

9/77-78

AWARD No.

Nature of acquisition:

Purpose of acquisition:

Name of the village :

Permanent

Plan Development of Delhi

Sadhora Khurd.

INTRODUCTION

These are proceedings for the determination of compensation under section 11 of the Land Acquisition Act, 1894. The general notification No. F.15(III)/59-LSG dated 13.11.1959 under section 4 of the Land Acquisition Act measuring an area of 34070 acres was issued and the substance of the notification was given due publicity. The objections invited from the interested persons were heard and the final declaration u/s 6 of the L. A. Act was issued vide notification No. F.1(7)/62-L&H dated 27th April, 1968 in respect of land measuring 331 bighas 12 biswas. This award relates to the acquisition of land measuring 66-18 bighas in Khasra No. 1041/353 only out of the above land and supplementary award will be issued in respect of the remaining land as and when required by the government. This portion of the land is being acquired as per instructions of the government as contained in its letter No. F.11(2)/72-L&H dated 5th July, 1972. A separate award is also being drawn up in respect of the land in Khasra No. 1040/353 in respect of which the Hon'ble High Court of Delhi had issued stay order for dispossession.

Notices u/s 9 & 10 of the Act were given due publicity and were issued to the interested persons.

MEASUREMENT & CLASSIFICATION :

According to the report of the field staff, the land was measured on the spot and was found to be 66-18 bighas, the area of which is given below:-

<u>Kh. No.</u>	<u>Area</u>	<u>Kind of land</u>	
1041/353	66-18	Gairmunkin Pahar	56-18
		Banjar Qadim	10-00
			66

Raj

No person has filed any objection to the above measurement of the land or its classification. The same area is mentioned in the revenue record.

MARKET VALUE

The market value of the land under acquisition is the value to the owner of the land in its actual condition at the time of publication of notification u/s 4 of the Land Acquisition Act with all its advantages and with all its potentialities. A number of claims have been received which are discussed below:-

Sh. Ram Singh s/o Sh. Dewan Chand
r/o 2/80 Punjabi Bag, New Delhi-26.

He has asserted that he is the perpetual lessee under Shri Tara Chand s/o Chanda Singh in respect of the land in Kh.No. 1041/353. According to him, he has made construction on area of 8,000 sq.ft. and that the cost of such constructions was of Rs. 1,50,000/-. He had also constructed pucca huts and the cost of construction of these huts was Rs. 90,000/-. He has thus claimed the following amount:-

(i)	Cost of construction of building	Rs. 1,50,000/-
(ii)	Cost of construction of huts	Rs. 90,000/-
(iii)	expenditure on electric line	Rs. 40,000/-
(iv)	Cost of machinery installed on the land	Rs. 1,50,000/-
(v)	Damages for the removal of machinery	Rs. 50,000/-
vi)	Damages on account of acquisition of land	Rs. 40,000/-
vii)	Cost of land	Rs. 1,02,00,000/-

I have gone through the khasra girdawari of the land for the year 1959 which shows that there was no structure/ building on the land in 1959. The Naib Tehsildar has also reported after making inspection of the land that there was no structure in the name of Ram Singh. Apart from this, Sh. Tara Chand the lesser has intimated in his letter dated 21.3.1974 that there has been the compromising decree between Ram Singh and himself, under which Shri Tara Chand is required to pay a sum of Rs. 8,000/- to Shri Ram Singh.

He has also furnished a certified copy of the decree of the Commercial Sub Judge, Delhi. This shows that Shri Ram Singh was only entitled to a claim of Rs. 8,000/- for ejectment from the land of Sh. Tara Chand and had his claim been as is given in his claim before the L. A. C. then he would not have compromised the matter with Sh. Tara Chand on Rs. 8,000/- I am of the opinion that after this compromising decree Sh. Ram Singh has no interest in the land and is, therefore, not entitled to the payment of any compensation. Moreover, his claim on account of construction work or machinery etc. is not supported by any evidence. I, therefore, discard his entire claim.

He has claimed compensation for Rs. 10,000/- on the grounds that he will have to incur expenditure for finding out alternative accommodation and that at present, is in occupation of 600 sq. yds. I do not find his name in the Khasra girdawari for the year 1959-60. He has not mentioned as to how he has been in occupation of the land. There are no provisions in the L. A. Act under which compensation can be paid to an unauthorised person and the same is the position under the rent control Act. I do not find any valid basis for the claim of Sh. Varinder Singh. I, therefore, discard his claim.

3. Shri Sewa Singh s/o Sh. Prem Singh.

He has claimed compensation for Rs. 10,000/- on the grounds that he will have to incur expenditure for finding out alternative accommodation, and that at present is in occupation of 400 sq. I do not find his name in the Khasra girdawari for the year 1959-60. He has not mentioned as to how he has been in occupation of the land. There are no provisions in the L. A. Act under which compensation can be paid to an unauthorised person and the same is the position under the Rent Control Act. I do not find any valid basis for the claim of Sh. Sewa Singh. I, therefore, discard his claim.

4. Smt. Parkash w/o Sh. Ram Pal Singh.

She has claimed compensation for Rs. 10,000/- on the grounds that she will have to incur expenditure for finding out alternative accommodation and that at present is in occupation of 100 sq. yds. I do not find her name in the khasra girdawari for the year 1959-60. She has not mentioned as to how she has been in occupation of the land. There are no provisions in the L. A. Act under which compensation can be paid to an unauthorised person and the same is the position under the Rent Control Act. I do not find any valid basis for the claim of Sh. Parkash Singh. I, therefore, discard her claim.

There are no provisions in the L.A. Act under which compensation can be paid to an unauthorised person and the same is the position under the Rent Control Act. I do not find any valid basis for the claim of Smt. Parkash. I, therefore, discard her claim.

5. Shri Darish Singh s/o Jaswant Singh.

He has claimed compensation for Rs. 10,000/- on the ground that he will have to incur expenditure for finding out alternative accommodation and that at present is in occupation of 400 sq. yds. I do not find his name in the Khasra Girdawri for the year 1959-60. He has not mentioned as to how he has been in occupation for the land. There ^{are} no provisions in the L.A. Act under which compensation can be paid to an unauthorised person and the same is the position under the Rent Control Act. I do not find any valid basis for the claim of Shri Darish Singh. I, therefore, discard his claim.

6. Smt. Asha Rani d/o Shri Madan Lal.

She has claimed compensation for Rs. 10,000/- on the grounds that she will have to incur expenditure for finding out alternative accommodation and that at present is in occupation of 100 sq. yds. I do not find her name in the Khasra girdawari for the year 1959-60. She has not mentioned as to how she has been in occupation of the land. There are no provisions in the L.A. Act under which compensation can be paid to an unauthorised persons and the same is the position under the Rent Control Act. I do not find any valid basis for the claim of Smt. Asha Rani. I, therefore, discard her claim.

7. Shri K.S. Virdee.

He has asserted his occupation of land measuring 250 sq. yds. for the last 20 years and that he has been

contd.....

running a factory manufacturing electronic components and industrial equipments. He has claimed Rs.75,000/- as the market value and the other establishments that he has put on it and Rs.75,000/- on account of damages in case he is required to put up new establishment at some other place. He has not mentioned the rate of compensation of the land and the particulars of the factory and the building are also not given in the claim. According to khasra girdawari for the year 1959-60, there was no such construction of the building/factory on the land. According to the report made by the revenue staff, there are 8 small rooms having tin-sheds. Since he is not shown either the occupant or owner of the land in the revenue record, it is inferred that he might have been the occupant of the land unauthorisedly. In the absence of any document, I have no option but to discard his claim and thus rooms with tin-sheds are likely to have been constructed after the year 1959 and without the approval of the local authority namely Municipal Corporation of Delhi and the D.D.A. No compensation be payable for an unauthorised construction under the law.

S.NO.	NAME	S.NO.	NAME
1.	Smt. Mohri Devi	2.	Shiv Mandir
3.	Sh. Mangal Ram	4.	Dhafa Devi
5.	Shri Gopi Ram	6.	Shri Roora Ram
7.	Shri Neta Ram	8.	Shri Balu Ram.
9.	Shri Mangal Ram	10.	Shri Banshi Lal
11.	Shri Dalip Singh	12.	Shri Sunda Ram
13.	Shri Ladu Ram	14.	Shri Banwar Lal
15.	Shri Mangoo Ram	16.	Shri Dadhu Ram
17.	Rama Devi	18.	Smt. Saraswati Devi
19.	Shri Mool Chand	20.	Shri Babu Lal.

contd.

- | | |
|-----------------------|------------------------|
| 21. Smt. Parni Devi | 22. Sh. Ram Sewak |
| 23. Sh. Sri Ram | 24. Sh. Gonti Parshad |
| 25. Sh. Chet Ram | 26. Sh. Chasi Ram |
| 27. Sh. Shyam Bali | 28. Smt. Prabhati Devi |
| 29. Sh. Shanker Lal | 30. Fateh Singh |
| 31. Smt. Lado Devi | 32. Gopal Parshad |
| 33. Sh. Narain Ram | 34. Sh. Ram Chander |
| 35. Sh. Kalyan Ram | 36. Mangal Chand |
| 37. Smt. Jaina Devi | 38. Sita Ram |
| 39. Amar Singh | 40. Nanda Ram |
| 41. Sh. Kajor Ram | 42. Sohan Lal |
| 43. Jaggu Ram | 44. Ram Chander |
| 45. Sh. Bharta Ram | 46. Sh. Birdu Ram |
| 47. Sh. Parbhu Dayal | 48. Smt. Naraini Devi |
| 49. Sh. Banwari Lal | 50. Sh. Ladu Ram |
| 51. Sh. Shiv Lal | 52. Sh. Prabhu Dayal |
| 53. Sh. Kalam Singh | 54. Sh. Sobat Singh |
| 55. Sh. Gombhir Singh | 56. Sh. Mattan Lal |
| 57. Sh. Lal Man | 58. Sh. Shanker Dass |
| 59. Sh. Ram Lal | 60. Sh. Hardev Ram |
| 61. Sh. Parbhu Ram | 62. Sh. Birdu Ram |
| 63. Sh. Hira Lal | 64. Sh. Rewar Ram |
| 65. Sh. Surja Ram | 66. Sh. Ram Narain. |
| 67. Sh. Brij Lal | 68. Sh. Ram Chander |
| 69. Sh. Kishna Ram | 70. Sh. Purn Mal |
| 71. Sh. Ransi Lal | 72. Sh. Girchhari Lal |
| 73. Sh. Sunder Lal | 74. Sh. Bedri Parshad |
| 75. Smt. Phuli Devi | 76. Sh. Dhuni Ram |
| 77. Sh. Kishna Ram | 78. Sh. Surja Ram |
| 79. Sh. Nathu Ram | 80. Sh. Chotu Ram |
| 81. Sh. Panchu Ram | 82. Sh. Parbhu Ram |
| 83. Sh. Ram Dev | 84. Sh. Chhotu Dass |
| 85. Sh. Bhura Ram | 86. Sh. Jwala Pershad. |

- | | |
|------------------------|-------------------------|
| 87. Sh. Sua Ram | 88. Sh. Jagdish Pershad |
| 89. Sh. Surja Ram | 90. Sh. Gordan Dass |
| 91. Smt. Shanti Devi | 92. Sh. Daloo Ram |
| 93. Sh. Chet Ram | 94. Sh. Kishan Lal |
| 95. Sh. Parbhu Ram | 96. Sh. Baaroin Ram |
| 97. Smt. Choti Devi | 98. Sh. Mool Chand |
| 99. Sh. Jagdish | 100. Shri Bhoori |
| 101. Shri Suraj Pal | 102. Sh. Daulat Ram |
| 103. Sh. Hardev Ram | 104. Sh. Parbhu Dayal. |
| 105. Smt. Buri Devi | 106. Sh. Dhip Chand |
| 107. Sh. Hanuman | 108. Sh. Sugga Ram |
| 109. Sh. Ganpat Ram | 110. Sh. Ganpat Ram |
| 111. Sh. Budh Ram | 112. Sh. Bansi Lal |
| 113. Sh. Om Parkash | 114. Sh. Mohan Lal |
| 115. Sh. Sadu Ram | 116. Sh. Mool Chand. |
| 117. Sh. Duli Chand | 118. Sh. Ladu Ram |
| 119. Sh. Hanuman | 120. Sh. Bharoin Ram |
| 121. Sh. Nanag Ram | 122. Sh. Mala Ram |
| 123. Sh. Laxmi Narain | 124. Sh. Lekh Raj |
| 125. Sh. Nathu Ram | 126. Sh. Mangla Ram. |
| 127. Sh. Girdhari Lal | 128. Sh. Chhitter |
| 129. Sh. Banwari | 130. Sh. Bansi |
| 131. Sh. Basanta Ram | 132. Sh. Chander Bhan. |
| 133. Sh. Mangoo Ram | 134. Sh. Mool Chand |
| 135. Sh. Babu Lal | 136. Sh. Chittar |
| 137. Sh. Hanuman | 138. Kalu |
| 139. Sh. Chuni Lal | 140. Sh. Bihari |
| 141. Sh. Parbhu | 142. Sh. Babu Lal |
| 143. Sh. Jagdish | 144. Sh. Bhagwan Sahai |
| 145. Sh. Shanker Lal | 146. Sh. Banesh |
| 147. Sh. Dalla Ram | 148. Sh. Chhittar |
| 149. Sh. Badri Pershad | 150. Sh. Surja Ram |
| 151. Sh. Mangla Ram | 152. Sh. Mahadev Ram |
| 153. Sh. Deva | 154. Sh. Churni Lal |
| | 156. Smt. Parbhati Devi |

157. Sh. Jai Ram
159. Sh. Parbhat Ram
161. Sh. Tulsa Ram
163. Sh. Ganga Ram
165. Sh. Mangla Ram
167. Smt. Prabhati Devi
169. Sh. Binja Lal
171. Smt. Singari Devi
173. Sg. Mohan Lal
175. Smt. Mohri Devi
177. Sh. Parbhu Dayal
179. Sh. Ram Dayal
181. Sh. Mala Ram
183. Sh. Moti Ram
185. Sh. Bhagwant Singh
187. Sh. Yogeshwar
189. Sh. Mool Chand
191. Sh. Awtar Singh.

158. Sh. Surja Ram
160. Sh. Mool Chand
162. Sh. Chhotu Ram
164. Sh. Hira Lal
166. Sh. Chhaju Ram
168. Sh. Hira Lal
170. Sh. Bhura Ram
172. Sh. Banwari Lal
174. Sh. Chasi Ram
176. Sh. Sham Lal
178. Sh. Surej Mal
180. Sh. Sarwan Lal
182. Sh. Pala Ram
184. Smt. Gyarshi Devi
186. Sh. Gurcharan Singh
188. Sh. Sua Lal
190. Sh. Ram Sawroop

All of them have claimed that they are in occupation of the land measuring 40 sq.yds each and in case they are up-rooted they shall have to find alternative accommodation which will cost Rs. 5,000/- each of them. According to them, the market value of the constructions made on the land is Rs. 5000/- each. They have, therefore, claimed Rs. 10,000/- each. On inspection of the site, I was of the opinion that there were Jhuggis on the land, which were built with mud and small pieces of stones which were obviously extracted from the land itself. There was no pucca jhuggi. The claimants have simply mentioned that they are in occupation of the land but they have failed to mention their rights in the land in the shape of tenant or owner. They have not produced any document in their favour. I do not find any entry in their favour in the revenue record. All these claimants might have been in occupation of the land unauthorisedly. The revenue staff surveyed the jhuggis again and according to its report dated 13.3.74 there were 92 jhuggis. To my mind, all the 191 persons have no interest in the land and they are only the unauthorised encroachers in the land particularly when there is

no entry in their favour in the revenue record. They have also not adduced any documentary evidence in their favour. All the jhuggies were obviously constructed without the permission of the MCD/DDA. I, therefore, discard the claims of these persons.

8. M/s Allena Auto Plastics, 26/181-C, West Patel Nagar, New Delhi-8

The firm has claimed as under:-

It is a partnership firm and it is the tenant under M/s Soi Brothers which were the lessee of the owner of the land and have sub-let the land under occupation on a monthly rent of Rs. 200/-. The value of the plot together with the property be assessed and the compensation should not be less than Rs. 35,000/-. It has claimed Rs. 200/- per sq. yd. as compensation of the land. According to the report of the N.T. there is only one tin-shed in the name of Karnail Singh on this land as per his inspection report. Shri Ram Singh of M/s Soi Brothers has since compromised the matter with the owner of the land Shri Tara Chand, as per decree of the Commercial Sub-Judge and thus this firm ceased to have any interest in the land. The firm has not given any documentary evidence in support of its claim for construction work. There is no entry of the construction work in the Khasra Girdawari report for the year 1959-60. The tin-shed might have been constructed without the permission of the MCD/DDA after 1959 for which no compensation can be assessed. I, therefore, discard the claim.

9. Sarvashri Swali Persad s/o Shri Mishri Lal, Raji s/o Shri Brahma Dev & Kedar Nath s/o Shri Dwarika Nath r/o 26/181-C, West Patel Nagar, New Delhi-8.

They have claimed as below:-

- (a) They are in possession of Jhuggis/Khokha.
(b) Each of them has spent Rs. 1000/- in raising the Jhuggis/Khokhas.
(c) Each of them is entitled to the payment of compen-

Their names are not entered in the revenue record and they might have constructed the Jhuggis without the permission of the MCD/DDA for which no compensation is payable for an unauthorised construction.

I, therefore, discard their claims.

10. M/s Keshwar Auto Industries, 26/181-C,
West Patel Nagar, New Delhi-8.

Shri Zaqauddin has claimed as under:-

- (a) He is the proprietor of M/s Keshwar Auto Industries.
- (b) He is the tenant under M/s Soi Brothers who are lessee of the owner of the land on a monthly rent of Rs. 150/-. The cost of the land is not less than Rs. 200/- per sq. yd. The value of the plot together with the property be assessed and the compensation should not be less than Rs. 20,000/-.

According to the report of the N.T. there is only one tin-shed in the name of Karnail Singh on this land as per his inspection report. Shri Ram Singh of M/s Soi Brothers has since compromised the matter with the owner of the land Shri Tara Chand as per decree of the Commercial Sub Judge and thus this firm ceased to have any interest in the land. The firm has not given any documentary evidence in support of its claim for construction work. There is no entry of the construction work in the khasra girdawari report for the year 1959-60. The tin-shed might have been constructed without the permission of the MCD/DDA after 1959 for which no compensation can be assessed. I, therefore, discard the claim.

11. M/s Amrit Auto Cables, 26/81-C,
West Patel Nagar, New Delhi-8.

Shri Kulwant Singh has claimed as below:-

- (a) He is the sole proprietor of M/s Amrit Auto Cables.
- (b) He is the tenant under M/s Soi Brothers who are the lessees of the owner of the land and have sublet the land under the occupation on a rent of Rs. 100/- per month. The value of the land is not less than Rs. 200/- per sq. yd. and the value of the plot together with the property be assessed and the compensation of the same should not be less than Rs. 40,000/-.

According to the report of the N.T. there is only one tin-shed in the name of Kulwant Singh on this land as per his inspection report. Shri Ram Singh of M/s Soi Brothers has since compromised the matter with the owner of the land. contd...

Shri Tara Chand, as per decree of the Commercial Sub Judge and thus this firm ceased to have any interest in the land. The firm has not given any documentary evidence in support of its claim for construction work. There is no entry of the construction work in the khasra girdawari report for the year 1959-60. The tin-shed might have been constructed without the permission of the MCD/DDA after 1959 for which no compensation can be assessed. I, therefore, discard the claim.

12. M/s Amrit Auto Industries, 26/181-C, West Patel Nagar, New Delhi-8.

Shri Jai Dev Oberoi has claimed as under:-

- (i) Sharvashri Gurmukh Singh Uppal, Ram Chand Uppal, Jai Dev Oberoi, Smt. Harbas Kaur & Urmila Devi are partners of the firm;
- (ii) The firm is the tenant under M/s Soi Brothers who are the lessees of the owner of the land on monthly rent of Rs.100/- . The value of the land is not less than Rs. 200/- per sq.yd.

The value of the plot together with the property be assessed and the compensation is not less than Rs. 48,800/-. According to the report of the N.T. there only one tin-shed in the name

contd....

of Shri Karnail Singh on the land as per his inspection. report. Shri Ram Singh of M/s Soi Brothers has since compromised the matter with the owner of the land Shri Tara Chand, as per decree of the Commercial Sub Judge and thus this firm ceased to have any interest in the land. The firm has not given any documentary evidence in support of its claim for construction work. There is no entry of the construction work in the khasra girdawri report for the year 1959-60. The tin-shed might have been constructed without the permission of the MCD/DDA after 1959 for which no compensation can be assessed. I, therefore, discard the claim.

Shri Kulwant Singh Sahney has claimed to be the sole proprietor of the firm in his petition while these 5 persons have claimed that they are the partners of the firm. Since there has been a compromising decree between Shri Ram Singh or M/s Soi Brothers and the owner of the land, all these persons ceased to have any interest in the land. Under the Rent Control Act, a tenant does not get any compensation on his ejection and the tenant do not get any compensation unless they are either the occupancy tenants or non-occupancy tenants but in this case they do not hold any such position. As the Delhi Land Reforms Act is not

contd.....

applicable in this land, I discard the claim.

13. Shri Darshan Lal s/o Dewan Chand Kohli.

He has claimed that he has been doing painting work in shed No. 26/8 since November, 1967 and that he should be paid compensation of Rs. 5,000/-. As already admitted by him, this tin-shed came into existence after 1959 and thus he is not entitled to the payment of compensation whatsoever.

14. Shri Sarup Singh s/o Shri Munshi Ram
r/o 26/181-A, West Patel Nagar, New Delhi.

He has claimed as under:-

(a) He is the owner of House No. 26/181-A, West Patel Nagar New Delhi, and he has constructed the house in the year 1953.

(b) No valid notice of acquisition has been served on him.

(c) He has acquired the land measuring 555.5 sq. yds near Block No. 26 in the year 1953. In case, he is to be uprooted he is entitled to the payment of compensation of Rs. 47,000/- on account of cost of building etc., Rs. 35,000/- on account of dis possession, Rs. 8,000/- on account of transport charges and Rs. 35,000/- on account of rehabilitation charges.

This petitioner has also filed the estimates prepared by M/s B.S. Dhir, Designers. I find from the report of

M/S B.S. Dhir, Designers that it is not mentioned in the report that the petitioner had either shown the sale deed or the approved lay-out plan to them before preparing the estimates. This firm of designers has not even mentioned

the registered number. Under the rules, a government

valuer mentions his registered number and also the fact that it has seen the sale deed and also approved lay-out plan in the prescribed proforma. I, therefore, do not accept the estimates

of M/S B.S. Dhir, Designers in evidence particularly

when these estimates say that the land of the house is on lease while the petitioner has asserted that he had acquired the

land. The report of the revenue staff shows that there

is no such building in the land which is being acquired having house No. 26/181-A. Moreover, according to its report there are only four rooms and one tin-shed. There is no entry about these rooms in the khasra girdawari for the year 1959-60. The petitioner has not furnished any document in his favour showing that he is either the owner or the lessee of the land. He has not also produced any document to show that he has constructed 5 rooms in the land with the approval of the MCD/DDA. No compensation is payable for unauthorised construction by unauthorised persons. I discard the claim.

15. Smt. Pritam Kaur w/o Shri Kehar Singh
R/o H.No. 26/181-B, West Patel Nagar, New Delhi-8.

She has claimed as under:-

- (a) She is the owner of house No. 26/181-B.
- (b) She has constructed the house in the year 1959.
- (c) She acquired the land measuring 415.5 sq. yds.
- (d) She has claimed Rs. 46,654/- on account of cost of building, Rs. 25,000/- on account of dispossession, Rs. 5,000/- on account of transport charges and Rs. 25,000/- on account of rehabilitation charges.

This petitioner has also filed the estimates prepared by M/s B.S. Dhir, Designers. I find from the report of M/s B.S. Dhir, Designers that it is not mentioned in the report that the petitioner had either shown the sale deed or the approved lay-out plan to them before preparing the estimates.

This firm of designers has not even mentioned the registered / Under the rules, a Govt. valuer mentions his regd. number number. And this fact is seen from the sale deed and also the

approved lay-out plan in the prescribed proforma. I, therefore, do not accept the estimates of M/s B.S. Dhir, Designers in evidence particularly when these estimates say that the land of the house is on lease while the petitioner has ascertained that she had acquired the land.

contd...15.

The report of the revenue staff shows that there is no such building in the land which is being acquired having house No. 26/181-A. Moreover, according to its report there are only four rooms and one tin-shed. There is no entry about these rooms in the khasra girdawari for the year 1959-60. The petitioner has not furnished any document in his favour showing that she is either the owner or the lessee of the land. She has not also produced any document to show that she has constructed 5 rooms on the land with the approval of the MCD/DDA. No compensation is payable for unauthorised construction by unauthorised persons. I discard the same.

16. M/s New Naresh Industries.

Sarvashri Sita Ram Sawhney s/o Shri Ganga Ram Sawhney, Shri Pratap Singh Seth s/o Shri Teja Singh Sethi & Shri Sukhdev Singh s/o Shri Saran Singh have claimed as under:-

- (i) They are running a factory for the manufacture of steel furniture.
- (ii) The value of the machines and the sheds is about Rs. 50,000/-.
- (iii) They claim Rs. 30,000/- as damages, Rs. 3,000/- for shifting charges, Rs. 5000/- for dismantling and Rs. 50,000/- for refixing charges and also compensation of the land at the rate of Rs. 100/- per sq. yd. for 500 sq. yds. All these persons have not produced any documentary evidence in regard to their ownership/tenancy for the construction of the building. They have not furnished any estimate of a Government valuer. They do not figure in the revenue record. According to the revenue staff report dated 2.5.74, there is only one tin-shed and two office rooms. These persons have not produced any approved plan of the local authority and these structures do not find place in the revenue record.

contd.....16.

I am, therefore, of the opinion that these persons are the unauthorised encroachers on the land and have also constructed one tin-shed and two office rooms on the land without the permission of the MCD/DDA. No compensation is payable in respect of the structures which came into existence after the year 1959 and in an unauthorised manner. The claims are baseless and I discard them.

17. M/s Steel Engineering Company, 26/181-C, West Patel Nagar, New Delhi-8.

Shri Karnail Singh has claimed as under:-

He has two big sheds, open space measuring about 1200 sq. yds. quarters for the residence of its office employees and that a number of machines big and small have come into existence. He should be paid compensation for the land measuring 1200 sq. yds. at the rate of Rs.200/- per sq. yds., and Rs. 40,000/- for the structures and Rs.6,000/- for the construction of quarters. I am of the opinion that Shri Karnail Singh has not produced any document evidence to prove his ownership/tenancy rights in the land. He has not produced any document that he had constructed the tin-shed with the approval of the local authority. The claim is baseless and I, therefore, discard the same. He has claimed payment of compensation at the rate of Rs.0-87 in a rupee. The provisions of Delhi Land Reforms Act are not applicable on the land. He is, therefore, neither the occupancy tenant nor non-occupancy tenant. There are no provisions of payment of compensation to tenant under the Rent Control Act on his eviction from the land. His claim is not admissible, under the law. Moreover, he has not produced any document to show that he was in lawful possession of the land. I, therefore, discard this claim as well.

contd.....17.

18. Shri. Sewa Singh s/o S. Prem Singh
R/o 18/5, Gulabi Bagh, New Delhi-26.

He has filed another claim earlier also which is discussed by me at item No. 3 above. In this second claim, he has claimed payment of compensation at the rate of Rs.0.87 in a rupee. The provisions of Delhi Land Reforms Act are not applicable on the land. He is, therefore, neither the occupancy tenant nor non-occupancy tenant. There are no provisions of payment of compensation to tenant under the rent Control Act on his eviction from the land. His claim is not admissible under the law. Moreover, he has not produced any document to show that he was in lawful possession of the land. I, therefore, discard his claim.

19. Shri Virender Singh s/o S. Sewa Singh
r/o 18/5, Gulabi Bagh, New Delhi-26.

He has also filed another claim earlier which is discussed by me at item No. 2 above. In his second claim, he has claimed payment of compensation at the rate of Rs.0.87 in a rupee. The provisions of Delhi Land Reforms Act are not applicable on the land. He is, therefore, neither the occupancy tenant nor non-occupancy tenant. There are no provisions of payment of compensation to tenant under the Rent Control Act on his eviction from the land. His claim is not admissible under the law. Moreover, he has not produced any document to show that he was in lawful possession of the land. I, therefore, discard his claim also.

20. Shri. Janak Raj s/o Ram Piare Mal,
r/o 26, West Patel Nagar, New Delhi.

He has claimed Rs.35,000/- as loss of business Rs.5,000/- for shifting his material to some other place and Rs.200/- per sq. yd. as compensation of the land and Rs.2500/- for consolidated work. He has also claimed Rs.0.87 share in a rupee for the value of the land in case he is not given another land. He has not produced any documentary evidence in his

favour in regard to ownership/tenancy rights. He has also not given any evidence to show that he has been running the business on the land with the approval of the local authority. There are no entries in his favour in the revenue record.

The revenue staff has also reported that there are no structures on the land even on 2.5.74. I am unable to accept his claim. There are no provisions in the L.A. Act under which a person can be considered equal to occupancy tenant. The provisions of the D.L.R. Act are not applicable in the land and thus he cannot be given the rights of occupancy tenant. There are also no provisions under the Rent Control Act. I, therefore, discard his claim.

21. Shri Chaman Lal s/o Lakhmi Dass r/o 32/47,
West Patel Nagar, New Delhi-8.

Shri Chaman Lal claimed Rs.2,000/- on account of one room, Rs.5000/- for shifting his material and Rs.35,000/- on account of loss of business. He has also claimed payment of compensation at the rate of Rs.200/- per sq. yd. and also share of Rs. 0-87 in a rupee in the compensation. He has not produced any documentary evidence in his favour in regard to ownership/tenancy rights. He has not also given any evidence to show that he has been in the business on the land with the approval of the local authority. There are no entries in his favour in the revenue record. The revenue staff has also reported that there are no structures on the land even on 2.5.74. I am unable to accept his claim. There are no provisions in the L.A. Act under which a person can be considered equal to an occupancy tenant. The provisions of the D.L.R. Act are not applicable in the land and thus he cannot be given the rights of occupancy tenant. There are also no provisions under the Rent Control Act. I, therefore, discard his claim.

contd....

22.

Shri Subhash Chander s/o Shri Chaman Lal,
r/o 32/47, West Patel Nagar, New Delhi.

He has claimed Rs. 35,000/- as loss of business, Rs. 5000/- for shifting his material to some other place and Rs. 200/- per sq. yd. as compensation of the land and Rs. 2000/- for one room. He has also claimed Rs. 0-37 ^{share} in a rupee for the value of the land in case he is not given another land. He has not produced any documentary evidence in his favour in regard to ownership/tenancy rights. He has also not given any evidence to show that he has been running the business on the land with the approval of the local authority. There are no entries in his favour in the revenue record. The revenue staff has also reported that there are no structures on the land even on 2.5.74. I am unable to accept his claim. There are no provisions in the L.A. Act under which a person can be considered equal to occupancy tenant. The provisions of the D.L.R. Act are not applicable in the land and thus he cannot be given the rights of occupancy tenant. There are also no provisions under the Rent Control Act. I, therefore, discard his claim.

23.

S. Didar Singh s/o Fagir Singh,
r/o WZ-14, Krishana Park, New Delhi-18.

Shri Didar Singh has claimed Rs. 50,000/- on account of loss of business, Rs. 7000/- for shifting of the material and Rs. 200/- per sq. yd. as compensation of the land. There are no entries in the revenue record either of his name or of the structures in his favour. He has also claimed Rs. 0-37 share in a rupee for the value of the land in case he is not given another land. He has not produced any documentary evidence in his favour in regard to ownership/tenancy rights. He has also not given any evidence to show that he has been running the business on the land with the approval of the local authority. There are no entries in his favour in the revenue record. The revenue staff has also reported that there are no structures on land even on 2.5.74. I am unable to accept his claim.

contd...

The provisions of D.L.R. Act are not applicable in the land and thus he cannot be given the rights of occupancy tenant. There are also no provisions under the Rent Control Act. I, therefore, discard his claim.

24. M/s Techno Fabrics, 26/181-C, West Patel Nagar, New Delhi.

Shri Rattan Singh has claimed Rs. 3000/- for shifting charges, Rs. 10,000/- for structures, Rs. 20,000/- for the loss of earning and Rs. 100/- per sq. yd. for the compensation of the land. This firm has not produced any evidence either in regard to ownership or in regard to structures. There are no entries in the revenue record in their favour. According to revenue staff report dated 2.5.74, there is only one tin-shed on the land. Since there are no entries in the revenue record and this tin-shed has come into existence after 1959 and thus no compensation is payable. There cannot be a case of payment of compensation in respect of unauthorised structure in favour of unauthorised encroachers on the land. I discard the claim.

25. Sham Singh, 14 Pusa Road, Karol Bagh, New Delhi.
He has claimed that he is a lease holder of 26, West Patel Nagar open land. He has claimed compensation as below:-

Shifting charges and loss of business etc.

Rs. 1,90,000-00

Building

Rs. 46,000-00

Factory building

Rs. 1,23,000-00

Residential quarter

Rs. 2,60,000-00

Fittings

Rs. 17,000-00

TOTAL

Rs. 6,36,000-00

I find that he has not produced any documentary

contd.....

evidence in his favour in regard to lease hold rights, construction of the buildings/factory and the business. If he had been a lease holder, there would have been no difficulty for him to produce a lease deed. The report of the revenue staff, dated 2.5.74 shows that no structures is in existence in the name of Shri Sham Singh. I also do not find his name in the revenue records. There are no entries of the existence of the structures in the revenue records. In the absence of any documentary evidence I am unable to accept his claim. He has not even produced any document duly approved by the local authority in regard to construction of any building. I am of the opinion that the claim is baseless and I accordingly discard it.

26. Shri Tara Chand s/o Shri Chanda Singh.

He has claimed compensation for the entire land at the rate of Rs. 100/- per sq. yd. of 10 bighas and at the rate of Rs. 80/- per bigha land measuring 56 bighas 18 biswas. He has filed the following documents:-

a) Judgment of the court of Shri Hans Raj, A.D.J. in L.A.C.No.144/64 (Tara Chand Vs. Union of India). In this case the Government had acquired land in field No.1287/1178/19 in the same village. The learned court was pleased to enhance the rate of compensation at the rate of Rs.10,700/- per bigha. I find that his land was nehri area. There is no comparison between the nehri land and the gair mumkin pahar. I am unable to accept this piece of evidence and I, therefore, discard it.

b) Judgment of the learned A.D.J. Shri F.S.Gill in L.A.C. No. 372/66 (Chander Ehan Vs.UOI). In this case the land was in Kham Fur Raya and not in village Sadora Khurd. Thus it is a case of different revenue estate. The learned

contd.....

court was please to assess the rate of compensation in this case at the rate of Rs. 20/- per sq. yd. i.e. Rs. 20,000/- per bigha. I find that the learned court had himself inspected the site and he had given this high rate of compensation on the grounds that the D.T.U. Colony had been constructed and this colony is very near to the land. The court has also observed that there was West Patel Nagar on the other side of the Patel Road and on the Southern side there was the Pusa Institute. There is no comparison between the land referred to in the above case and the land which is being acquired at present. I am, therefore, unable to accept this piece of evidence and I accordingly discard it.

Judgment of the High Court in Case No. 76-D of 61 in the case of U.O.I. Vs. Pritam Singh & other.

In this case a piece of land was acquired in village Khampur Raza which is a different revenue estate. The Additional District Judge had enhanced the rate of compensation at Rs. 10,000/- per bigha. The High Court was pleased to uphold the judgment of the learned court. Apart from the fact that this piece of land was in different estate, it is at a great distance and this case cannot be a relevant basis for determining the rate of compensation for the land which is being acquired presently. I, therefore, discard this evidence.

Judgment of the High Court in case NO. F.A.O. 132/1968. The Hon'ble High Court was pleased to fix the rate of compensation at Rs. 6/- of the land which was acquired in village Sadora Khurd with reference to notification dated 15.5.1945. I find that this land adjoins the land which is being acquired at present and the kind of the land is also the same. No further instance in this area has come

contd.....

to notice. The date of notification in the above referred case is 15.5.1945. Thus there is a lapse of more than 15 years if benefit of interest at the rate of 6% per annum is given then the market value of the land would be Rs.6/- plus Rs.5/- (allowance for 15 years). It can however, be argued that the price of the land would not have been increasing every year and during a certain period the price must have remained static. There is a possibility that the price might have not increased up to 1950 on account of partition of the country. I, therefore, give allowance of 9 years only and thus I determine the rate of compensation at the rate of Rs.9.25 per sq.yd. i.e. at the rate of Rs.9,250/- per bigha.

STRUCTURES

I have already explained above the position of structures and no compensation is payable for unauthorised structures.

TREES

No person has claimed compensation in respect of trees. Even the owner of the land Shri Tara Chand has not claimed any compensation for the trees. On my inspection I noticed that there were small peepal and neem trees etc. which were self grown up, I, therefore, do not assess any compensation for the trees.

SUMMARY OF THE AWARD

The award is summarised as under :-

1. Compensation for land measuring 66 bighas 18 biswas.	Rs. 6,18,825.00
2. 15% solatium	Rs. 92,823.75
3. Interest u/s 4(3) @ 6% w.e.f. 13.11.62 to 20.11.77 (15 years 8 days) = (5483) / 365	Rs. 5,57,756.29

GRAND TOTAL

Rs.12,69,405.04

(Rupees twelve lakhs sixty nine thousand four hundred five and paise four only)