

AWARD NO.

15/1974-72

Name of the village

Sadhora Khurd.

Nature of Acquisition.

Permanent.

Purpose of Acquisition.

Planned Development of Delhi.

INTRODUCTION.

The land situate in the revenue estate of village Sadhora Khurd is needed by the Government at the public expense for a public purpose, namely for the Planned Development of Delhi. The entire land under acquisition was notified under section 4 of the Land Acquisition Act vide notification No.F.15(111)/59-LSG dated 18-11-59 covering an area of 34,070 acres. The substance of the said notification was given due publicity. The objections received were heard and a report u/s 5-A of the L.A. Act was sent alongwith the original objections petitions to the Delhi Administration. Final acquisitions are made out of this area by issuing notification u/s 6 of the L.A. Act as and when necessity arises. In the present case notification u/s 6 of the L.A. Act was issued vide notification No.F.1(7)/62- L & H dated 27-4-68 for 381 bighas 12 biswas. But at this time 9 biswas are being acquired under instructions from Delhi Administration. The remaining area will be acquired through a supplementary award when instructions are received from the Administration. Notice u/s 9(1) of the L.A. Act was given due publicity and notices u/s 9(3) and 10(1) of the L.A. Act were issued to the known interested persons, most of whom responded to the notices by filing their claims.

'MEASUREMENT & OWNERSHIP'

Out of area 381 bighas 12 biswas notified u/s 6 of the L.A. Act 9 biswas are being acquired for the present. From further verification made on the spot by the field staff u/s 8 of the L.A. Act this area is found to be correct. The details of the area under present acquisition are given as under:-

<u>Khasra No.</u>	<u>Area</u>	<u>Kind of Land.</u>
595/275/1	0-5	Banjar Radim.
596/277/1	0-4	-do-

CLAIMS.

Sr. No.	Name of the claimant.	Amount claimed.
1.	Ramjas Foundations Delhi th. Shri Om Parkash Honey. Secretary.	Land @ Rs.100/- per sq.yd.
2.	Sh.Mohan Lal s/o Mukh Ram	Land @ Rs.200/- per sq.yd. Rs.20000/- for structure, Rs.5000/- for damages.
3.	Sh.Ram Kishan s/o Sh.Sabha Chand.	Rs.5000/- as damages.
4.	Sh. ^{Jay} Parkash s/o Ram Sarup	Rs. 5000/- as Damages.
5.	Sh. Suraj Bhan s/o Chet Ram	Rs. 5000/- as damages.
6.	Sh. Dalip Singh s/o ^h Kyali ^{ne} Ram	Rs. 5000/- as damages.
7.	Sh. Dev Raj s/o Ishwar Dass	Land @ Rs.2000/- per sq.yd. Rs.30000/- for structure, Rs.20000/- for loss, Rs.25000/- for expenditure, Rs.20000/- for change of residence, 15% solatium.
8.	Sh. Chhote Lal s/o Hira Lal	Rs.5000/- as damages.

EVIDENCE.

The claimants have filed evidence as follows:-

1. Ramjas Foundation, Delhi through Shri Om Parkash Gupta
 - (i) ~~Honey~~ ~~Secretary~~ ~~through~~ ~~M/S~~ ~~Rattan~~ ~~Lal~~ ~~&~~ ~~Co.~~
 - (i) A copy of certificate regarding change of name of Ramjas Society from Registrar of Societies, Delhi.
 - (ii) Copy of resolution No.4 passed on 26-11-69.
 - (iii) Copy of resolution No.5 passed on 27-10-69.
 - (iv) Copy of lease deed dated 17-1-68. between M/S Delhi Iron Syndicate, Pvt. Ltd and Ramjas Foundation.
2. Sh. Mohan Lal s/o Shri Mukh Ram.
 - (i) Property Tax bill for 1969-70 for house No.17/156 Anand Parbat, Delhi.
3. Ram Kishan s/o Sabha Chand.
 - (i) Attested copy of ration card No.36491/12604 for house No. 17/56.
 - (ii) Certificate from Shri Gurbux Singh Councillor M.C.D. about his residence since 1950.

4. Sh. Jai Parash S/O Ram Sarup.

Attested copy of ration card No. 28146/13292 regarding house No. 17/56.

(ii) Certificate from Shri Gurbux Singh, Councillor, M.C.D. regarding his residence since 1960.

5. Sh. Suraj Bhan S/O Chet Ram.

Attested copy of ration card No. 5740/13223.

(ii) Attested copy of Sugar Identity Card No. A/27/1/65.

(iii) A certificate from Shri Gurbux Singh Councillor, M.C.D. regarding his residence since 1956.

6. Sh. Dalip Singh S/O Khialai Ram.

Attested copy of ration card No. 39034/17988.

7. Chhotey Lal S/O Hira Lal.

A certificate from Shri Gurbux Singh, Councillor, M.C.D. regarding his residence since 1956.

MARKET VALUE.

The land under present acquisition is situated to the South of New Bontal Road.

The market value of land has to be determined with reference to the date of notification U/S 4 which is 13.11.59 in the present case. Awards with the same date of notification U/S 4 for land in the village alongwith any court decision pertaining to the award are taken into account while assessing the market value. Besides genuine sale deeds in the relevant year for similar land are also considered in order to arrive at the market value.

In this case there are following awards of village Sadhora Khurd with the same date of notification U/S 4 of the L.A. Act i.e. 13.11.59.

Sr. No.	Award No.	Rate per bigha awarded by L.A.C.	
1.	1556	Rs. 4500/-	for Bagh Nehri land.
		Rs. 4000/-	for Nehri & other land.
		Rs. 1000/-	for G.M. Channels.

13.	1625	Rs. 4500/-	for Bagh Mehri land.
13.	1984	Rs. 19700/- Rs. 6000/-	for land in block 'A' for " " " 'B'

Against award No. 1556 12 reference petitions u/s 13 of the L.A. Act are reported to have been filed, out of which decisions in ten cases have been received from the A.D.J. Delhi. In these ten cases A.D.J. Delhi has enhanced the rate of Rs. 4500/- & Rs. 4000/- p.b. awarded by the L.A.C. to Rs. 7500/- per bigha and in some cases to Rs. 8000/-, Rs. 9000/- and Rs. 10,700/- p.b. In nine cases of ten so far decided the government did not prefer appeal against the enhancement allowed by the A.D.J. Delhi. In L.A. Case No. 137/64 Rajendra Mohan Vs. Union of India in which the rate of Rs. 4500/- awarded by L.A.C. was enhanced to Rs. 6000/- per bigha by the A.D.J. Delhi, the Govt. went up in appeal.

Against award No. 1625 why one reference u/s 13 is reported to have been filed and decided. The Govt. did not appeal against the rate of Rs. 10,700/- per bigha awarded by A.D.J. Delhi in this case.

Against award No. 1984 16 reference petitions u/s 13 are reported to have been filed and in no case decision of A.D.J. Delhi has yet been received. The rates awarded by L.A.C. in award No. 1984 are based on the decisions of the A.D.J. Delhi in references against award No. 1556 and 1625.

These awards relate to land situated about a mile away towards Shanti Nagar from the land under present acquisition. Further, the land acquired through these awards was mostly Bagh Mehri and nehri and is therefore much superior to the land under present acquisition which is recorded as Banjar Qadim. From the view point of kind and situation of land there is no similarity between the land acquired under these awards and the land under present acquisition. These awards therefore can not be made basis for determination of the market value of land under present acquisition.

The following sale deeds executed in 1959 have been mutated in revenue record.

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Sl. No.	Mutation No. with date	Date of registration	Area sold	Consideration money	Average price per bigha.
1.	1583 ✓ 29.10.60	16.5.59	32.09	Rs. 5000/-	Rs. 1449-23 —
2.	1584 ✓ 29.10.60	16.5.59	3.09	Rs. 6000/-	Rs. 1739-13 —
3.	1585 29.10.60 21.10.60	11.7.59	1.18	Rs. 10000/- Rs. 5000/- paid before Sub Registrar	Rs. 5263.16 Rs. 2631-58 —
4.	1586 29.10.60	16.5.59	3.13	Rs. 10000/-	Rs. 2739-72 —
5.	1587 29.10.60	16.5.59	1.13	Rs. 7000/-	Rs. 3838-88
6.	1588 29.10.60	16.5.59	2.00	Rs. 6500/-	Rs. 3250-00
7.	1590 22.12.60	11.6.59	1.00	Rs. 5000/-	Rs. 5000/-
8.	1591 13.1.60	17.3.59	0.02	Rs. 3000/-	Rs. 30000/-
9.	1592 13.12.62	20.2.59	0.02	Rs. 1500/-	Rs. 15000/-
10.	1642 7.5.55	13.7.59	26.19	Rs. 1,86,000/-	Rs. 1061-22
11.	1643 25.11.61	21.7.59	0.16	Rs. 7500/-	Rs. 9375-00
12.	1644 25.11.61	21.7.59	0.16	Rs. 6000/-	Rs. 10000/-
13.	1565 16.3.59	23.1.59	24.13	Rs. 1,1,63,000/-	Rs. 6332/- 86

sale deeds mentioned at Sl. No. 8 & 9 involve a very small area of land which usually fetches higher price and therefore offer no reasonable guidance in determining market value of land. Further Khasra Nos. involved in sale deeds mentioned at Sl. No. 8, 10, 11, 12, 13 are very far off from the land under present acquisition and these sale deeds ^{deserve} ~~may~~ to be discarded for this reason.

There now remain 7 sale deeds at Sl. No. 1 to 7 above which relate to parts of Khasra No. 342 and which were executed in May, June & July 1959, 4 to 5 months before the date of notification u/s 4. This Khasra No. 342 adjoins Khasra No. 595/275 part of which is now being acquired. These sale deeds are therefore material for consideration in assessing the market value of the land.

sales at Sl. No. 3 above the consideration money shown in the sale deed is Rs. 10000/- . But Rs. 5000/- were paid before the Sub Registrar and the average sale price in this case is based on the amount paid to the vendor in the presence of the Sub Registrar. The average sale price in these sales ranges from Rs. 1449-28 to Rs. 5000. The market value of land during that period can be said to be the average sale price per bigha of these seven sale deeds which comes to Rs. 3159-42 per bigha. I therefore consider Rs. 3200/- per bigha as fair and reasonable market value of land under present acquisition on 13.11.59.

The claimants did not file any relevant evidence to establish the market value of land claimed by them. The Bangas Foundation filed a copy of lease deed dated 17.1.68 executed in favour of M/ Delhi Iron Syndicate Pvt. Ltd. conferring tenancy rights over 455 sq. yds. of land at 16, New Rohtak Road for eleven months at a monthly rent of Rs. 455/-. This lease deed is more than 8 years posterior to the date of notification u/s 4 i.e. 13.11.59 and is of no help in assessing market value on the relevant date.

OTHER COMPENSATION.

STRUCTURES.

The structures built in Khasra No. 596/277 are reported to have been built in 1964 after the date of notification u/s 4 by the Asstt. Engineer (Valuation) D.D.A New Delhi and are not assessed to compensation. The structure in Khasra No. 595/275 under the ownership of Shri Mohan Lal has been evaluated at Rs. 2767-00 by the Asstt. Engineer (Valuation) as on 13.11.59. I assess the same for the structure in Khasra No. 595/275.

TREE OR WELL.

There is no tree or well in the area under present acquisition.

15% Solatium.

A sum of 15% on the market value will be paid on account of compulsory nature of acquisition as provided u/s 23(2) of the L.A. Act.

INTEREST.

According to the provisions of Land Acquisition (Amendment & Validation) Act, 1967 simple interest @ 6% P.A. is allowed on the market value of the land from the date of expiry of 3 years after the date of notification U/S 4 which would be 13.11.62 to the date of announcement of award which is likely to be 12.7.71.

APPORTIONMENT.

Compensation will be paid according to the latest entries in revenue record. In case where persons other than recorded owners are in possession and have filed claim, the compensation will be kept in dispute. If the disputants do not come to amicable settlement the compensation will be sent to A.D.J. Delhi for adjudication.

SUMMARY OF THE AWARD.

1. Market value of the land measuring 9 bighas @ Rs. 3200/- per bigha.	Rs. 1440.00 ✓
2. Market value of the structure in khasra No. 595/275.	Rs. 2767.00 ✓
3. 15% solatium for compulsory acquisition.	Rs. 631.05 ✓
4. Interest @ 6% p.a. from 13.11.62 to 12.7.71.	Rs. 2187.64 ✓

Grand Total:- Rs. 7,025.69 ✓

The land is assessed to a land revenue of Rs. 0.00 paise which will be deducted from the rent roll of this village after possession over the acquired land has been taken.

P. B. L. CAUMAT
(B.M.L. CAUMAT)
LAND ACQUISITION COLLECTOR(DS)
DELHI.

Announced & filed today

P. B. L. CAUMAT