

AWARD No. 2009

Name of the village:

Mimri.

Nature of acquisition:

Permanent.

INTRODUCTION :

The land situate in the estate of village Mimri is needed by the Government at the public expense for a public purpose, namely for the Planned Development of Delhi. A ~~under~~ notification under section 4 of the Land Acquisition Act was made vide the notification No.F.15(57)/64-LSG dated 3.10.1966. The substance of the notification was given due publicity and objections were invited from the interested persons. No objection under section 5-A of the Land Acquisition Act was received. A declaration under section 6 of the Land Acquisition Act was made vide the notification No.F.15(57)/64-LSG dated 12.12.1966. A notice under section 9(1) was given due publicity and notices under section 9(3) and 10(1) of the L.A. Act were served upon the known interested persons.

'MEASUREMENT & OWNERSHIP'

According to the notification under section 6 of the Land Acquisition Act the khasra No.96 measuring 3 bighas and 4 biswas is being acquired. From further verification made on the spot under section 8 of the Land Acquisition Act the area under acquisition comes to 3 bighas and 4 biswas. I, therefore, hold the area under acquisition to be true at 3 bighas and 4 biswas, the ownership of which according to Revenue Record is in the name of the Rehabilitation Department. As reported by the Rehabilitation Department vide its letter No.LAO/Kgo/Mimri/710 dated 27.3.1967, the land in question was allotted to S/Shri Gokul Chand, Mukam Chand, and Hari Chand jointly on 29.8.1963, and the conveyance deed was issued in their favour. The Rehabilitation did not claim any interest in the said property.

'CLAIMS AND EVIDENCE'

Sl.No.	Name of the claimant(s).	Compensation demanded.
1.	Shri Om Prakash s/o Babu Ram.	Compensation @ Rs.100/- per sq.yd. along with 15% solatium.
2.	Shri Sird Lal Sharma S/o Udmil Ram Sharma.	As above.
3.	Shri Sudesh Kumar s/o L. Vilayati Ram Khosla.	As above.
4.	S/Shri Hukam Chand s/o Thakur Dass, Hari Chand s/o Mathura Dass and Jugal Kishore s/o Gokul Chand.	Rs.200/- per sq.yd. for the 320 sq.yds. totalling Rs.64,000/-.
5.	S/Shri Rama Nand s/o Sahil Lal, Hari Singh s/o Jit Ram and Gaya Lal s/o Kunden Lal.	Rs.100/- per sq.yd. plus 15% solatium.

The claimants at sl.Nos.1 to 4 have filed money receipts in lieu of the payments stated to have been made by them to the claimants at sl.No.5 S/Shri Rama Nand and others against the purchase of the plots out of the khasra No.96, the land under acquisition. According to the said receipts the plots are alleged to have been sold to the said claimants at the rates of Rs.55/-; Rs.50/-; Rs.60/-; and Rs.50/- per sq.yd. respectively.

The claimants at sl.No.5 S/Shri Rama Nand and others have filed two uncertified copies of the sale deeds dated 24.8.1966 and 30.8.1966 respectively. According to the former sale deed, the claimants at sl.No.4 S/Shri Hukam Chand and others are alleged to have sold an area of 2 bighas only out of the total area of 3 bighas and 4 biswas from the land under acquisition to the claimants at sl.No.5 S/Shri Rama Nand and others for a consideration of Rs.45000/-, thus yielding an average of Rs.22,500/- per bigha. According to the latter sale deed which was transacted between the same parties, the remaining area of 1 bigha and 4 biswas was sold for a consideration of Rs.25,000/-; thus yielding an average of Rs.20,833.33ps. per bigha. The copies of the said sale deeds are however incomplete, in as much as they do not bear the relevant endorsement of the Sub Registrar, Delhi. Although sale considerations have been shown as Rs.45,000/- and Rs.25,000/- per bigha respectively, the actual payments, as admitted by the parties have been made before the Sub Registrar, Delhi to the extent of Rs.20,000/- and Rs.10,000/- respectively. The fact of previous payments is not proved. Hence on this basis the averages of the

The above referred money receipts produced by the claimants at sl.No.1, to 4 are of no help to them, firstly because in absence of regular sale deeds or agreements to sale, the alleged sales of plots are not proved beyond reasonable doubt, and secondly because, in absence of any explanation as to why the plots of the same land were sold at different rates to the above said claimants, the bonafide is rendered doubtful.

The copies of the sale deeds produced by the claimants at sl.No.5 as stated above have no locus standi. Even if they are taken for granted, they cannot be treated as genuine. The reason is that, in both the sale deeds which are alleged to have been executed within a short interval of about one week, the boundaries and the descriptions of the areas sold have not been clearly defined. Hence the plea taken by the claimant No.4 S/Shri Hukam Chand and others that they have repurchased the plot of 160 sq.yds. does not appear to be bonafide, because it is not clear whether this plot comprises the area of the first sale deed or the second. Besides, it is rather strange and absurd to note that the price of the same land is suddenly increased to Rs.50,000/- per bigha (i.e. Rs.50/- per sq.yd.) within a week's time of its first sale simply because it was purchased for the construction of a market.

ALL the above facts go to prove that the documentary evidence produced by the claimants are false. The money receipts to and the sale deeds no doubt relate to dates immediately prior to the date of notification under section 4 of the L.A. Act of the present acquisition viz. 3-10-1966. But as admitted by the claimant No.4 S/Shri Hukam Chand and others, the land under acquisition khasra No.96 was originally allotted to them by the Rehabilitation Department along with the khasra No.98. This land was already acquired vide the award No.1411, and the khasra No.96 was left out. Subsequently it was proposed to acquire the khasra No.96. Thus it is deemed that the claimant No.4 S/Shri Hukam Chand and others were aware of the present acquisition, and that in order to prepare a basis for getting higher

Moreover, according to the said documents the highest rate is Rs.60/- per sq.yd. but the claimants have actually claimed the compensation at the rate of Rs.100/- per sq.yd. and Rs.200/- per sq.yd. Thus the claims are not treated as genuine and are hereby rejected. The claimants are, therefore, entitled to get compensation as discussed under the head 'Market Value'.

'MARKET VALUE'

The land under acquisition is situated towards the south of the Najafgrah Drain. This land is surrounded by the lands already acquired vide the award Nos.1411, 782 and 1274. There is no approach road to the land under acquisition. Various awards have been drawn in village Nimri and in other adjoining villages of Chowkri Mubarkabad, Gathora Khurd and Sadhora Kalan, and various rates have been allowed. Some pockets which were left out from those awards for some reason or the other are now being acquired, and the land under acquisition is thus being acquired under the present award. As such it is rather difficult to arrive at a very accurate market value of the land under acquisition.

The following sale instances are available in respect of lands in the village Nimri during the last five years prior to the date of notification under section 4 of the L.A. Act viz. 3.10.1966:-

Year	Area. Bigha.	Total sale price.	Average per bigha.
1961.	31 - 18	Rs.2,01,000/-	Rs.6300.94ps.
1962.	54 - 04	Rs.1,33,797/-.	Rs.2468.58ps.
1963.	48 - 12	Rs.1,92,880/-.	Rs.3968.72ps.
1964.	Nil.	Nil.	Nil.
1965.	22 - 03	Rs.39,000/-.	Rs.1760.72ps.
1966.	44 - 05	Rs.2,96,890/-.	Rs.6709.38ps.

From the above statement it will be seen that the rates of the land were fluctuating every year. No sale is reported to have taken place during the year 1964. The lowest rate of sale was recorded during the year 1965, and

the year 1966 are as given below:-

Mutation No.	Date of registration.	Area sold. Big.Bis.	Total sale price.	Rate per bigha.
470.	8.2.1966.	10 - 09	Rs.68,130/-.	Rs.6519.61
471.	21.2.1966.	10 - 09	Rs.68,130/-.	Rs.6519.61.
472.	29.1.1966.	10 - 09	Rs.68,130/-.	Rs.6519.61.
473.	13.1.1966.	9 - 14	Rs.23,500/-.	Rs.2319.58.
482.	31.3.1966.	1 - 04	Rs.25,000/-	Rs.20833.33
483.	29.8.1966.	2-00	Rs.45,000/-	Rs.22,500/-

A close scrutiny of the above figures shows that the mutation nos.482 and 483 related to the sale of the very land under acquisition khasra No.96 about which the matter has been discussed in detail under the head 'Claims and evidence'.

The mutation Nos.470, 471, and 472 relate to the khasra Nos. 177, 179, 180 and 182, the situation of which is much better than the situation of the khasra Nos.96. The average sale price of this land comes to Rs.6519.61ps; whereas the average sale price of the khasra No.96 comes to Rs.22,500/- per bigha

which indeed appears very strange and highly exaggerated. *The possibility of their having been manipulated cannot be ruled out.*
The land under acquisition is adjacent to the khasra No.98

which as stated above has already been acquired vide the award No.1411. Both these lands were allotted to S/Shri Hukam Chand and others by the Rehabilitation Department. In the award No.1411, the Land Acquisition Collector had allowed the compensation for the khasra No.98 @ Rs.2500/- per bigha. S/Shri Hukam Chand and others have however filed a ~~ref~~ reference under section 18 of the L.A.Act which is still pending in the Court of the Addl. Distt. Judge, Delhi. Another land adjoining the land under acquisition is the khasra No.97 which was acquired vide the award No.782 in which the compensation @ Rs. 2000/- per bigha was allowed. No reference under section 18 of the L.A.Act in respect of this award is on record. Similarly other lands bearing khasra Nos.94, 114, & 115 which were acquired vide the award No.1274 are just adjacent to the land under acquisition. In the said award the compensation @ Rs.3000/- per

District Judge, Delhi. This rate appears to be relevant for arriving at the ~~the~~ market value of the Land under acquisition. Recently an award has been drawn in respect of an area of 181 bighas and 9 biswas of village Nimri in which the compensation of the Land situated towards the south of the Najafgrah Drain has been assessed at Rs.4500/- per bigha for the Nohri land in which there is no garden. The Land under acquisition is situated on the north of Najafgrah Drain and is similar to the land referred to above. The date of notification under section 4 of the L.A.Act in the above said award is 11.8.1965, whereas the date of notification under section 4 of the present award is 3.10.1966. Thus considering the above factors I feel the rate of Rs.5000/- per bigha to be a fair and reasonable market value of the land under acquisition and I award accordingly.

'OTHER COMPENSATIONS'

There is neither any tree, nor structure or well in the land under acquisition, therefore, the question of assessment of compensation does not arise. However, at the site there is a heap of bricks which are removable by the parties concerned.

15% solatium for compulsory nature of acquisition:-

As provided under section 13(2) of the L.A.Act the owners will also be paid 15% solatium as-provided for compulsory acquisition charges.

'APPORTIONMENT'

The compensation will be paid on the basis of the latest entries in the revenue record, and in presence of the parties on production of necessary documentary evidence regarding their ownership rights. In case of dispute it will be sent to the Addl. Distt. Judge, Delhi for adjudication.

'SUMMARY OF THE AWARD'

Compensation for the Land measuring 3 bighas and 4 biswas @ Rs.5000/- per bigha. Rs.16,000.00

15% of the above as solatium.

Rs. 2,400.00

G.Total

Rs.18,400.00

The land is assessed to a land revenue of Rs.2.65ps.
which will be deducted from the revenue roll of Rabi, 1968.

(Zal Nowshervanji)
Land Acquisition Collector(DS),
DELHI./29.3.1967.

Compared
Karamchand
Rajendra -

9 ¹⁰/₆₇ मिलियन पेशे हुडी आवाज
कमलपुर - बाड़ी सीडी हुकम-चन्द्र वल्ल
कानपुर बास, हरि चन्द्र वल्ल मथुरा बास
हाजिरे हैं। आवक नं. 2009 पद कर
सुनार्या वर्या।

Hukamchand
9/10/67

Hukamchand
9/10/67

Stamp issued
17/11

Handwritten signature

LAC (DS)