

A W A R D No. 1593

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 was made vide Notification No.F.4(83)/62-L&H (ii) dated 19.10.62. The substance of the notification was given due publicity and objections were invited from the interested persons. No objection was, however, received. A declaration under section 6 of the Land Acquisition Act was made vide Notification No.F.4(83)/63-LSG dated 21.12.62. A notice under section 9(1) of the Land Acquisition Act was given due publicity and notifications under section 9(3) and 10(1) of the Land Acquisition Act were issued to the interested persons. All the interested persons except the Custodian have responded to the notices.

MEASUREMENT & OWNERSHIP.

According to the notification under section 6 of the Land Acquisition Act, the total area to be acquired was 52 Bighas 9 Biswas. Whole of Khasra No.29 was notified for acquisition. From further verifications made on the spot it is found that there is a Pucca road in 4 biswas of land and, therefore, this 4 biswas is not being acquired. The total area thus, works out to 52 Bighas 5 Biswas. None of the land owners has made any objection against this measurement. Whole of the land under acquisition is the property of the Government and, there are occupancy tenants on this land. Their rights have got to be acquired. The details regarding the ownership etc. is given below:-

Sl.No.	Names of the occupancy tenants	Khasra No.	Area Bigha-Biswa	Kind of land.
1.	Custodian 1/3, Sheel Chand and Naresh Chand sons of Adeshwar Lal 2/3.	1317/24 29/2	11 - 12 14 - 7 <hr/> 25 - 19	Bagh Nehri. ----do---- 12- 4 Nehri 2 - 3

Note:- No claim has been filed by the Custodian. Sarvashri Sheel Chand & Naresh Chand stated that they have purchased occupancy ~~tenant~~ rights of the Custodian for a sum of Rs. 80,000/- in auction held on 17.3.60. They have claimed compensation @ Rs. 30/- per sq. yd. In addition to the above compensation, they have also demanded the following compensation.

1. Compensation for trees. Rs. 1000/- per bigha.
2. Compensation for structure. Rs. 15,000/-.
3. Compensation for well. Rs. 2,000/-.
4. Compensation for wire fencing. Rs. 2,000/-.

From the inspection of the site it is found that there is neither any well nor any pucca structure on this land. His claim is, therefore, rejected, for these two purposes. As regards wire-fencing, it is a part of the garden and one has to fence the garden either by wire fencing or by thorny bushes. No compensation, therefore, can be allowed for wire fencing. Shri Ram Chand s/o Bhup Chand has claimed compensation for Nursery in 2 Bighas 3 Biswas of land in Khasra No. 29/2. The occupancy tenants state that they have let out 2 Bighas 8 Biswas of land to Shri Ram Chand at Rs. 16/- per month and that the compensation for the Nursery may be paid to him while the compensation for the trees should be paid to ~~him~~ ^{him}. Shri Ram Chander has further claimed compensation for the structure which consists of 3 jhuggees. There is

Shri Rattan s/o Budh Ram has also claimed compensation for structure at Rs.2000/-. It is simply a jhugree and due compensation will be paid to him for the jhugree.

2. Sunder Singh s/o Bhagwan Dass
1/2, Ram Parshad & Khiman Ram 1322/26 0 - 4 Nehri.
sons of Shib Sahai 1/2.

Note:- They have claimed compensation @ Rs.30/- per sq.yd. Shri Sunder Singh occupancy tenant states that the whole compensation should be paid to him because it is in his possession. Sarvashri Ram Parshad and Khiman Ram claimed that the compensation should be paid according to the shares. The compensation regarding this land will be paid after further taking evidence in the matter.

3. Sunder Singh s/o Bhagwan Dass
1/2, Ram Parshad, Khiman Ram 28 1 - 13 Baghnehri.
sons os Shib Sahai in equal
shares. 1/2

Note:- The compensation for whole of this land has been claimed by Shri Khiman Ram alone, while Shri Sunder Singh has agreed to this claim. No agreement has been received on behalf of Shri Ram Parshad. He has claimed compensation @ Rs.25/- per sq.yd.

4. Bhulan Singh adopted son of 23 7 - 15 Baghnehri.
Shri Raja Ram. 30 16 - 14 -do- 16-12
24 - 9 G.M.well 0-2

Note:- He has claimed compensation at Rs.25/- per sq.yd. and the following other compensation.

1. Compensation for the garden. Rs.1000/- per bigha
2. Compensation for the well. Rs.5000/-
3. Compensation for the Tinshed. Rs.3000/-
4. Compensation for the wirefencing Rs.5000/-

Total..... 52 - 5

Bigha Nehri. 50 - 0
Nehri. 2 - 3

CLAIMS & EVIDENCE.

The claims of various persons have already been discussed under the head 'Measurement & Ownership'. In evidence Shri Sunder Singh has produced a copy of Sale-deed No.6021 dated 22.7.59 in which 16 Biswas of land comprised in Khasra No.617/16 and 1171/480/20 was sold for a sum of Rs.8000/- yielding an average of Rs.10,000/- per bigha. He has also produced a copy of another sale-deed dated 20.7.59 in which a portion of the same Khasra number measuring 16 Biswas was sold for a sum of Rs.7500/- yielding an average of Rs.9375/-. These khasra numbers are situated on Pucca Road and have been sold in the form of plots. These cannot be considered for arriving at the Market Value of the land in the case of bulk purchase.

MARKED VALUE.

The land under acquisition is situated on the Northern side of the Western Jamna Canal near Bagh M Kare Khan. The land ~~is~~ has got potential value for building purposes. Sarvashri Sheel Chand, Naresh Chand have stated that they have purchased 1/3rd right of occupancy tenant from the Custodian for Rs.80,000/-. The total area is 26 Bighas 3 Biswas and 1/3 of it comes to 8 Bighas 14 Biswas. The average of this transaction comes to Rs.9200/- per bigha. This is a very abnormal transaction. No other sale-transaction amongst private persons has occurred even for the total rights of ownership in the land near about the land under acquisition, ~~of~~ this high rate. The reason appears to be that Sheel Chand & Naresh Chand were the ^{occupancy tenant} owners of 2/3rd share ~~of~~ and they wanted to purchase 1/3 share at any cost. This transaction is, therefore, not a free transaction and

stated that they let out 2 Bighas 3 Biswas of land at Rs.16/- per month. The annual rental value thus, comes to Rs.192/-. The average works out to Rs.80/- per bigha. If this rent is capitalised for a period of 20 years then the price of land comes to Rs.1600/- per bigha. This average, however, is less than the Market Value of the land as it has got potential value for building purposes.

There are transactions of better situated land.

The details of these transactions are given below:-

Mutation No.	Name of the village.	Date of trans- action.	Khasra No.	Area Bigha-Biswa	Total sale value per sq.yd.	Average.
1565	Sadhorakhurd	23.1.59	118 to 121	24 - 13	163500/-	6.70
1642	-do-	13.7.59	484/124-125	27 - 19	185000/-	6.80
1662	-do-	23.1.61	114 & 115	8 - 14	7000/-	6.90

These transactions are at the average rate of about Rs.6.80 nP per square yard. The land involved in these transactions is situated on a Pucca road and is in the vicinity of populated abadi of Bagh Kare Khan. The land under acquisition is on the Northern side of the Canal and cut off from the Abadi of Bagh Kare Khan. The price of the land under acquisition should, therefore, be much less than Rs.6.80 nP per sq.yd. One transaction of village Sadhorakalan vide Mutation No.1070 is available. This transaction took place on 6.4.61. This involves Khasra No.126, 127 and 73/2 of village Sadhora Kalan. The total area sold was 46 Bighas and the total sale-price was Rs.2,60,000/-. The average of this transaction comes to about Rs.5700/- per bigha. The land involved in these transactions is similar in situation to the land under acquisition. This is the ^{sale-}price for all the rights in land. In the land under acquisition, the ownership belongs to the Custodian while the rights of occupancy are those of private persons.

occupancy can be worked out by multiplying 5700 X 14/16 and it works out to Rs.4980/- per bigha. This is the price of the garden as the sale in Mutation No.1070 was for a garden. I, therefore, consider a rate of Rs.5000/- for the occupancy rights in the gardens to be reasonable and Rs.4500/- per bigha for such rights in land other than gardens. I, therefore, award Rs.5000/- per bigha for the rights of occupancy in gardens and Rs.4500/- per bigha for such rights in land other than gardens.

OTHER COMPENSATION.

There is a well in Khasra No.30. The price of this well has been assessed at Rs.2000/- by the Naib Tehsildar, Land Acquisition. I have inspected the well and I find this price to be correct. I, therefore, award Rs.2000/- for this well. There are 5 jhuggees in Khasra No.28 & 29 and a tin shed in Khasra No.30. The Naib Tehsildar, Land Acquisition has assessed the price of these structures at Rs.796/-. I have inspected the structure and I find that the price assessed by him is correct. I, therefore, award Rs.796/- as the cost of structure in this land. There is a Nursery in Khasra No. 29/2 belonging to Shri/^{Ram}Chander s/o Bhup Singh. The ~~Km~~ price of the Nursery has been assessed at Rs.1790/- by the Naib Tehsildar, Land Acquisition. The price assessed by him is correct and I award Rs.1790/- as the price of the Nursery. There are some stray trees in Khasra No.29/2 and the price of these trees has been assessed by the Naib Tehsildar, Land Acquisition at Rs.294/-. I find the price assessed by him to be correct and award this amount for stray trees.

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

There is a dispute regarding the compensation of Khasra No.23, 1322/26, 28 and 30. The compensation regarding these Khasra numbers should be paid after further verification. The compensation regarding the rights of occupancy in Khasra No.

THE AWARD IS SUMMARISED AS BELOW.

Compensation for rights of occupancy in 50 Bighas of Bagh Nehri land @ Rs.5000/- per bigha.	Rs.2,50,000.00
Compensation for rights of occupancy in 2 Bighas 5 Biswas of Nehri and Gairmumkin land @ Rs.4500/- per bigha	Rs. 10,125.00
Compensation for the well.	Rs. 2,000.00
Compensation for structures.	Rs. 796.00
	<hr/> Rs.2,62,921.00
15% on the above as solatium for compulsory nature of acquisition.	Rs. 39,438.15
	<hr/> Rs.3,02,359.15
Compensation for the Nursery.	Rs. 1,790.00
Compensation for stray trees.	Rs. 294.00
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Grand Total.....	Rs.3,04,443.15
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The land is assessed to a Land Revenue of Rs.119.65 NP.
It will be deducted from the Revenue Roll from Rabi 1963.

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(Nand Kishore)
Land Acquisition Collector I,
D E L H I.
22.6.1963.

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

received & reg. 6.63
R.P.

Seen

L
(Nand Kishore)
Land Acquisition Collector I,
D E L H I.
22.6.1963.

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ADM (L A) Delhi
Smith Powers of Collector