

A W A R D N O. 1130

Name of the village:

Sadhoran Khurd

Abadi:-

Bagh Kare Khan.

Nature of Acquisition:-

Permanent.

This is a case for the acquisition of land known as Pit No. 5 situated in Bagh Kare Khan in the Revenue Estate of Sadhora Khurd on behalf of the Delhi Corporation for the construction of Girls school. Notification No. F.15(11)/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 & 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. yds. Parties have not contested the measurement and hence it is taken to be correct.

C L A I M A N T S.

The Deputy Commissioner, Municipal Corporation, Delhi vide letter No. 3388 I&E dated 24.2.60 informed that the land under acquisition belonged to the following persons.

- (1) Ch. Ram Swroop-pleader at Chandigarh.
- (2) Kanwar Jagdish Pal Singh, Khacharu State, Distt. Bulandshahar.

it has been confirmed that the land under acquisition is owned by following persons.

- (1) Ch. Risal Singh S/o Ch. Sri Chand, Advocate, Rohtak. 250 s.yds.
- (2) Ch. Krishan Mohan Singh, pleader s/o Jai Narain. 250 sq. yds.
- (3) Shrimati Shamo Devi w/o Ch. Ram Swroop (It is mortgaged with Shrimati Parmashewri w/o Ch. Ram Swroop of Gurgaon cantt.) 504 sq. yds.
- (4) Kanwar Jagdish Pal Singh of Khacharu State. 300 sq. yds.
- (5) Capt. Ranjit Singh of Shahzadpur Distt. Ambala 300 sq. yds.
- (6) Ranjit Joginder Pal Kaur of Ambala Cantt. 300 sq. yds.
- (7) Bhai Fateh Singh of Sidhwal near Patiala. 300 sq. yds.
- (8) Shrimati Daropadi widow of Shri Sham Lal 106.28 sq. yds.

Besides the above owners, the Municipal Corporation, Delhi has informed that Sarvashri Parshadi Lal, Sumar, Nathwa Ram, Babu Ram and Buru Mal are residing as tenants on the aforesaid land. Despite local and gazette publicity and service of notice under section 9, there is no rival claim to ownership. Service of the notice has been effected on all other owners except No. 8, who is not traceable at the given address. Service had also been effected upon all the tenants except one. In addition to the above tenants, two more tenants namely Mithan Lal and Amar Singh have claimed tenancy. They have filed their claims and reside at the site. These tenants are in the share of Shrimati Daropadi, Land owner. The land of Shrimati Shamo Devi measuring 504 sq. yds. is mortgaged for a sum of Rs. 5000/-. It is further disclosed that the land belonging to Shrimati Shamo Devi was given on lease in 1956 to M/s. Ganesh Das, Silk merchant, Chandni Chowk at Rs. 100/- per month for a period of 11 months. At the site, there is no such tenant in occupation of this land.

All the owners including the mortgagor with the

Claimants No. 1 & 2 have claimed a rate of Rs. 35/- per sq. yd. and Rs. 3800/- as filling charges. They have stated that they purchased the land for Rs. 9000/- in 1956. Shri Risal Singh has further stated that he had received an offer of Rs. 35/- per sq. yd. for this plot. The same rate has been claimed on behalf of claimants No. 3.

Shri Jagdish has made a statement and filed a written claim on behalf of himself and claimants No. 5, 6 & 7 ^{stating that} ~~is~~ the present day rate in the locality ^{is} between Rs. 30/- & 40/- and they had spent Rs. 1280 on filling the land. In support of their demand, no claimant has produced any evidence except the copies of registered deeds of sale in their own favour ~~and~~ two stamped receipts dated 12.11.57 and 29.12.57 in token of receipt of Rs. 500/- and Rs. 1400/- by Shri Mohd. Unis as filling charges paid by Ch. Risal Singh and his partners, Mohd. Unis also appeared in person and admitted the execution of the receipt. This witness also went on to state that he is prepared to purchase the land under acquisition at Rs. 35/- per sq. yd. The claimants have produced no evidence as to the rate of the sales of land. Therefore, their claim is unsubstantiated.

MARKET VALUE.

The Naib Tehsildar, Land Acquisition has proposed a rate of Rs. 13/- per sq. yd. for this area. He has based this rate on the sales carried through vide mutations No. 1519 and 1597 of 18.1.54 and 8.6.54 respectively. This area involved in these two mutations is only 4 biswas. 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 numbers 1461 and 1483, also relating to the sales of the land in the immediate vicinity of the land under acquisition. The ground for

spot and I do not agree with the opinion of the Naib Tehsildar Land Acquisition, because this ~~are~~ is also in immediate vicinity of the land under acquisition and is surrounded on all sides by constructed areas. I, therefore, consider that the sales carried through vide mutations numbers 1461 and 1483 are also ~~irrelevant~~. The total area involved in these 4 mutations is 14 biswas and the total amount is Rs. 6240/-. The average of these sales works out to Rs. 8.84 np. per sq. yd. The rate proposed by the Naib Tehsildar, Land Acquisition is very high and I do not agree with it. I consider that the rate worked out on the basis of the 4 mutations i.e. 8.84 np. per sq. yd. is more reasonable. A registered deed has been produced before me on behalf of Shrimati Shamo Devi in favour of Shri Krishan Mohan Singh for an area of 500 sq. yds. and is included in the land under acquisition, for a consideration of Rs. 9000/-. The rate in this case worked out at Rs. 18/- per sq. yd. This sale is not at all reliable because it was affected between the parties who are known to each other and only two months before the date of notification under section 4 of the Land Acquisition Act. Since correspondence must have been going on between the Corporation and the Delhi Administration for the acquisition of this land, therefore, I think that this sale took place for the purpose of increasing the value of the land. This is further supported by the fact that 10 bighas and 14 biswas of land was purchased by the Co-operative House Building Society for a consideration of Rs. 91000/- on 26.2.60 @ about Rs. 8.50 np. per sq. yd. This area is hardly 100 yds. away from the area under acquisition. When the price of land in 1960 was Rs. 8.50 np. per sq. yd. there appears to be no reason for such a high price i.e. 18/- sq. yd.

The rate of Rs 8.84 np per sq.yd. is quite reasonable as worked out according to 4 mutations already mentioned. I therefore, award a rate of Rs 8.84 per sq.yd. for the land. The owners have demanded high sums for the filling of these pits. Since the price has been worked out on the basis of the area which was level and not a pit, therefore, the expenses of filling are included in the rate of Rs 8.84 np. per sq.yd. The Municipal Corporation was given several opportunities to make a departmental representation but they have failed to do so. It appears that they have no representation to make. 15 % of this rate will be ^{given} as solitium for compulsory acquisition.

ANY OTHER COMPENSATION.

The area belonging to claimants No 1,2 and 3 has already been taken in possession by the Municipal Committee for the construction of Municipal School and, therefore, the interest will be paid on this amount from the date of taking over possession @ Rs 6/- percent per annum. The date of the taking over possession should be ascertained from the Municipal Corporation. There are some tin-shed over an area of 45 sq.yds. in possession of Shrimati Daropadi Devi, in which these above mentioned tenants are residing. The structure belongs to the owners. The Naib Tehsildar, Land Acquisition has fixed the price of structure at Rs 300/- only. I have seen the spot and I agree with the view of the Naib Tehsildar. I, therefore, award a sum of Rs.300/- as the cost of the construction. ^{sheds}

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

The compensation for land and solitium will be paid according to the area of each land owner. The compensation for the construction will be paid to Shrimati Daropadi Devi. The tenants should be provided an

are the tenants. This area is 45 sq.yd. They are tenants of a standing of 6 or 7 years.

The award is, therefore, summarised as follows:-

Price of 2310 sq.yd. of land @ Rs.8.84 np per sq.yd.	Rs.20420.40
Solittium at 15% of the price of the land.	Rs. 3063.06
Interest on area owned by onwers 1 to 3 from the date of taking over possession by the corporation to the date of payment at Rs.6/- per annaum. From 15.7.58 to 14.5.1961.	Rs. 1508.81
Cost of structure.	Rs. 300.00
TOTAL....	Rs.25292.27

LAND REVENUE DEDUCTION.

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

Dated:- 28.3.61.

(Mand Kishore)
Land Acquisition Collector I, Delhi.

Submitted to the Collector of the District for information and approval.

(NAND KISHORE)
Land Acquisition Collector I, Delhi.

Seal
2.4.61
COLLECTOR, DELHI.

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