

A W A R D No. 1477

Name of the Village: Sadhora Khurd.

Nature of Acquisition: Permanent.

This is a case for the acquisition of land in the estate of Sadhora Khurd required by the Government at the public expense for a public purpose, namely, for the Planned Development of Delhi. A declaration under section 4 of the Land Acquisition Act 1894 was made vide notification No.F.15(255)/61-LSG (ii) dated 23.4.62. The substance of the notification was given due publicity in and around the area inviting objections. Objections were received and heard and a report along with the objections in original was sent to the Delhi Administration. The objections have been filed and notification under section 6 of the Land Acquisition Act has been issued vide Notification ~~no~~ of even number dated 17.8.62. A notice under section 9(1) of the Land Acquisition Act was given due publicity in and around the area acquired inviting claims from all the interested persons. Notices under section 9(3) and 10(1) of the Land Acquisition Act were also given to the known interested persons. Almost all the interested persons have responded to the notices.

MEASUREMENT & OWNERSHIP.

According to the notifications under section 4 & 6 of the Land Acquisition Act, the total area was 158 Bighas 16 Biswas. From further verifications, it has

found that Khasra No.519/429/122-123 total measuring 5 Bighas 2 Biswas has already been acquired vide Award No.1196 for the Welfare Centre. The total area to be acquired thus remains 153 Bighas 14 Biswas. This has been found to be correct from further measurement. Shri Chhattar Singh son of Surja claims that the area of Khasra No.129 is 14 Bighas instead of 10 Bighas 15 Biswas. Measurement was made in his presence, but he is not satisfied. As a matter of fact, he has encroached upon adjacent path which he considers to be his own. The area of Khasra No.129 is, therefore, held to be correct at 10 Bighas 15 Biswas. Shri Mohammad Yaiya has also raised objection against the measurement of Khasra No.143 to 145. He has stated that the total of these khasra numbers is 29 Bighas. According to the Revenue Record and according to the further measurement made on the spot this area is found to be only 28 Bighas 5 Biswas. The area, is therefore, held to be correct at 153 Bighas 14 Biswas. The ownership of the land under acquisition is as given below:-

Contd.....3

Sl. No.	Name of the owner	Khasra No.	Area Bigha-Biswa	Kind of land.	Claim made.
1.	Ram Parshad s/o Shib Sahai.	518/429/ 122-123	5 - 5	Nehri	Rs.45/- per sq. yd. & Rs.8000/- for well.
2.	Om Parkash, adopted son, or Shm. Hira Devi daughter and Shm. Lado widow of Dass Raghu Nath/in equal share: 1/2. <i>Chhattar s/o s/o</i> <i>swy. 1/2 share</i>	518/429/ 122-123 129	10 - 15	Bagh Nehri & well and Kacha Kotha	Rs.30/- per sq. yard, 20000/- for trees, 1000/- for well & 1000/- for struc- ture.
<p>Note:- Shri Om Parkash & Chhattar Singh have stated that according to the judgement of a Civil Court, Om parkash is the owner of 1/4 and Shri Chhattar Singh, the owner of 3/4 and that the ownership of Shm. Hira Devi and Lado has been extinguished and that they should get the compensation in the shares. They should get this judgement of the Civil Court incorporated in the Revenue Record before payment is made to them. The compensation should be disbursed disbursed in the presence of Shrimati Hira Devi and Lado even after the Mutation. Shri Udho Ram is the contractor of fruit & flowers for a sum of Rs.1200/- and the contract will end on 'Holi'. The compensation for the Nursery should be disbursed in the presence of Udho Ram Contractor.</p>					
3.	Jeewan Singh s/o Wazir Chand & Gulab Chand son of Teerath Singh & Ram Lal s/o Gobind Ram in equal shares.	117	0 - 11	Banjarkadin.	

Note:- No personal notice could be served upon the owners of this land as their present addresses are very vague. They have filed no claim. Shri Ram Chander, Atri and Hari Chand are occupiers of this land and they claim compensation @ Rs.60/- per sqyare yard. They have not stated as to how they are the occupiers of the land.

4. Delhi Cloth Mill	118	7 - 9	Nehri.	
Employees Cooper-	119	0 - 6	-do- well	2
ative House Build-	120	0 - 5	-do- well	2
ing Society Ltd.,	121	16 - 13	-do- Nehri	✓
Delhi.		24 - 13		

Note:- The President of the Society has stated that they purchased this land for a sum of Rs.1,63,500/- and that they have spent Rs.4526/- on its maintainence since 21.1.59. They have claimed compensation for the land at Rs.3,73,080/- and several other compensation on account of some structure and well. They have also stated that some members have constructed structure on the land and they should get compensation for the structures.

5. Chandu Ram s/o				
Jetta Ram	206/576,			
Shm.Asgari Begum	125	1 - 13	Gairmumkin Talab.	
wd/o Shujaudin	✓			
18/576 & Swalambi	✓			
Cooperative House				
Building Society				
352/576.				

Note:- For the above two items, Shri Chandu Ram has claimed compensation @ Rs.50/- per sq.yd. He has further stated that he purchased this land amounting to 15 Bighas for a sum of Rs.35,000/- in the year 1958 and that Jeewan Singh tenant has filed a suit in the Court of Revenue Asstt. for the return of possession, and that he cut down the trees and sold ^{the} for a sum of Rs.1400/- Swalambik Cooperative House Building Society has stated that they purchased this land amounting to ²⁷26 Bighas ¹9 Biswas on ¹³10.7.59 for a sum of Rs.27,000/- ^{1,44,000/-}. They claim the following compensation:-

Rs.13,56,750/- for the land.

Rs. 2,000/- for the trees. *structure*

Rs. 1,000/- for the well. *wiring*

Shri Jeewan Singh tenant has made a similar statement regarding the land of the Society. He has claimed -/14/- of the rupee out of the compensation. Shrimati Asgari Begum has claimed no compensation. The Society has stated that they also purchased the share of Shm. Asgari Begum. The compensation may be sent to the District Judge for disbursement.

7.	Sh. Majdudin s/o	485/124	19	-	10	Nehri.
	Roshan Jahan Begum	126	0	-	2	Gairmumkin well.
		127	0	-	8	Nehri.
			20	-	0.	

Rs.50/- per sq.yd. for land & other compensation for trees & wire fencing & boundary wall & ladder.

Note:- Shri Jeewan Singh has claimed that he should get -/14/- out of a rupee as he was the previous tenant and he has filed a suit for the return of the possession in the Court of Revenue Assistant. The owner has stated that the tenant should be given nothing and that he filed a Civil Suit in the Court of Shri Harbans Singh, Sub Judge and that the suit was dismissed on account of compromise.

8.	Mohd. Yajia son	143	18	-	18	Chahi.	
	7/12, Shm. Amkhal	144	0	-	5	Gairmumkin well.	
	Malik daughter	145	9	-	2	Chahi.	
	7/24, Kalsoom Bi		28	-	5		Rs. 50/- per sq. yd. for land & various amounts for structures.
	widow 1/8 of						
	Hamidullah.						

Note:- Shri Ghisa Ram & others claim compensation as non occupancy tenants, but now they have compromised and they state that the whole compensation be paid to the owner.

9.	Badri Dass s/o	1160/434/ 181	4	-	15	Baghnehri	Rs. 100/- per sq. yd. & huge compensation on other grounds
	Musaddi Lal.						
10.	Shm. Jai Rani	1161/434/ 181	2	-	7	Gairmumkin Abadi.	Claimed Rs. 4,79,550/- for land and structure.
	wd/o Shankar						
	Dass.						

Note:- The tenants in this house have claimed alternative accommodation and compensation for the structure. Sh. Ramji Lal s/o Umrao has claimed that he had taken this land at Rs. 100/- per year & he constructed 18 huts on this land.

11. Laxmi Narain s/o 1162/434/
181 2 - 8 Garimunkin Abadi.
Ram Sarup.

Note:- Sh. Laxmi Narain has stated that he has sold 1/3rd part to Shmt. Chalti Devi and she agrees to the sale. They have further stated that they should get compensation @ Rs.30/- per sq.yd. Some persons have constructed huts on the land and they want alternative accommodation. There is a Nursery belonging to Shri Mangal tenant in about 10 Biswas of land.

12. Shm. Jai Rani
wd/o Shanker Dass 1163/434/
181 0 - 3 Gaimmunkin Path.
& Laxmi Narain
s/o Ram Sarup in
equal share.

Note:- Claim as in item No.10 and 11.

13. Sh. Ram Parshad
s/o Shib Sahai, 431/122 0 - 11 Banjarkadin.
Khima alias Kheman 15/- per sq.
s/o Shib Sahai in yd.
equal share 1/2,
Bhulan Singh adopted
s/o Raja Ram 1/2.

14. The Peoples Cooper-
ative House Build- 430/122 8 - 0 Banjarjadid
ing Society Ltd, Delhi 432/122 2 - 14 -do- Rs. 50/- per
sq.yd.
10 - 14

15. Ram Parshad and
Khimar Ram sons
of Shib Sahai in 428/123 0 - 6 Gairmumkin well.
equal share 1/4,
Bhulan Singh adopted
son of Raja Ram 1/12,
Gopi Nath s/o Manohar
Lal 1/12, Sh. Shib
Saran Lal, Baxmi Narain
Dina Nath, Raj Nath
& Vijey Nath sons of
Munshi Lal in equal
Musach ✓
shares 1/12, The Delhi
Improvement Trust 1/6,
Ram Chander, Sunder
Singh sons of Bhagwan
Dass in equal share
1/3.

Rs. 8000/- for
the well &
Rs. 50/- per
sq. yard.
for land.

16. Nazamuddin s/o
Hasamudin. 1425/497/
177 1 - 2 Nehri.

Note:- No claim has been received on behalf
of the owners. No notice could be
served upon him as his address is very
vague. Sh. Jeet Ram s/o Bhikari, tenant
has claimed compensation on various grounds
and Rs. 50/- per square yard for the land.

Total..... 153 - 14

CLAIMS & EVIDENCE.

The claimants made by various persons have already been discussed under the head 'Measurement & Ownership'. From the perusal of these claims it is quite evident that these claims have been made without any regard to realities. They have given no evidence in support of their exaggerated claims.

MARKET VALUE.

The land under acquisition is situated between the Western Jamuna Canal and the old Rohtak Road near the abadi of Bagh Kare Khan. The whole of the land is adjacent to the abadi but the abadi of Bagh Kare Khan is a slum area and the rates of the plots or houses are very low. The land has definitely got a potential value for building purposes and the transactions which have taken place in the locality include the increase of price on account of potentiality of the site. As a matter of fact the transactions in this area are not made for the purpose of agriculture, but for the purpose of getting land for the construction of houses. No lay out plan for any part of this land has been submitted or sanctioned by the Municipal Corporation of Delhi. It will be seen that the three Cooperative Societies have purchased land in this area for the purpose of building houses for their members. Those persons whose lands are acquired for the Planned Development of Delhi are entitled for plots to the Reserve Price.

Mutation Number.	Registered on	Khasra No.	Area , Bigha-Biswa	Total sale value.	Average per bigha.
1604	3.7.58	206/576 part of Khasra No.125 & 484/124	15 - 0	Rs.35,000/-	Rs.2,333/-
1565	23.1.59	118	7 - 9		
		119	0 - 6		
		120	0 - 5		
		121	16 - 13		
			24 - 13	Rs.1,63,500/-	Rs.6,500/-
1642	13.7.59	370/576 share of Khasra No.1184/ 124-125.	27 - 19	Rs.1,86,000/-	Rs.6,600/-
1594	26.2.60	430/122 & 432/122	8 - 0 2 - 14		
			10 - 14	Rs. 91,000/-	Rs.8,500/-
1662	23.1.61	1295/899/ 114 and 1117/115.	7 - 11 0 - 19		
			8 - 10	60,000/-	Rs.7,500/-

All these khasra numbers except those ~~involved~~ involved in Mutation No.1662 are a part of the area under acquisition. Khasra Nos. involved in Mutation No.1662 are situated nearer the city and on the main road on which the land under acquisition is situated. These Khasra numbers are, therefore, better situated than the land under acquisition. The rates in Mutation No.1604 are the lowest and I do not think it is a reliable mutation for arriving at the Market Value of the land under acquisition. Similarly the rates in Mutation No.1594 are extremely high. The land appears to have been purchased by a Cooperative Society and I think exaggerated prices have been quoted in the deed.

The remaining three mutations are very reliable and the rates in these mutations vary between Rs.6500/- to Rs.7500. The latest Mutation dated 23.1.61 is @ Rs.7/50 per square yard. I am, therefore, convinced that the rate of land under acquisition on the relevant date i.e. 23.4.62 was not more than Rs.7/- ^{✓ because the area is the best Khassra & better situated than the Khassra area} per square yard. I, therefore, award Rs.7000/- per bigha for the land under acquisition.

OTHER COMPENSATION.

In the land purchased vide Mutation No.1565 in Khasra No.118 to 121 by the Delhi Cloth Mill Employees Society Ltd; the whole area was a garden and had 2 wells. The price of the wells and trees is, therefore, included in the average price of Rs.6,500/- per bigha. This is very natural because the land here is not being purchased for agricultural purposes and no importance is attached to agricultural development. The rate of Rs.7,000/- per bigha includes the price of the wells as well as of the gardens. Moreover, Shri Chandu Ram has stated that he purchased 15 Bighas of garden and the value of the wood ^{gathered} ~~covered~~ by him was only about Rs.1400/-. The average yield of the wood, therefore, is about Rs.100/- per bigha. I, therefore, award Rs.100/- per bigha in addition for Bagh Nehri. Since the price is being paid on the basis of potential value, therefore, no compensation can be paid for the Nursery which has got no wood value. No compensation

constructed upon the wells will be useless. Since the price is being paid on the basis of potential value, therefore, no compensation can be given for the wells.

The Naib Tehsildar, Land Acquisition has assessed Rs.25,667.50 nP as the price of the structures standing on the land under acquisition. I agree with the price assessed by him and award Rs.25,667.50 nP as the price of the structures. The details regarding various structures is given in the list of 'Chief Data'.

In addition to the above, compensation, the land owners will get 15% as solatium for compulsory nature of acquisition.

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

Various disputes regarding the payments of compensation have been discussed under the head 'Measurement & Ownership' and the compensation for disputed amounts may be sent to the District Judge for disbursement.

THE AWARD IS SUMMARISED AS BELOW.

Compensation for 153 Bighas
14 Biswas of land @ Rs.7000/-
per bigha.

Rs.10,75,900.00

Compensation for structures.

Rs. 25,667.50

Rs.11,01,567.50

15% solatium on the above.

Rs. 1,65,235.12

Rs.12,66,802.62

Compensation for gardens in
Khasra No.129,1160/434/181
measuring 15 Bighas 7 Biswas
@ Rs.100/- per bigha.

Rs. 1,535.00

Rs.

Rs.12,68,337.62

Grand Total.....

The land is assessed to land revenue of Rs.367.84
which shall be deducted from the Revenue Roll from Rabi
1963.

(Nand Kishore)
Land Acquisition Collector I,
DELHI.
21.1.1963.

Submitted to the Collector of District for
information and filing.

(Nand Kishore)
Land Acquisition Collector I,
DELHI.
21.1.1963.

Seen

Handwritten signature
ADM (LA)

with Power of Collector

6/2/63

COLLECTOR, DELHI

SUPPLEMENTARY AWARD No. 72-A/1970-71

Name of village. Sadhora Khurd.
 Nature of Acquisition. Permanent
 Purpose of Acquisition. Planned Development of Delhi.

INTRODUCTION

This is a supplementary award for acquiring the structures in Khasra No. 599/277 measuring 3 bighas 17 biswas in village Sadhora Khurd. The land in this khasra number has already been acquired in award No. 72/70-71 announced on 4.3.1971. It was notified u/s 4 vide notification No. F.1(16)/67-L&H dated 2.12.67 and u/s 6 of the Land Acquisition Act. vide notification No. F.1(16)/67-L&H dated 15.5.68. Notice u/s 9(1) and 10(1) of the L.A. Act were issued at the time of original award.

MEASUREMENT

The entire area of 3 bighas 17 biswas in Kh. No. 599/277 has already been acquired as mentioned above.

CLAIMS

The following claims have been received:-

Sr. No.	Name of the claimant.	Kh. No.	Amount claimed
1.	S/Shri Gopi Krishna Khanna, Avtar Krishna Khanna and Rajindra Krishna Khanna sons of the late Shri Radha Krishan Khanna.	599/277	a) 81 % of the value of land @ Rs.100/- per sq b) Value of the building including sheds, wells & other structures Rs.2,05,000.00 c) Value of machines, fixtures etc. Rs.1,50,000.00 d) Loss of earnings Rs. 2,16,000.00 e) Change of place of business Rs.50,000.00 f) other incidental damages and expenses Rs.20,000.00

Note:-In lieu of compensation for items at Sl.No. (a), (b) & (c) the claimants have desired allotment of built up area in an industrial estate, 87.5 H.P.3 Phase 440/50 Cycle industrial power connection at the new project.

2. Ramjas Foundation, Delhi through Sh. Om Parkash Gupta, Honorary Secretary. 599/277 Rs.80,000/- for building and sheds etc.

3. Sh. Sultan Singh, Partner Firms-Reliable Electricals 1) Rs.50,000/- for building and sheds etc.

- iii) Rs. 2,00,000/- as amount of compensation for land and building thereon.

EVIDENCE

Shri Gopi Krishan Khanna and others have filed the following documents:-

1. Affidavit regarding death of Shri Radha Krishan Khanna on 15.2.70.
2. A copy of death certificate dated 9.4.70.
3. Lease deed dated 14th March, 1950 between Radha Krishan Khanna and Shri Ganga Pal Sharma.
4. Detailed estimates dated 2.5.72 for the building, structures, well etc. prepared by Goel Engineers & Architects.

Ramjas Foundation, Delhi have filed un-attested copy of the lease deed dated 2nd January, 1949 between Shri Radha Krishan Khanna and the Managing Committee Ramjas College Society.

MARKET VALUE FOR STRUCTURES:

1. The claimants Shri G.K. Khanna & others have filed a detailed estimate for factory workshop, building, structures etc for Rs. 1,96,479.35 and another estimate for well structure for Rs. 5681.09. In the estimate for factory building no details have been furnished at item No. 1. The estimate indicates cost of first class bricks whereas the Assistant Engineer (Valuation), D.D.A. has reported second class bricks used in sheds & misc. structures. These estimates have not allowed depreciation. For these reasons, I find the estimates furnished by the claimants are inflated.

2. The Assistant Engineer (Valuation) , Delhi Development Authority has evaluated the structures on the date of notification u/s 4 as follows vide his letter No. AE(V)/II/70/97/369-110 dated 12.8.1970

i) Main Building.	Rs. 24,074.00
ii) Misc. structures.	Rs. 26,328.00
iii) Sheds.	Rs. 49,390.00
iv) Well.	Rs. 4,267.00

Total:- Rs. 1,04,059.00

I agree with the above assessment and allow the same.
The Assistant Engineer(Electrical), Housing Division
(E)II, Delhi Development Authority, New Delhi has submitted
vide his letter No.AE.IV/EDII/10/905-906 dated 1.2.1972
estimate regarding dismantling and transshipment of the
machinery in the factory as follows:-

1. Transshipment Charges:-	Rs. 1,600.00
2. Dismantalling & erection charges in respect of machinery which needs dismantling.	Rs. 3,260.00

Total:- Rs. 4,860.00

I agree with the above assessment and allow the
same as reasonable expenses for change of place of
business under section 23(1) clause fifthly of the L.A.
Act.

15% SOLATUM.

15% of the market value assessed as above will be
paid on account of compulsory acquisition as provided
U/S 23(2) of the L.A. Act.

APPORTIONMENT.

Since the compensation for the structures as well
as machinery has been claimed by ~~the~~ all the claimants it
will be treated as disputed. If no amicable settlement
is arrived at between the interested parties within a

Me

-: 4 :-

reasonable period the amount will be sent to A.D.J., Delhi for adjudication of the title.

SUMMARY OF THE AWARD.

1. Market value of the building Rs. 1,04,059.00
and other structures.
2. Reasonable expenses for shifting Rs. 4,360.00
the machinery.
3. 15% Solatium. Rs. 15,603.85

Total:- Rs. 1,24,527.35

Compared.

P. M. Chay
NT(10)

P. M. Chay
(B.M.L. GAUMAT) 27.6.72
LAND ACQUISITION COLLECTOR(DS)DELHI.

Announced & filed today

P. M. Chay
27.6.72
LAC (DS)