

A W A R D

No. 1236

Name of the Village:-

Sadhora Kalan.

Nature of Acquisition:

Permanent.

This is a case for the acquisition of land in Village Sadhora Kalan required by the Government at the public expense 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(28)/57-LSG(11)-GI(SXII) dated 21.6.61. The substance of the notification was given due publicity in the village and objections were invited against this acquisition within a period of one month from the date of the notification of the notice. The objections were received and the objectors were heard and a report was made to the Delhi Administration vide this office letter No.467/LAC/III dated 29.9.61. Objections made were disallowed and a notification under section 6 of the Land Acquisition Act was made vide notification of even number dated 28.10.61. Notices under section 9 and 10 of the Land Acquisition Act were served upon all the interested parties to file their claims upto 6.12.61. The interested persons have responded to the notices.

#### M E A S U R E M E N T   &   O W N E R S H I P .

According to the notifications under section 4 and 6 of the Land Acquisition Act, the total area to be acquired was 54 bighas and 4 biswas. The total area can be 54 bighas and 4 biswas if the whole area of Khasra No.23 is taken. According to the notification Khasra No.23min is to be acquired and not Khasra No.23. The area of Khasra No.23min which is acquired is 15 bighas and 12 biswas while the area of Khasra

No. 23min which is not to be acquired is 3 bighas and 10 biswas on which there is a factory. This part of Khasra No. 23 is denoted by 23/2 and an Award regarding this part of the Khasra number will be made at time when the built up area is to be acquired. The total area for acquisition ~~for acquisition~~, therefore, comes to 50 bighas and 19 biswas.

According to the Revenue Record the ownership of the land under acquisition is as given below:-

| Sl. No. | Name of the owner.                         | Khas. No. | Area Bigha- Biswa | Kind of land. |
|---------|--------------------------------------------|-----------|-------------------|---------------|
| 1.      | Sh. Shakar Dass s/o Shri Bansil Dhar.      | 17        | 5 - 15            | Bagh Nehri.   |
|         |                                            | 18        | 3 - 8             | -do-          |
|         |                                            | 19        | 6 - 12            | -do-          |
|         |                                            | 22        | 7 - 5             | -do-          |
|         |                                            | 21        | 11 - 7            | -do-          |
|         |                                            |           | 35 - 7            | -do-          |
| 2.      | Shri Madan Mohan Lal s/o Shri Manohar Lal. | 23/1      | 15- 12            | -do-          |
|         |                                            |           | 50 - 19           | -do-          |
|         | Total.....                                 |           | <del>25</del>     |               |

According to the entries of the record, the kind of land is shown as Bagh Nehri but actually there is no bgah-nehri on the spot. It is totally waste land.

### CLAIMS & EVIDENCE.

The land owners have stated that they have cleared this land and have turned it into the form of plots. They have got the plan sanctioned by the D.D.A. and they ~~have~~ are developing it into a colony. In evidence they have produced a letter No. MW-Arch-MW/9/58/47 dated 30.9.58 from the Architect, Municipal Corporation of Delhi to Shri Shanker Dass Seth. According to this letter the colony was approved subject to the following conditions:-

Contd....

- 1). No land covered by the sanctioned lay-out shall be sold, leased or built upon until the services covered by the layout have been laid to the satisfaction of the Commissioner.
- 2). The sanction given to the layout shall lapse, unless the services are provided within a period of 12 months. The time limit may, however be extended by the Commissioner by another 12 months for reasons to be recorded.

According to these conditions the land owners had to provide necessary services within a period of two years at the most. They have, however, failed to provide any of the services and therefore, the sanction of the layout plan automatically lapsed. They failed to get further time ~~for~~ to provide such services and therefore it is no longer an approved colony. The land owners have demanded compensation @ Rs.50/- per sq.yd. for the gross area and Rs.125/- per sq.yd. for the plotted area on the analogy of the sale-prices of the plots in Partap Bagh colony, in the vicinity of which the land under acquisition is situated. In the first instance the rates of land in Partap Bagh colony are not more than Rs.80/- per sq.yd. even now. So their claim of Rs.125/- is absurd. Moreover, they cannot claim the rates of compensation on the basis of an approved and developed colony as they have provided no amenities at all. In evidence they have produced two sale-deeds regarding two plots sold by them in the area to be acquired. Even according to these registered sale-deeds the rates of the plots are only Rs.25/- when the owners have not provided necessary services. In the light of the evidence produced by the land owners themselves, the rate of Rs.50/- for the gross area and Rs.125/- per sq.yd. for the plotted area is ridiculous. The claim of the land owners is

MARKET VALUE.

The land owners have themselves stated that they have sold 20 plots to different persons in the area under acquisition. The details regarding sales as provided by them <sup>are</sup> is given below:-

| Plot holder                   | Plot No. | Area Sq.<br><del>Highway</del><br><del>lands.</del> | Total price<br>of the land.<br><del>Developed plot.</del> | Date of<br>executi                  |
|-------------------------------|----------|-----------------------------------------------------|-----------------------------------------------------------|-------------------------------------|
| Anandi Devi and<br>Mohri Lal. | 95 ✓     | 200                                                 | Rs. 5000/-                                                | 25.8.1958                           |
| Singh. ✓                      | 103 ✓    | 200                                                 | Rs. 5000/-                                                | 27.8.1958.                          |
| Harbati Devi<br>Ram. ✓        | 34       | 200                                                 | Rs. 5000/-                                                | 9.6.1958                            |
| Lal and<br>Lahan Lal. ✓       | 35       | 200                                                 | Rs. 5000/-                                                | 9.6.1958.                           |
| Chand &<br>Dass. ✓            | 39       | 200                                                 | Rs. 5000/-                                                | 9.6.1958.                           |
| Lahan Dass<br>Sarup. ✓        | 59       | 160                                                 | Rs. 4800/-                                                | 20.8.1958                           |
| Anandi Devi. ✓                | 19       | 200                                                 | Rs. 5000/-                                                | 9.6.1958                            |
| Mohari Ram. ✓                 | 102 ✓    | 200                                                 | Rs. 5000/-                                                | 29.8.1958.                          |
| Chameli. ✓                    | 20       | 200                                                 | Rs. 5000/-                                                | 18.6.1958.<br><del>21.8.1958.</del> |
| Kawati. ✓                     | 69       | 160                                                 | Rs. 4000/-                                                | 10.6.1958.                          |
| Singh. ✓                      | 45       | 200                                                 | Rs. 5000/-                                                | 11.6.1958.                          |
| Mohari Lal. ✓                 | 32       | 200                                                 | Rs. 5000/-                                                | 18.8.1958.                          |
| Chand & Naraindas ✓           | 31       | 200                                                 | Rs. 5000/-                                                | 9.6.1958.                           |
| Devi. ✓                       | 57       | 160                                                 | Rs. 4000/-                                                | 11.6.1958.                          |
| Munari. ✓                     | 30       | 200                                                 | Rs. 6500/-                                                | 5.12.1958.                          |
| Lal Seth. ✓                   | 43       | 200                                                 | Rs. 5000/-                                                | 11.6.1958.                          |
| ✓                             | 105 ✓    | 200                                                 | Rs. 5000/-                                                | 9.6.1958.                           |
| Singh & Tara<br>Singh. ✓      | 44       | 200                                                 | Rs. 5000/-                                                | 18.6.1958.                          |
| Dass. ✓                       | 58       | 160                                                 | Rs. 4000/-                                                | 19.6.1958.                          |
| Chand and<br>Lal. ✓           | 56       | 160                                                 | Rs. 4000/-                                                | 22.6.1958.                          |

According to the statement, the land owners sold the plots to different persons on the understanding that they will get the sanction of the Municipal Corporation for the layout plan and will also provide all necessary services, such as electricity, drains, and roads etc. They realized Rs.20/- per sq.yd. at the time of the registration of this sale-deed and stated that Rs.5/- per sq.yd. more will be realized when the services have been provided. The land owners themselves have stated before me that about 50% of the gross area is to be left out for common purposes. There have been no sales in this colony ~~xx~~ after the year 1958. It means that the rates of land in this colony remained stationary upto the date of notification under section 4 of the Land Acquisition Act which is 21.6.61.

According to the evidence led by the owners themselves, the price of the developed plot would have been Rs.25/- per sq.yd. if the colony had been approved and all the services were provided. In the sale-deeds executed by the owner in favour of such plot-holders, it is provided that if the colony is not approved by the Municipal Corporation and the services were not provided then the money will be refunded to such plot-holders. According to the view of the land owners themselves, the price of the developed plots would not have been more than Rs.25/- per sq.yd. The cost of development now-a-days is about Rs.8/- per sq.yd. on the plotted area. Thus the cost of the land of the plotted area comes to Rs.17/- per sq.yd. According to the statement of the owner himself, half the area is to be left for common purposes. Therefore, the cost of the gross land should be about Rs.8/8/- per sq.yd. In addition to the cost of develop-

ment, and owners will have to take great amount of  
botheration in getting the services of the plan sanctioned  
by the Municipal Corporation. Therefore, the price of the  
land, according to the evidence led by the land owners them-  
selves, should not be more than Rs.7/- per sq.yd. There are  
two sale-~~trans~~ transactions in and near about the area under  
acquisition. Shri Madan Mohan, the present owner of the land  
purchased Khasra No.23/1, which is a subject matter of this  
acquisition along with other Khasra No.27 total measuring 17  
bighas 2 biswas for Rs.1,14,750/- on 12.6.58. The average of  
the ~~the~~ sales comes to Rs.6700/- per bigha. It means that on  
12.6.58, the price of land was 6700/- per bigha. Now we have  
to see if any increase of price has taken place from 12.6.58  
to the relevant date i.e. June 1961. Another sale-transaction  
regarding Khasra No.3 which is situated in the immediate vicinity  
of the land under acquisition was sold by the Central Govern-  
ment to Shri Jodh Singh for Rs.8000/-. The total area of this  
Khasra No. is 1 bigha and 7 biswas and the average comes to  
Rs.6000/- per bigha. It means that the rate on 23.9.61 when  
the sale-transaction took place was not more than Rs.6000/-  
per bigha and therefore there has been no increase in the price  
during the three years. This is further support to  
the price arrived at, from ~~the~~ two transactions of about 60 bighas  
comprised in Khasra No.119,127/2,73/2 and 133. These  
numbers are situated just near Shakti Nagar on the Nagaf  
Road. According to the transaction dated 6.4.61, 45 bighas  
was sold for a sum of Rs.2,60,000/- yielding an average  
of Rs.552/- per bigha in this area. Similarly



transaction dated 23.12.60 of 13 bighas and 17 biswas comprised in Khasra No.133 for a sum of Rs.78000/- yielding the same average as above. I have inspected the site as well and I find that the situation of Khasra No.119, 127/2, 73/2 and 133 is not inferior to the situation of the area under acquisition. In this way it is conclusively proved that the Market Value of the land <sup>under a good</sup> is between Rs.6/- and Rs.7/- per sq.yd. I, therefore, award Rs.7000/- per bigha for the land under acquisition.

~~XXXXXXXXXXXXXXXXXXXX~~

### OTHER COMPENSATION.

The possession has not been taken so far, therefore, the question of interest does not arise. There are no trees etc. on the area under acquisition and therefore no compensation is allowed on account of this reason. There is a well which is in a very dilapidated condition <sup>and</sup> which used to be used for agricultural purposes. Since there is no garden at present and the compensation is being allowed on the potentiality of the site for building purposes therefore no compensation is allowed for the well. There are, however, some structures on the land under acquisition and the Naib Tehsildar, Land Acquisition has assessed their prices as given below:-

| Name of the owner of the structure. | Kind of structure.                        | Prices assessed.        |
|-------------------------------------|-------------------------------------------|-------------------------|
| Sh. Chowdhari Ram.                  | 2 tin sheds with boundary wall.           | Rs. 1600/-              |
| Sh. Shib Ram.                       |                                           |                         |
| Sh. Shanker Dass.                   | 2 temporary rooms with broken down roofs. | Rs. 400/-<br>Rs. 2000/- |

There is a maufi of Rs.22.64 of the land revenue for the area under acquisition. The maufi holders will, therefore, get 20 times the amount of maufi as compensation for the <sup>amputation</sup> ~~opera-~~ <sup>L</sup> ~~tion~~ of the maufi and this will come to Rs.452.80 N.P.

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

The compensation will be paid to the owners Shri Shanker Dass and Madan Mohan Lal after deducting the amounts paid by the purchasers of the plots ~~xxx~~ as given in the statement under head "MARKET VALUE". This deduction will be paid <sup>L</sup> ~~only~~ to the purchasers of the plots.

THE AWARD IS SUMMARISED AS BELOW.

|                                                                                 |                       |
|---------------------------------------------------------------------------------|-----------------------|
| Compensation for 50 bighas and 19 biswas of land @ Rs.7000/- per bigha.         | Rs.3,56,650.00        |
| Compensation for structure.                                                     | Rs. 2,000.00          |
| Total.....                                                                      | <u>Rs.3,58,650.00</u> |
| 15% of the above compensation as solatium for compulsory nature of acquisition. | Rs. 53,797.50         |
| Compensation for Maufi.                                                         | Rs. 452.80            |
| Grand total.....                                                                | <u>Rs.4,12,900.30</u> |

The land is assessed to a Land Revenue of Rs.82.75 which shall be deducted from the Revenue Roll from Rabi 1962.

( Nand Kishore )  
Land Acquisition Collector(I).  
DELHI.  
26.12.61.

Submitted to the Collector of District for information and filing.

( Nand Kishore )  
Land Acquisition Collector(I).  
DELHI.  
26.12.61.

Seen Filed. *[Signature]*  
COLLECTOR, DELHI 28.12.61