

A W A R D NO: 1121.

Name of the Village:- ^{Khurd} Sadhoran Kalan.

Abadi:- Bagh Kare Khan.

Nature of Acquisition:- Permanent.

This is a case for the acquisition of land known as Pit No. (7) situated in Bagh Kare Khan in the Revenue Estate of Sadhora Khurd on behalf of the Delhi Corporation for the construction of Girls School.

^{F. 15(1)/57-LSG}
Notification No. F.15(7)/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 objections as to the acquisition were received. The notification stated that the land was required for public purpose at 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 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 Ward No. XVIII. It measures ^{2309.58 sq. yd.} (910) square yard. Parties have not

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

MARKET VALUE:

according to the information supplied by the Deputy Commissioner, ^{Mahantpur} Delhi, the property under acquisition is owned by Sarvshri Nihal Singh, Mool Chand, and Smt. Bhagwati Devi and Sarvshri Chander Bali, Labhu Ram, Mehar Chand and Ram Chander are the occupiers. 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 claims and their statements and evidence have been recorded. Shri Nihal Singh claims ownership of an area of 222 square yards and has demanded the compensation at Rs.25.00 per square yard. Shri Basanti Lal, Special Attorney and husband to Smt. Bhagwati Devi ^{on her} appears ^{owner} on behalf, claiming ownership of 244 square yards and demanding compensation at the rate of Rs.80.00 per square yard. Shri Mool Chand stated that his area is under his Factory and it may not be acquired, because his business will be ruined. He further states that he has spent Rs.3,000.00 on super-structures and claims a compensation at Rs.100.00 per square yard. Shri Nihal Singh produced no evidence. Shri Basanti Lal has brought on record a copy of Sale Deed, registered ^{at} No. 213 on 16.1.1960. According to ^{the} which a plot of 138 square yards was sold for Rs.6,000.00 at an average of Rs.43.00 per square yard in Bagh Murd Khan. Shri Mool Chand is mistaken about this ^{fact}.

acquisition. His super-structure is situated in Pit No.8 and ~~notification~~ in Pit No.7. This land is all vacant. He produced two witnesses Shri Prabhu Dayal of Bazar Sita Ram and Shri Mohd. Rafi of Balli Maran, the former being a Property Dealer. Both the witnesses state to have offered him Rs.70.00 and Rs.100/- per square yard respectively about 2½ years ago. Shri Mool Chand, however, is stated to have refused the offer. These witnesses further state that the super-structure is worth Rs.3500/-. The evidence tendered by the land owners is very vague and irrelevant. As regards the Sale Deed produced, the land is situated in Bagh Murid Khan which is far away from this place. Moreover, the transaction took place in the year 1960, when the material date for the acquisition is 31.1.1957. This transaction, therefore, is irrelevant for calculating the market value of this plot on the material date. The claimant themselves are at variance regarding market value of the land. One of them demands Rs.25/-, the other Rs.80.00 and the third Rs.100.00 per square yard. The witnesses produced belong to Balli Maran and Bazar Sita Ram and they cannot be relied upon to know the price of land in Bagh Kare Khan. If there offer was genuine, a very foolish person would have rejected that offer. The evidence, therefore, produced by the owners is totally un-reliable.

The material date for the determination of the market value in this case is 31.1.1957 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 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 Employee 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 successively every year, is well known. Therefore the price in December, 1956 should not be more than Rs.4.00 per square yard in 1957. ^{**} Their contention, therefore, is untenable.

have simply relied
work to prove
be to be Rs.4.00
are yard.

The Naib Tehsildar, L.A. 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 18.1.54 and 8.6.54 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 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

Co-operative 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.

S O L I T I U M:

15% of the rate will be paid as solitutum 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 Nihal Singh's land.	Rs. =300.00
2.	In Bhagwati Devi's portion, 2 Khokhas belonging to Shri Labhu Ram and Mehar Chand at Rs.50/- each.	=100.00
3.	One Khokha belonging to Shri Ram Chander at Rs.20.00	= 20.00
4.	In Mool Chand's land, a Brick made Chabutra at Rs.175.00	=175.00
Total:		<u>Rs.595.00</u>

The Naib Tehsildar has given reasons in detail for assessing this cost of the structures.

the assessment made by him. I, therefore, award Rs.595.00 as the cost of temporary structures in the land.

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

APPORTIONMENT:

The following are the owners of the property included in Pit No. 1.

1.	Shri Nihal Singh.	=	222 square yards.
2.	Smt. Bhagwati Devi.	=	244 " "
3.	Mool Chand.	=	444 " "
Total:			<u>910 Square yards.</u>

The compensation for land and the solitium will be distributed according to the areas mentioned above. As regards compensation for structures it will be disbursed as follows:-

1.	Shri Chander Bali 'tenant'	=	Rs.300.00
2.	Shri Labhu Ram 'occupier'.	=	Rs. 50.00
3.	Shri Mehar Chand "	=	Rs. 50.00
4.	Shri Ram Chander 'tenant'	=	Rs. 20.00
5.	Shri Mool Chand 'owner'.	=	<u>Rs.175.00</u>
Total:			<u>Rs.595.00</u>

LAND REVENUES DEDUCTION:

The land is still assessed to ~~land~~ Land Revenue but no figures of Land Revenue are available because mutations have not been attested in favour of the land owners, nor Titammas have been implemented.

As soon as the Tehsildar concerned will be directed to deduct the relevant amount from the Revenue Roll, when the mutations is attested in favour of the Municipal Corporation.

THE AWARD IS SUMMARISED AS BELOW:-

1.	Cost of 910 square yards of land at Rs. 7.50 nP per square yard.	Rs. nP =6825.00
2.	Solignum, At 15% of the above price.	=1023.75
3.	Compensation for structures.	= 595.00
	Total:-	<u>8443.75</u>

(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.

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