given an opportunity to produce other evidence Sarvshri Phul Singh, Dhan Singh, Ranjit Singh, Hukam Singh, Mange Ram, Munshi Ram, Ishwar Singh, Sube Singh, Ram Chand, Dhan Singh, Sardara, Ram Pat, Kure Ram, Risal Singh, Chottu, Sis Ram, Maha Singh, Jug Lal, Chande, Banwari, Shera, Kartare, Deep Chand, Lakhi Ram, Mani Ram, Raghbir Singh, Mst. Jai Devi stated in this office that they might not be given compensation at less than Rs. 2000/- per bigha as their land is very valuable, and fertile where vegetables and sugar-cane are grown. It gives bumper crop. There were vegetables, Sugar-cane and Juwar crop at the time of taking over possession for which ~~the~~ compensation might be given at the rate of Rs. 200/- per bigha for Juwar stalks, Rs. 400/- for Sugar-cane and Rs. 300/- per bigha for vegetables. Their land falling on the other side of the drain towards Tilak Nagar and Uttam Nagar was more fertile. They stated about ^{the} ~~the~~ transaction involving 1 bigha 5 biswas transferred for Rs. 780/- about 8-10 months ago. Afterwards the prices shot high upto Rs. 2000/- per bigha. Hukam Chand transferred 8 qillas at the rate of Rs. 350/- per bigha about 6 months ago. It was bhoor land. He also transferred 5 bighas-odd at the rate of Rs. 4000/- to Dalip in the months of June & July the same year. Later on Hukam Chand son of Bholi Singh showed the following documents:-

12/4 Registered deed No. 1904 dated the 24th June, 1960 in respect of the transfer of field Nos. 34/13, 34/14, 34/16, 34/17, 34/18 and 53 measuring 29 bighas 7 biswas situated in Nilothe for Rs. 10,250/-. (ii) The registered deed No. 1905 dated the 24th June, 1960 in respect of a transfer of 34/7, 34/8 and 34/15, measuring 14 bighas 1 biswa situated in Nilothe for Rs. 4777/-. The above land was sold at the rate of Rs. 400/-

and 355/- per bigha respectively and 1 bigha 7 biswas were transferred by Mange Ram in favour of Jai Lal potter about one year ago at the rate of Rs. 600/- per bigha. That he might be given compensation at the same rate as that of the lands of Hastal and Keshopur. The prevalent rate at present was at Rs. 1000/- per bigha.

The Naib-tehsildar, Land Acquisition vide his report dated the 12th October, 1960 proposed a rate of Rs. 3 per bigha for the land on the other side of the drain and Rs. 283/- per bigha for the rest.

DEPARTMENTAL REPRESENTATION.

The Executive Engineer, Construction Division No. III, vide his letter No. NWA/5445, dated the 25th October 1960 wrote to say that the rates proposed for the land to be acquired in this village appear to be reasonable.

FAIR AND REASONABLE VALUE.

I inspected the spot on the 17th September, 1960 with Shri Tek Chand, Naib Tehsildar, Land Acquisition and found the land under acquisition to be situated adjoining the boundary of villages Hastal & Budhela. It is submerged under water and this is generally the case at the time of heavy rains. The following transactions took place during a period of 5 years preceding the date of notification in this village:-

Mutation No.	Date of Registration or attestation.	Location	Rate per bigha.
123	23.6.55	About $\frac{1}{3}$ mile from the land under acquisition.	Rs. 226 of Rosli.
126	16.2.57 (Date of attestation)	Just near the land under acquisition.	Rs. 233 of Sailab.
128	19-1-56 (Date of Registration)	1 furlong from the land under acquisition.	Rs. 222/- of Rosli.
131	8.5.56 (Date of Registration)	1 $\frac{1}{4}$ mile from the land under acquisition.	Rs. 232/- of Rosli.
139	27.11.56.	Away from the land under acquisition.	Rs. 104/- This transaction

acquisition. came into being at the nominal rate as a solace to the reversioners of the transferer because he transferred the rest of the area in favour of his daughter.

143	27.3.58	1 1/2 furlong from the land under acquisition. Situated on the other side of the Najaigarh Drain.	Rs. 312/- of Sailab.
144	11.7.58	Less than a furlong from the land under acquisition. It is a bargain of the return of the land to the original owner at almost the same rate of mutation as 123 of 23 1/2.	Rs. 205/- of Sailab.

There are some other transactions which were brought to notice at the time of my inspection of the spot by the persons interested. Their details are given below:-

Field No. with area.	Location.	Rate per bigha.
28/25 7 bighas 30/21 19 biswas.	Near the drain.	Rs. 188/- per bigha. The amount was not passed on in the presence of the Sub-Registrar.
36/12/1 1 bigha 6 bis.	Gitwar near the Abadi.	Rs. 600/-
34/13 34/14 34/16 34/17 34/18	29 big. 7 bis. 1/4 mile away from the land under acquisition.	Rs. 350/-
34/7 34/8 34/15	14 big. 1 bis. 3/4 mile away from the land under acquisition.	Rs. 341/-

One transaction relating to the transfer of 200 sq. yards in Uttam Nagar for Rs. 500/- dated the 11th December, 195 was produced. This is situated in Hastaal. It was transferred within the colony area and has no bearing on this case. Out of the above mentioned transactions the ones through mutation Nos. 139 and 144 took place under some such circumstances that it

contd...7.

does not seem to be proper to adopt those rates. Mutation No. 123 is old. Mutation Nos. 128 and 131 relate to the lands ^{transferred} situated a bit ^{far away} ~~far away~~. ^{byundi in the year 1956.} A period of over 3 years had elapsed since mutation No. 126. Therefore, 143 is the only mutation which is more reliable in this case because of its being near in time and distance from the drain. Prices have appreciated since 1958 during the intervening period. The transaction about field Nos. 28/25 and 30/21 not at all reliable because no money was paid before the Registrar while the one relating to field No. 36/12/1 is in respect of the transfer of a Gitwar near the abadi. The later one has no comparison with the land under acquisition. The instance of village Hastal is not at all dependable. The transactions in respect of the transfer of certain qillas out of rectangle No. 34 can be relied upon to some extent. The only difference being that it is not subject to Nala action in floods and it matters. The persons interested have demanded very high rates. Some of them also stated that they might be given compensation at the rates given for the lands of Hastal, Keshopur and Budhela. The award of Hastal has not been drawn up while the rates of Rs. 500/- and Rs. 600/- per bigha for Chahi and Rosli lands were adopted for Budhela and Keshopur respectively. The lands of the last two villages are situated towards the other side of the drain. The persons interested have also very narrow strip of land adjoining the boundary of Hastal and Budhela. But there is a transaction in the area of their own village at the rate of Rs. 312/- per bigha took place on the 27th April, 1958 which cannot be ignored. About the rate for the area towards the west of the drain it should be somewhat lower than the rates given in the registered deeds 904 and 905 of 350 and 341 respectively because of the lands being safer from the drain action. The rates proposed by the Naib-tehsildar appear to be almost reasonable. The annual rental does not lead us anywhere. Keeping in view the

claims of the persons interested, the material on the file, the Chief Data provided by the Naib-tehsildar, the departmental representation and my own observation and other factors in view I consider a rate of Rs. 390/- per bigha for 24 bighas 1 biswa bearing field Nos. 53, 53/1, 53/2, 53/4/1, 53/4/2 and 53/5 situated on the other side of the drain and a rate of Rs. 300/- per bigha for the Chahi and Sailab lands situated on the north of the drain towards the abadi of village Nilothe as fair and reasonable and award accordingly. No compensation is due for 10 biswas of land under a thoroughfare belonging to the Gaon Sabha as it is already being used for a public purpose.

CROP COMPENSATION.

Various kinds of crops are said to have been standing at the time of taking over possession on the 13th July, 1960, but a few field Nos. were recorded to be under crops at that time. On the complaint of the villagers Shri Tek Chand, Naib-tehsildar was again deputed to record the standing crops and he did so at the spot. He has proposed Rs. 1130.23 nP for damage to crops after deducting 10% towards nourishment and watching and the land revenue and cesses by calculating the amount on the produce of the last settlement

and by adopting the rates prevalent in the fortnight as given in the Delhi Gazette. I have no reason to differ from him and award the same amount. The details are given below

Field No.	Area Big.	Bis.	Amount.	Persons interested
44/1/1	1	12	Rs. 180.88 nP	Kehar Singh, Rattan Singh sons of Nawal Singh equal shares $\frac{1}{2}$ Singh $\frac{1}{2}$.
31/5/1	0	7	Rs. 39.57 nP	Chander Bhan, R Chander sons of Ram Mehar in equal shares. The possession is with Mani Ram s/o Dharma contrary to the bhumidhari rights. Therefore this will be a disputed item to be referred to District Judge.

31/7/1	4	5	Rs. 497.35 nP.	Ragbir Singh, Mahendra Singh, Mahabir Singh, Tarif Singh, Niran Singh sons of Tek Chand in equal shares.
31/13/1				
31/18/1				
31/19/1	2	5	Rs. 254.33 nP.	Mani Ram son of Dharma.
31/21/1	0	7	Rs. 39.56 nP.	Lal Chand, Jage Ra sons of Harphul in equal shares.
47/19/1	1	1	Rs. 118.54 nP.	Lakhi Ram son of Ram Kala.

Total:- Rs. 1130. 23 nP.

There is no tree, well or structure in the land under acquisition. There is already in existence, a drain, which is being extended now. Therefore, the question of severance does not arise.

As provided in sub-section 2 of section 23 of the Land Acquisition Act, 1894, 15% on the amount of compensation will be added towards its compulsory acquisition cost.

INTEREST.

Interest will be paid at the rate of 6% per annum from the 13th July, 1960 upto the 28th November, 1960 the anticipated date of payment.

APPORTIONMENT.

Field No. 36/22/2 measuring 4 biswas is said to have been transferred through registered deed No. 2085 dated the 21st March, 1960 from Mange Ram etc. in favour of Rattan Singh son of Banssi but no mutation has been sanctioned in favour of the vendee so far. He has been directed to get it done to enable this office to make payment to him.

2. Field No. 38/14/1 measuring 1 bigha 4 biswas is said to have been transferred through a registered deed No. 5297 dated the 17th October, 1959 in favour of Sher Singh son of Ram Dayal but no mutation has been sanctioned so far. Payment will be with-held till the sanction of mutation.

3. Field No. 31/5/1 with an area of 2 bighas 5 biswas

is said to be in the possession of Mani Ram son of Dharma on account of transfer but mutation No. 129 dated the 16th February, 1957 of transfer related to 32/5 instead of 31/5. Payment will be with-held till the mutation is got corrected.

4. Sarvshri Jagdish, Sat Bir, sons of Rati Ram in equal shares $\frac{1}{3}$, Kartare, Pyare sons of Tej Ram in equal shares $\frac{2}{3}$ have been declared as bhumidhars of field No. 45/17 which is said to be in actual physical possession of Chander Bhan son of Ram Mehar in equal share. The latter preferred an appeal in consolidation proceedings to the Chief Commissioner, Delhi and succeeded in that Court. The order was not incorporated in the Land reforms papers. Compensation will be with-held till the correction is got made in the revenue papers.

5. Through his application dated the 5th July, 1960 Ratan son of Bansi also claimed compensation for 1 bigha 14 biswas of field No. 36/19/1 said to have been purchased by him. Compensation of this field number should also be with-held till the parties arrive at a-n amicable settlement otherwise it shall have to be referred to the District Judge for verification of payment to the rightful owners.

About the rest payment will be made according to the recorded shares in the revenue papers as reproduced in the sta-tement prepared under paragraph 55 of Standing Order No. 28 which forms a part of the award.

The award is summarised as below:-

Kind of Soil	Area		Rate per	Amount.
	Bigha	Bis.	bigha	
Chahi	37	4		
Sailab	46	2	Rs. 300/-	Rs. 24,990.00
Situatd towards the North of the drain towards the abadi of Nilothe.				
Sailab	24	1	Rs. 390/-	Rs. 9379.50 nP
Situatd towards Hastal and Budhela				
Ghairmunkin path	0	10	NO COMPENSATION.	
	107	17		
Add 15% towards compulsory acquisition cost... Rs. 5155.42 nP.				
Add compensation for damage to crops:- Rs. 1130.23 nP.				

Add interest @ 6% P.A. from 13.7.60 to
28.11.60

..... Rs. 922.26 nP.

Grand Total:- Rs. 41,577.41

LAND REVENUE DEDUCTION.

An amount of Rs. 31.45 nP will be deducted from
the Khalsa Rent Roll of village Nilothi from Rabi 1961.

Murari Singh
(Murari Singh)
Land Acquisition Collector,
Delhi. 28.10.60.

.....

Submitted to the D.C. (Collector of the District),
Delhi for information.

Murari Singh
(Murari Singh)
Land Acquisition Collector,
Delhi. 28.10.60.

*See
JOS 1/11/60*

*Recd:
Dr. M. R. Singh
24/11/60*