

94.
AWARD No. 1196

Name of the Village:

Sadhora Khurd.

Nature of Acquisition:

Permanent.

This is a case for the acquisition of land in village Sadhora Khurd required by the Government at the public expense for a public purpose, namely, for the construction of Labour Welfare Centre at Village Sadhora Khurd, Delhi. A declaration to this effect was made by the Delhi Administration vide notification No. P.15(41)/57-LSG dated 19th April 1960. The substance of the notification was given necessary publicity, inviting objections within a period of one month from the date of publicity. No objections, however, were received. A declaration under section 6 of the said act was subsequently issued vide notification of even number dated 3rd September 1960. Notices under section 9 and 10 of the Land Acquisition Act have duly been issued to the interested parties.

MEASUREMENT & OWNERSHIP.

The whole khasra No. 519/429 is under acquisition.

According to the Revenue Record, the total area under acquisition is 5 bighas and 2 biswas. The owner, however, claims that the area of the Khasra is 5 bighas and 5 biswas. According to the settled measurements, the area is only 5 bighas and 2 biswas and the whole number is going to be acquired, therefore, for the purposes of compensation, the area will be considered to be 5 bighas and 2 biswas.

CLAIMS & EVIDENCE.

He has further claimed that the land is situated near the built up area, therefore, he should get the price for the land having a potential value as building site. In evidence he has produced the following sale-transactions.

<u>No. of transaction.</u>	<u>Date of execution.</u>
2739	26.8.47
1825	6.12.48.
549	9.2.57.
6022	22.7.59.
6021	22.7.59
1906	25.5.60
5280	26.2.60

The first two transactions relate to the year 1947 and 1948, therefore, these are irrelevant for arriving at the Market Value on the relevant date i.e. 19.4.60. The next four transactions, although recent, but pertain to very small areas sold in inhabited ~~villages~~ colonies of Bagh Kare Khan, Bagh Murid Khan etc. These plots have been formed after the areas for common purposes have been left out. The sale-price in these cases are Rs.10/- or Rs.11/- per sq.yd. Since, in the Abadi of Bagh Kare Khan and Bagh Murid Khan, 1/4th of the area had to be left for common purposes, therefore, the price of undeveloped land, where no road etc. have been left out, should be about Rs.7.30 per sq.yd. He has also produced sale-deeds No.5280 dated 26.2.60 in which 10 bighas and 14 biswas of land has been sold for a sum of Rs.91,000/-. This area has been sold as potential ~~land~~ and average of this transaction comes to

similar land by the evidence produced by the land owner should
~~be~~ be Rs.8.84 per sq.yd.

S I T U A T I O N .

The land under acquisition is situated about 100 yards from the Abadi Bagh Kare Khan, ~~It~~^{It} divided by means of a canal. It, therefore, has got a potential value as building site. I am not going to assess the price on the basis of its agricultural value, but on the basis of a value as potential building site. Had I assessed the value on the basis of agricultural produce, then its price would not have been more than Rs.1500/- per bigha. I am giving more price as it has got a potential value for building site. The land owner cannot claim market value on the basis of potential site as well as the price of the trees on the basis of its productivity ^{for agricultural} ~~of the agricultural~~ point of view. In this way, the only price we can get for the trees thereon, is the price of dry wood ^{of the trees standing} ~~on the land~~ on the land.

M A R K E T V A L U E .

The land owner has himself cited transaction No.5280 dated 26.2.60 as the basis of his price. Another sale-transaction regarding Khasra No.118, 119, 120 and 121 total measuring 24 bighas and 13 biswas, situated just ~~near~~ in the neighbourhood of the land under acquisition, took place on 23.1.59 for a sum of Rs.1,63,500/-. The purchasers in this case were "Cloth Mill Employees House Building Society". Since the land has been purchased by a Cooperative Society, therefore, there is no likelihood of any exaggeration either way. I think that out of total

arriving at the market value of land under acquisition, because the situation of the land in these two transactions is similar to the land under acquisition. Adding the area and the total sale-money in the two cases, it is found that 35 bighas and 7 biswas of land was sold for a sum of Rs.254500/-. The average, therefore, comes to Rs.7200/- per bigha. I consider this price to be a very reasonable market value of the land under acquisition. I, therefore, award Rs.7,200/- per bigha as the compensation for land.

OTHER COMPENSATION.

The land owner has claimed Rs.5000/- for the well. This well does not belong to the applicant and is situated in a khasra number which is quite different from the khasra number under acquisition. It is also not under acquisition. The land owner cannot claim compensation for separation, because the well does not belong to him. The land owner has further claimed Rs.6000/- for the boundary walls and Rs.3000/- for the house. The Executive Engineer, Delhi State Division No.I vide his letter No.611-34/2590 dated 21.3.61 has communicated that the present price of the structure on the land under acquisition is Rs.2278/-. I, therefore, award Rs.2278/- for the structures on the land.

COMPENSATION FOR GARDEN.

The Land owner has claimed compensation for the garden at Rs.5/- per sq.yd. I have already discussed that the price of the land is being given to the land owner on

building site and development on account of horticulture. On account of this reason he cannot be given the price of the trees on account of their horticulture utility. He can only get the price of the dry wood. According to the assessments prepared by the Horticulture Department, the weight of the dry wood of all the trees on the land under acquisition is 92 maunds. Assuming that Rs.2/- per maund to be a reasonable value of dry wood before being splintered, the price of the dry wood comes to Rs.184/- for the trees. In addition to the price of the land and structure, the land owner will get 15% of the compensation on these two accounts as solatium for compulsory nature of acquisition. The possession has not been taken so far, therefore, the question of interest does not arise.

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

There is no dispute about the ownership of the land. Shri Tara Chand, tenant stated before the Naib Tehsildar, who visited the spot that he is an old tenant and that the Pacca room in the garden was constructed by him. He has given no proof so far regarding this claim. The land owner on the other hand states that Shri Tara Chand is a servant and not a tenant. Since the land is situated within the limits of the old Municipal Committee, therefore, the Land Reforms Act is not applicable to the land under acquisition. The Non-occupancy tenant has, therefore, no claim for compensation. If the room was constructed by the tenant, then he is certainly entitled to the price of the structure raised by him.

parties should either come to a compromise within a month of the announce-ment of the award regarding the ownership of the structure, or the money will be sent to the District Judge for disbursement according to the right of each party. The rest of the compensation will be paid to the land owner.

THE AWARD IS SUMMARISED AS BELOW.

Compensation for 5 bighas and 2 biswas of land @ Rs. 7,200/- per bigha.	Rs. 36,720.00 ✓
Compensation for structure.	Rs. 2,278.00 ✓
	Rs. 38,998.00 ✓
15% of the compensation as solatium for compulsory nature of acquisition.	Rs. 5,849.70 ✓
Compensation for trees.	Rs. 184.00 ✓
Total.....	Rs. 45,031.70 ✓

The land is assessed to a Khalsa Lan Revenue of Rs. 18.33 N.P. This will be deducted from the Revenue Poll from Kharif 1961.

(Mand Kishore)
Land Acquisition Collector (I),
DELHI.
13.9.61.

Submitted to the Collector of District for information and filing.

(Mand Kishore)
Land Acquisition Collector (I),
DELHI.
13.9.61.

Seen Filed. Jms
COLLECTOR