

A.W.A.R.D. NO: 1119.

Name of the Village:-

SADHORA KATAN.

Abadi:-

Bagh Kare Khan.

Nature of Acquisition:-

Permanent.

This is a case for the acquisition of land known as pit No. 8 situated in Bagh Kare Khan in the Revenue Estate of Sadhora Khurd on behalf of the D. Corporation for the construction of Municipal A.V. dispensary. Notification No. F. 15(95)/56-LSG dated 3 was issued by the Chief Commissioner, Delhi under 4 of the Land Acquisition Act, 1894. A notice was published and no objections as to the acquisition received. The notification stated that the land required for public purpose at public expense. It necessitated a correction because the land was required for public purpose at the Municipal expense. A corrigendum was issued by the same authority on 8 was published in the Delhi Gazette on 21.5.1959. A declaration under section 6 of the said Act was issued vide the notification of even number dated 3.12.1959. Notices under section 9 and 10 of the Act were issued on 6th and 11th July, 1960 and were duly served upon the owners and occupants concerned.

M E A S U R E M E N T:

The property under acquisition has been correctly shown in the various notifications. It is situated in Bagh Kare Khan's residential area in

contested the measurement and hence it is taken to be correct.

MARKET VALUE:

The Deputy Commissioner, Municipal Corporation, Delhi vide his letter No.3159/L&E dated 10.2.1960 informs that Sarvshri Mool Chand, Rattan Lal; Jawala Pershad and Amin Chand are the owners of this land and Sarvshri Dewan Chand, Jug Lal, Jagdish, Sher Singh and Bhagwan Das are its occupants. They have all responded to the notices under section 9 and 10 of the Act and no one else has claimed any interest in this land. The owners have filed written objections and their statements and evidence has been recorded. All of them except Shri Mool Chand have claimed a compensation at the rate of Rs.50/- per square yard. In support of this the owners have produced no evidence oral or documentary except a witness Shri Tej Ram. He has stated that he is a Property Agent residing in Sita Ram Bazar, Delhi. He has deposed that the land is being sold in Bagh Kare Khan at the rate of Rs.50/- or 60/- per square yard. The only example he has cited is that of the land of Ram Kishan situated at Budho Mata at the rate of Rs.50/- per square yard. He has produced no record of the sales in which his Agency was utilised. Even this oral evidence of Shri Ram Kishan is worthless, because the site known as Budho Mata is situated at a distance of about 1 1/2 mile from the place. The claim made by the owners, therefore, remains un-substantiated.

The material date for the determination of the market value in this case is 31.12.56 on which notification under section 4 was published. The acquiring department i.e. the Municipal Corporation has represented that the value of the land on the material date was not more than Rs.4/- per square yard. They further stated that the Corporation spent a lot of money on filling up this pit, because the dirty water used to collect here and it was a nuisance for the public. They demand that the money spent by the Corporation should be deducted from the compensation to be paid to the land owners. They have stated that better land in the immediate vicinity of this area has been purchased by the Swalambi Co-operative House Building Society and the Delhi Cloth Mills Employees House Building Society at the rate of Rs.7/- per square yard in the year 1959-60. They argued, that the fact that prices have been rising successively every year, is well known. Therefore the price in December, 1956 should not be more

**They have simply relied on guess work to prove the price to be Rs.4.00 per sqyard. Their contention is therefore untenable.

** Their contention, therefore, is untenable.

The Naib Tehsildar, L.A. has proposed a rate of Rs.12/- per square yard as the correct market value on the relevant date. He has based this rate on the sales carried through vide mutations No.1519 and 1597 on 18.1.1954 and 8.6.1954 respectively. The area involved in these two mutations is only 4 biswas at a price of Rs.2510/-. This area is very small and cannot be relied on to be a true

indication of the correct market value. The Naib Tehsildar ignored mutations Nos. 1461 and 1483 also relating to the sales of the land in the immediate vicinity under acquisition. The ground for ignoring this area is stated that this area is agricultural. I have inspected the spot and I do not agree with the opinion of the Naib Tehsildar, because this area is also in the immediate vicinity of the land under acquisition and is surrounded on all sides by constructed area. I, therefore, consider the rate proposed by the Naib Tehsildar, L.A. to be high.

I consider that the sales carried through vide mutations No. 1461, 1483, 1497 and 1519 are all relevant. The total area involved is 14 Biswas for a consideration of Rs.6,240.00. The average of these sales works out to Rs.8.84 nP per square yard. From enquiries made on the spot I find that this plot was actually a pit. Dirty water used to stagnate here and was a nuisance for the whole area. The average cost of filling up such pits was found as Rs.1.45 nP per square yard in the case of pit No.3. I, therefore, consider that expenses at the same rate were incurred by the Municipal Corporation to fill up these pits. There is no reason why the owner should benefit from this expense of the Corporation. Deducting these expenses the net rate works out to approximately Rs.7.50 nP per square yard. This rate is further supported by the facts that an area of

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Peoples Cooperative House Building Society for a consideration of Rs.91,000/- on 26.2.60 at the rate of about Rs.8.50 nP per square yard. This area is situated hardly 100 yards away from the land under acquisition. Since the land was purchased by a Co-operative Society, therefore it can be safely presumed that there is no exaggeration on the upper or lower sides. Considering the fact that the prices have been rising every year, the rate of Rs.7.50 nP per square yard as worked out for 31.12.56 is reasonable. I, therefore, award the compensation at Rs.7.50 nP per square yard for the land under acquisition. 15% of the rate will be paid as solatium for compulsory nature of acquisition.

COMPENSATION FOR STRUCTURES:

There are temporary structures on this land and the Naib Tehsildar, L.A. has proposed the following compensation for these structures:-

1.	On Jawala Pershad's land.	= Rs.185.00
2.	On Ram Rattan's land.	= Rs.560.00
3.	On Amin Chand's land.	= Rs.185.00
4.	On Mool Chand's land.	= Rs.554.00
Total:-		<u>Rs.1484.00</u>

The Naib Tehsildar has given reasons in detail for assessing this cost of the structures in the chief date. I have inspected the spot and I agree generally with the assessment made by him. I, therefore, award Rs.1,484.00 as the cost of temporary structures in the land.

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There is no claim for separte or for any other harm to accrue from this acquisition. No compensation is therefore necessary for this purpose.

A P P O R T I O N M E N T:

Of the 4 owners of the land under acquisition Sarvshri Ram Rattan, Jawala Pershad and Amin Chand have claimed that they are the owners of 106, 53 and 150 sq yards respectively. Mool Chand has not specified his either in his claim or statement. He will therefore be deemed as the owner of the remaining area. The areas under the different owners are therefore worked out as follows:-

1.	Shri Ram Rattan.	=	106 sq. yards.
2.	Shri Jawala Pershad.	=	53 " "
3.	Shri Amin Chand.	=	150 " "
4.	Shri Mool Chand.	=	99.67 Sq. yards.
		Total:	<u>408.67 Sq. yards.</u>

The compensation for land and the solitium will be paid to the land owners according to the area under their respective owner-ship.

In the land of Shri Jawala Pershad, Shri Sher Singh is the tenant and the structure has been constructed by him. He will, therefore, get Rs.185.00 as the cost of a structure.

In the land of Shri Ram Rattan a part of the structure has been built up by the tenants. The N.T., Land Acquisition has assessed the cost of this structure constructed by Shri Vilavi Pal tenant at Rs.70.00 and the

of Shri Jagdish at Rs.70/-. Each of these tenants, there will be paid Rs.70.00 and the cost of the rest of the structures will be paid to Ram Rattan land owner.

In Amin Chand's land the structure has been constructed by Shri Bhagwan Das tenant. The cost of this structure Rs.185.00 will be paid to the tenant.

In Shri Mool Chand's land the entire structure belongs to the owner and there is no tenant. The land owner therefore, will get the cost of this structure.

LAND REVENUES DEDUCTION:

The land is still assessed to land Revenue, but no figures of the land revenue are available.

THE AWARD IS SUMMARISED AS BELOW:

1.	Cost of 408.67 Square yards of land at Rs.7.50 nP per square yard.	Rs. nP =3065.03
2.	Solitium. At 15% of the market value.	459.75
3.	Compensation for structures.	1484.00
Total:		5008.78

(Nand Kishore).
Land Acquisition Collector (1), Delhi.
27.2.1961.

Submitted to the Deputy Commissioner, Delhi
(Collector of the District) for information and filing
the award.

(Nand Kishore).
Land Acquisition Collector (1), Delhi.
27.2.1961.