

AWARD NO. 2020

Name of the village:

Sadhora Kalan.

Nature of acquisition:

Permanent.

INTRODUCTION:

The land situate in the estate of village Sadhora Kalan bearing khasra Nos.633/199/1 (57-06), 172(4-14), 173 (5-18), 176/1 (1-11), 217 (9-15), and 442/217 (4-06) total measuring 83 bighas 10 biswas is needed by the Government at the public expense for a public purpose namely for the Planned Development of Delhi. Previously, the requisite notifications under sections 4 and 6 of the Land Acquisition Act were issued by vide the notification Nos.F.15(57)/64-LSG dated 19.7.1965 and No.F.15(57)/64-LSG(1) dated 5.4.1966 respectively. But later on, the land under acquisition was deleted from both of the above said notifications under sections 4 and 6 of the L.A. Act vide the notifications No.F.15(57)/64-L&H (ii) dated 29.10.1966 and No.F.15(57)/64-L&H (i) dated 29.10.1966 respectively. This is because, on scrutiny of the record it had transpired that according to the Land Reforms Statement No.4, the bhumidhari was already declared on the land under acquisition prior to the issue of the general notification under section 4 of the Land Acquisition Act No.F.15(111)/59-LSG dated 13.11.1959 comprising the area of 34,070 acres. Hence the land under acquisition was deemed to have had been covered under the said general notification. The substance of the said notification had been given due publicity and objections were invited from the interested persons. The objections were received and a report was sent to the Delhi Administration, However the objections were rejected and a declaration under section 6 of the Land Acquisition Act was made vide the notification No.F.15(57)/64-L&H (111) dated 29.10.1966. Notice under section 9(1) was given due publicity and notices under section 9(3) and 10(1) of the Land Acquisition Act were served upon the known interested persons. Almost all the interested persons

'MEASUREMENT & OWNERSHIP'

According to the notification under section 6 of the L.A. Act the total area to be acquired was 83 bighas and 10 biswas. But on the directive received from the Housing Department vide its letter No.F.15(57)/64-LSG dated 11.10.1966, the land bearing khasra No.217 measuring 9 bighas and 15 biswas and No.442/217 measuring 4 bighas and 6 biswas total measuring 14 bighas and 1 biswa has been excluded from the award in favour of the President, R.B. Ram Sarup Trust and Ram Rup Vidhya Mandir Higher Secondary School, 2779 Subzi Mandi, Delhi. Hence after deducting this area the remaining area under acquisition comes to 69 bighas and 9 biswas. Out of this area the acquisition proceedings in respect of the khasra Nos.633/199/1 measuring 57 bighas 6 biswas have been stayed under the orders of the High Court, Delhi passed in the case No.79 of 1967, where the matter is still subjudice.

After deducting this area the balance area under acquisition remains only 12 bighas and 3 biswas.

Verification made at the site under section 8 of the Land Acquisition Act this area was found to be correct. I, therefore, hold the area under acquisition to be true at 12 bighas and 3 biswas, the details of which according to the revenue record as given below:-

<u>Khasra No.</u>	<u>Area.</u>	<u>Kind of land</u>
172.	4 - 14	Bagh Nehri.
173.	5 - 18	Bagh Nehri.
176/1.	1 - 11	Bagh Nehri.
	12 - 03	

Note: At my site inspection it was found that the bagh has been cut and the land is divided in the form of plots.

'CLAIMS AND EVIDENCE'

The following

Sl.No.	Name of the claimant(s)	Compensation demanded
1.	Rameshwar Dass Sharma s/o Ram Chander through Manbir Singh Advocate.	Rs.35/- per bigha for the land, Rs.500/- for levelling, Rs.1500/- for boundary wall and Rs.200/- for other compensation, thus demanded. Rs.5700/- as total compensat- ion.
2.	Chiman Singh and Parbhu Singh ss/o Main Singh Sukh Dass through Pt. Anup Chand Advocate.	Rs.30/- per sq.yd. for the land, and Rs.35000/- for the well and the structure.
3.	Surinder Singh Bhatia s/o Kartar Singh.	Rs.40/- per sq.yd. for the land, Rs.500/- for levelling, Rs.5000/- for construction, Rs.10,000/- as compensation for displacement, thus demanded total compensation of Rs.19,500/-.
4.	Om Prakash Sharma s/o Ram Nath.	Demanded total compensation of Rs.28,500/-.
5.	Gian Singh s/o Narain Singh.	Demanded total compensation of Rs.19,300/-.
6.	Mohan Lal s/o Bakshi Lal.	Total compensation of Rs.25,100/-.
7.	Bhagwat Singh, Surinder Singh sons of Shmt. Raj Kaur w/o Jawala Singh.	Demanded total compensation of Rs.18,700/-.
8.	Kartar Kaur, w/o Bhagwan Singh, Charan Kaur W/o Sucha Singh.	Demanded total compensation of Rs.18,100/-.
9.	Yad Ram s/o Rewti Ram Misra, Davender Singh s/o Yad Ram.	Demanded total compensation Rs.46,800/-.
10.	Shmt. Shubh Lata w/o Shri Satpal Sharma.	Demanded total compensation of 21,200/-.
11.	Khem Raj s/o Narotan Dass.	Demanded total compensation of Rs.5200/-.
12.	Raj Kumari Jain w/o Dharampal.	Demanded total compensation of Rs.9200/-.
13.	Shmt. Vidya Devi w/o Panna Lal.	Demanded total compensation of Rs.16,100/-.
14.	Dharshan Singh s/o Gopal Singh.	Demanded total compensation of Rs.21,300/-.
15.	Shmt. Kanta Rani Jain w/o Jagdish Lal.	Demanded total compensation of Rs.14,000/-.
16.	Shakuntla Devi w/o Des Raj Sareen.	Demanded total compensation of Rs.10,640.00.

18. Prameshwari Jai w/o Balbir Chand Jain. Demanded total compensation of Rs.20,500/-.
19. Dhaja Ram Gupta s/o Shambhu Dayal. Demanded total compensation of Rs.20,000/-.
20. Ashok Arora s/o Raj Narain. Rs.5000/- as total compensation.
21. Sushil Kumar Jain s/o Roshan Lal Jain. Demanded total compensation of Rs.24,000/-.
22. Raj Kumar Jain s/o Roshan Lal Jain. Demanded total compensation of Rs.23,000/-.
23. R.S. Bajaj s/o Shri Salamat Rai Bajaj. Demanded total compensation of Rs.19,800/-.
24. Bimal Prakash Jain s/o Shri Panna Lal Jain. Demanded total compensation of Rs.11,500/-.
25. Shmt. Pushpa Wanti w/o Shri Sukhdev Raj. Demanded total compensation of Rs.18,940.00.
26. Shmt. Agya Wanti w/o Sikandar Lal. Demanded total compensation of Rs.18000/-.
27. Phool Wati Jain daughter of Sohan Lal. Demanded total compensation of Rs.8900/-.
28. Om Prakash Jain s/o Janghi Lal Jain. Demanded total compensation of Rs.26000/-.
29. Shmt. Krishna Gahlawat d/o Baldev Singh. Demanded total compensation of Rs.24,000/-.
30. Shri Dhani Ram s/o Shri Daya Ram. Demanded total compensation of Rs.23,400/-.
31. Shri Narain Dass s/o Ishwar Dass. Demanded total compensation of Rs.21,180/-.
32. Jaman Lal s/o Vas Dev. Demanded total compensation of Rs.21,500/-.
33. Gurcharan Singh Thukral s/o Dewan Chand. Demanded total compensation of Rs.6200/-.
34. Shmt. Surjit Kaur w/o Joginder Singh. Demanded total compensation of Rs.34,800/-.
35. Bachan Singh s/o Rur Singh. Demanded total compensation of Rs.16,300/-.
36. Dalip Singh s/o Rur Singh. Demanded total compensation of Rs.12,250/-.
37. Jagat Singh s/o Hari Singh. Demanded total compensation of Rs.9500/-.
38. Prehlad Chand, s/o Narotan Dass. Demanded total compensation of Rs.5700/-.
39. Jaga Darshan Singh s/o

Note: The claimants from sl.No.2 to 39 have filed their claim petition through Shri Manbir Singh Advocate.

No evidence in respect of the claims for compensation as such has been filed by any claimant. However, the plot holders of the land under acquisition have filed copies of the sale deeds showing that they have purchased the plots, at the rates ranging from Rs.11/- per sq.yd. to Rs.20/- per sq.yd. Thus there is no corroboration between the rates demanded by the claimants, which ranges from Rs.35/- to Rs.40/- per sq.yd. and the rates involved in the said sale deeds. Moreover the said sale deeds appear to have been executed after the date of notification under section 4 of the Land Acquisition Act viz.13.11.1959. Hence these rates cannot be relevant for arriving at the correct market value of the land under acquisition. The claimants are, therefore, entitled for the compensation as discussed under the head 'Market Value'.

'MARKET VALUE'

The kind and situation of the land under acquisition is similar to that of the land acquired under the award No.1985 of village Sadhora Kalan. The khasra Nos.172, 173, and 176/1 under acquisition are just adjacent to the khasra Nos.171, 174, 175, 177 and 178 acquired vide the award No.1985, and the khasra No.176/1 under acquisition is actually the part and parcel of the khasra No.176/2 already acquired vide the award No.1985.

As stated above the land under acquisition according to the revenue record is 'Bagh Nehri' but at the site the bagh has been cut and the land has been sold unauthorisedly in the forms of plots. As such the land under acquisition has been classified as 'Other kind', for which the rate of Rs.5100/- per bigha has been allowed in the award No.1985. The dates of the notification under section 4 of the Land Acquisition Act of the present award and the award No.1985

has been drawn very recently, and about 8 references have been filed under section 18 of the Land Acquisition Act upto date, which are at the preliminary stage.

The factors for arriving at the market value of the land in this area have been discussed at length in the award No. 1986. In view of the aspects discussed therein I am of the opinion that the rate of Rs.5100/- per bigha will be a fair and reasonable market value of the land under acquisition and I award accordingly.

'OTHER COMPENSATIONS'

on the land under acquisition

There is neither any tree nor structure, well, therefore, the question of assessment of compensation does not arise. However some of the plots holders have constructed rooms etc. for which no compensation has been assessed as the plots holders purchased the land under acquisition after the date of notification under section 4 of the Land Acquisition Act and hence they constructed the structures on the land under acquisition after the date of notification under section 4 of the Land Acquisition Act. They are, however, allowed to remove their 'malbas' if they so desire.

'APPORTIONMENT'

The compensation of the land under acquisition will be paid to the plot holders on production of the relevant documents showing their ownership rights, and in case of dispute between the owners and the plots holders, the compensation will be sent to the Addl. Distt. Judge, Delhi for disbursement.

Interest: According to the provisions of the Land Acquisition (Amendment & Validation) Act, 1967, simple interest at the rate of 6% p.a. is allowed on the market value of the land from the date of the expiry of three years, viz. 13.11.62 to the date of tender payment of compensation awarded viz. 29.10.1967 as the award is likely to be announced on 30.10.1967.



of public land under section 1 of the Land Acquisition Act, 1894.

15% for compulsory requisition charges: As provided under section 23(2) of the Land Acquisition Act, the owners will also be paid 15% as solatium for compulsory nature of acquisition.

SUMMARY OF THE AWARD

Compensation for the land measuring 12 bighas and 3 biswas @ Rs. 5100/- per bigha.	Rs. 61,965.00
Interest @ 6 p.a. from 13.11.1962 to 29.10.67 (4 years and 361 days)	Rs. 19,446.69
15% on the compensation of the land (i.e. measuring 12 bighas 3 biswas = Rs. 61,965.00), as solatium for compulsory nature of acquisition.	Rs. 9,294.75
G.T.	<u>Rs. 90,706.44</u>

The land is assessed to a land revenue of Rs. 21.80 p.a. which will be deducted from the revenue roll of 1968.

(Zul Hossainwanji)  
Land Acquisition Collector (DS),  
Dated 23.10.1967.

*Sham Lal*  
23.10.67

The Award will be announced on 30.10.67 before Magda Mungani and A. S. Patel and inform all concerned.

*Sham Lal*  
Sham Lal / Sham Lal Datta