

A W A R D NO: 1120

Name of the Village: Sadhora ^{Khurd} Kalan.
Abadi: Bagh Kare Khan.
Nature of Acquisition: Permanent.

This is a case for the acquisition of land known as Pit No.9 situated in Bagh Kare Khan in the Revenue Estate of Sadhora Khurd on behalf of the Delhi Corporation for the construction of Vaccination Station and Circle Inspector's Office. Notification No.F.15(9)/57-LSG dated 31.1.1957 was issued by the Chief Commissioner, Delhi under section 4 of the Land Acquisition Act, 1894. A notice was duly published and no objection as to the acquisition were received. The notification stated that the land was required for public purpose & public expense. This necessitated a correction because the land was required for public purpose at the Municipal expense. Necessary corrigendum was issued by the same authority on 2.5.59. The 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 and were served upon the owners and occupants concerned.

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

The area of the property under acquisition ^{price of} notified at 408.67 square yards. The co-sharers ^{hand} deposed that their area was 416 square yards. ^{should} measurement were done by the staff on the spot ^{in support}

The specifications of the boundary given in notification are correct.

MARKET VALUE:

The Deputy Commissioner, Municipal Corporation Delhi vide his letter No.3110/L&F dated 10.2.60 informed that the site in question is owned by Sarvshri Mool Chand, Laxmi Chand, Manohar Lal and Roop Ram. Sarvshri Kasturi Lal and Kanaya Lal have also come forward and stated that they are also the owners in this land. The land owners ^{stated} represented by the Municipal Corporation took no objection to the inclusion of Sarvshri Kasturi Lal and Kanaya Lal as owners. Their ownership is, therefore, determined as follows:-

1. Shri Manohar Lal.	= 104 square yard
2. Shri Roop Ram.	= 52 " "
3. Shri Laxmi Chand.	= 52 " "
4. Shri Kanaya Lal.	= 104 " "
5. Shri Mool Chand.	= 52 " "
6. Shri Kasturi Lal.	= 52 " "
Total:	<u>416 square yards.</u>

All the owners except Shri Mool Chand made a claim and also give statements that the market price of the land is Rs.50.00 per square yard. Shri Mool Chand made no written claim, but he also stated that he should get compensation at Rs.50.00 per square yard. In support of their claim, they have produced a solitary witness.

to Shri Kasturi Lal, but the later refused the offer. He does not maintain any record of the deeds, which he gets effected. The evidence is totally un-reliable and vague. The claim of the land owners is therefore un-substantiated.

The material date for the determination of the market value in this case is 31.1.57 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.4.00 per sq. 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.7.00 per square yard in the year 1959-60. They argued, that the fact that prices have been rising successivly every year, is well known. Therefore the price in December, 1956 should not be more than Rs.4.00 per square yard in 1957. They have simply relied on guess work to prove the price to be

The Naib Tehsildar, Land Acquisition has proposed a rate of Rs.12.00 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.2510.00. 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 the 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

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 10 Bighas and 14 Biswas was purchased by the People Co-operative House Building Society for a consideration of Rs.91,000.00 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, ^{year} the rate of Rs.7.50 nP per square yard for the land under acquisition.

S O L I T I U M:

15% of the rate will be paid as solitium 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. Kanaya Lal owner's structure. = Rs. 230.00
2. Tilak Ram and Pokar Das Tenant's structure. = 240.00
3. Manohar Lal owner's structure.

4.	Roop Ram owner's structure.	Rs. = 300.00
5.	Laxmi Chand owner's structure.	= 260.00
6.	Dal Chand and Kirat Ram tenant's structure.	= 100.00
7.	Raj Singh tenant's structure.	= 20.00
		<u>Total:- Rs.1150.00</u>

I visited the spot and found that the prices of the structures suggested by the N.T., L.A. are generally correct. I, therefore, award Rs.1150.00 as compensation for structure.

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

APPORTIONMENT:

The compensation for the land and the solitium will be distributed amongs the land owners according to the area owned by them in this Pit. The compensation for structures will be paid to the owners as well as the tenants according to the ownership of the structures as discussed under the Head Structures.

LAND REVENUE DEDUCTIONS:

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 416 square yards of land at Rs.7.50 nP per square yard.	Rs. =3120.00
2.	Solitium, At 15% of the market value.	= 468.00
3.	Compensation for structures.	=1150.00 (1150.00)
		<u>Total:4738.00</u>

(Nand Kishore).
Land Acquisition Collector 1,
Delhi.
28.2.1961.

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