

A W A R D No. 1378

Name of the Village:

Sadhora Kalan.

Nature

Name of the Acquisition:

Permanent.

This is a case for the acquisition of land in the Estate of Sadhora Kalan 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(14)/61-L&H(1) dated 26.10.61 by the Chief Commissioner, Delhi. The substance of the notification was given due publicity and objections were invited within a period of one month from the date of publication of the notice. No objections were received within the period of one month and a report to this effect was sent to the Delhi Administration. A declaration under section 6 of the Land Acquisition Act was made vide Notification No.F.4(14)/61-L&H dated 14.5.62. Notice, under section 9(1) of the Land Acquisition Act was published in and round the area under acquisition, inviting claims from the interested persons. At the same time notices under section 9(3) and 10(1) of the Land Acquisition Act were issued upon the known interested parties. Most of the notices were served, but some could not be served on account of lack of knowledge of correct addresses of such persons. Most of the interested parties have responded to the notices.

MEASUREMENT & OWNERSHIP.

According to the notification, under section 4 of the Land Acquisition Act, the total area to be acquired is 18 Bighas. From further measurement

by the Land Acquisition staff, the total area is found to be 248 Bighas 1 Biswa. The difference of 3 Biswas is very slight and is ignored. The measurement is held to be correct at 248 Bighas 1 Biswa. None of the land owners has raised any objection against the measurement. The different rights of the persons in the land under acquisition are given below:-

Sl.No.	Name of the owner	Name of the other right holder.	Khasra No.	Area Big-Bis	Kind of land.
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1.	Shankar Dass s/o Bansidhar.	Swastik Cooperative House Building Society Ltd; Amledar Sardarkhti	79	6 - 4	Bagh Nehri.
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Note:- Shri Shankar Dass has claimed compensation @ Rs.45/- per sq.yd. The Society has claimed the following compensation.

1. Compensation for land @ Rs.25/- per sq.yd.
2. Compensation for damage @ Rs.10/- " " "
3. Compensation for trees @ Rs.2/- " " "
4. Compensation for a well Rs.5,000/-.
5. Compensation for Hand Pump Rs.150/-.

2.	Shiv Kumar s/o Devi Chand, Ganesh Dass, Ishar Dass sons of Gagu Mal (in equal share).	Balkishan Dass s/o Girdhari Lal, Amledar Sardarakhti through Custodian	114	11 - 12	Bagh Nehri
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Note:- The owners have claimed compensation @ Rs.45/- per sq.yd. Shri Balkishan Dass has made no claim.

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Badari Parshad,
Narain Dass

3. Custodian.	Delhi Corporation	66	3 - 14	Banjar
	Engineering ^{8/11} House	67	9 - 8	Jadid.
	Building Society	68	10 - 0	-do-
	Ltd; Auction pur-	463/72	12 - 18	-do-
	chaser.	73/1	8 - 6	-do-
		127/1	1 - 14	-do-
			46 - 0	

Note:- The Custodian has made no claim while the auction purchasers have claimed compensation @ Rs.20/- per sq.yd. Shri Sri Ram s/o Nanak has stated that he is cultivating his land for a very long time, and he should get compensation for his land. From the record, it is found that he has no entries as cultivator at the present moment. Moreover, the whole land is Banjar and is not cultivated at all. His contention is, therefore, absurd and rejected. There are 9 other squatters on the land and they made the following claims.

Sl.No.	Name of the squatter	Area claimed to be under his possession. in sq.yds.	Claim for land	Claim for structure
1.	Mallu s/o Nanak.	200	Rs.2000/-	2000/-
2.	Mallu s/o Badlu.	150	500/-	2000/-
3.	Ram Richh Pal s/o Prabhu	200	2000/-	600/-
4.	Prabhu s/o Khacheru.	150	500/-	2000/-
5.	Shame Singh s/o Badlu.	200	500/-	2000/-
6.	Tika Ram s/o Nanak Chand.	300	500/-	125/-
7.	Nathu Ram s/o Hem Raj.	200	500/-	2125/-
8.	Sis Ram s/o Nanak Chand.	200	2000/-	500/-
9.	Chet Ram s/o Mirchu	200	2000/-	500/-
10.	Nanak Chand s/o Kali Ram.	200	2000/-	500/-

In addition to the above ^{compensation} squatters, have claimed alternative accommodation. This land has been purchased by

the Society from the Custodian and the squatters have no right on the land. They are not paying any rent and their possession is totally illegal. The Government is taking in possession the temporary huts constructed by them on the land and, therefore, they are simply entitled to the cost of Mulba of their huts.

4. Custodian. Sher Amir Singh 71/1 & 3 3 - 5 BaghNehri
Auction pruchaser.

Note:- The purchaser has filed no claim. At the spot, the land is in possession of Shri ManChand s/o Bal Singh. The occupier has stated that he is cultivating this land from the year 1949 and he resides at this place. He, however, stated that there are trees planted by him of the value of Rs.2000/-. He further states that he has filed a suit in a Civil Court for the Bhoomidari rights in this land and that he pays the water rate. He has further stated that he has constructed a temple in this land and that it should not be acquired. He further claims compensation for for land @ Rs.20/- per sq.yd. and Rs.2500/- for the trees. The land is evacuee and according to his own statement, he started the cultivation of this land from the year 1949. He has not stated as to under what conditions he took this land from the Custodian. He has constructed small huts on this land and is charging rent from the labours. He has created a huge racket without any rights in the land. The Custodian should file a suit for the recovery of the land from this man. He cannot have any right of Bhoomidari and he should be summarily ejected for any

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except for this

compensation. There is another equally bogus claim of this land ^{by} namely Shri Sant Lal s/o Sri Ram. He has claimed compensation at Rs.74750/- on account of cultivating this land from the year 1953 to 1958. He has not shown as to why he should get the compensation now. His claim is also absurd and is rejected.

5. Swastic Cooperative

House Building Soci-	Mill.	78	16 - 2	Baghnel
ety Ltd;		80	<u>11 - 4</u>	
			27 - 6	

Note:- Their claim has already been discussed under Sl.No.1. Sarvashri Raj Nath & Ram Nath have stated that they had this land under mortgaged for a sum of Rs.11859/- and they have received only Rs.8000/- from the Custodian. If there is any such rule then they should be given the remaining sum of Rs.3859/-. They should make this claim from the Custodian and this Court has no right to enter into this dispute.

6. Shm.Devi Bai w/o

Thakar Dass.	Mill.	133	13 - 17	Baghnehri
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Note:- Notice could not be served on the address given by the Custodian as she does not reside on this address. No claim has been filed by her.

7. Custodian.

Bhagwan Singh s/o	452/115	4 - 3	Baghnehri
Mehar Singh Auction	453/115	<u>5 - 17</u>	-do-
Purchaser.		10 - 0	

Note:- Sale Certificate has not been issued in the name of Auction purchaser so far. Notice could not be served on the Auction purchaser, because he is not available on the address given in the record.

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8.	Union of India	a). Bullaql Dass	486/148	2 - 0	Nehri.
		s/o Khushal Singh	149	13 - 19	Baghnehri
		(occupancy tenant	150	1 - 12	-do-
				17 - 11	

Note:- Shri Bullaql Dass has purchased the rights from the Custodian. He has claimed the following compensation.

- 1). Compensation for land Rs.20/- per sq.yd.
- 2). Compensation for trees Rs.2/- " " "
- 3). Compensation for flower plant Rs.1/-per sq.yd
- 4). Income from Rose plants Rs.2/- per sq.yd.
- 5). Compensation for dry wood Rs.5/- per sq.yd.
- 6). Compensation for change of profession
Rs.10,000/-.
- 7). Compensation for Nursery. Rs.5,000/-
- 8). Compensation for hut Rs.100/-.

b). Custodian non-occupancy tenant. 87 1 - 7 Banjar.

Note:- In Khasra Girdawri Shri Kheman Dass is shown as Amlidar Sardarakhti. Although there is no tree on the land, he has claimed compensation @ Rs.30/- per sq.yd. and Rs.5000/- for the trees.

c). Babu Ram, Balkishan Dass, Banwari Lal, Murari Lal & Devi Chanda/ sons of Gir-dhar Lal, Amlidar Sardarakhti. 75 5 - 6 Baghnehri

Note:- They have claimed compensation @ Rs.30/- per sq.yd., Rs.5000/- for the rights of Sardarakhti and Rs.5000/- for the well.

d). Custodian Amlidar Sardarakhti. 90 2 - 8 Baghnehri.

Note:- The Custodian has auctioned its rights of Sardarakhti to Shm. Mala Devi, but has filed no claim. Shri Kanchu is a contractor of fruits & flowers and he has claimed reasonable

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compensation stating that he is such contractor

@ Rs.75/- per year.

e). Mohd. Salhain,
Shafique Ahmad,
Mohd. Abub & Nur
Hussain sons of
Shamshuddin 1/3, 109 17 - 5 Baghnehari.
Shm. Ahmad Ul Nisa
d/o Mohd. Jan 1/2,
Evacuee 1/6.
Amledar Sardrakhti

Note:- Shri Swalin etc. are lessees of the land
of the Custodian from Samat 1997 to ²⁰²⁷ 2027.
The Custodian has made no claim. The other
Amledars have claimed compensation @ Rs.50/-
per sq.yd.

f). Shm. Giani Bai	81	18 - 1	Baghnehari.
through her attorney			
Shri Om Parkash	91	28 - 1	-do-
<i>the custody of Shri Om Parkash</i>	110	1 - 19	-do-
	118	8 - 2	-do-
		56 - 3	

Note:- Shri Om Parkash has made the following claim.

1. Compensation for land @ Rs.35/- per sq.yd.
2. Compensation for trees. Rs.56,000/-.
3. Compensation for change of progression
Rs.20,000/-.
4. Compensation for 2 wells. Rs.12,000/-.
5. Compensation for wire fencing Rs.5,000/-.
6. Compensation for structure. Rs.2000/-.

g). Custodian occupancy
tenant. 147 15 - 7 Baghnehari.

Note:- The Custodian has stated that they have sold
the rights of ~~tenancy~~ occupancy tenants in this
Khasra number through Shri Harswroop Gupta and
the sale-certificate has not been issued so far.
Shri Harswroop has made the following ^{claim} compensation

1. Compensation for land @ Rs.40/- per sq.yd.
2. Compensation for other trees. Rs.50/- per tree
3. Compensation for Sheesham trees. Rs.300/-

h). Custodian occupancy tenant. 485/148 2 - 3 Baghnehri.

Note:- The Custodian has stated that they have sold the rights of tenancy in this Khásra Number to one Shri Amar Nath who has made no claim.

9. Central Govt. Mam Chand non-occupancy tenant 70 4 - 5 Nehri.
through East Punjab Area. *Railway*

Note:- Claim of Mam Chand & Sant Lal has already been discussed under Sl.No.4.

10. East Punjab *from Custodian tenancy*
Railway. ~~Ambedkar Sardarsakti~~ 65 6 - 4 Baghnehri
Custodian Shrimati 69 1 - 18 -do-
Gobindi non-occupancy 8 - 2
tenant No.3.

Note:- *Railway* The representative of the East Punjab Govt. has stated that their land should not be acquired and that they will eject the occupiers in due course of law. No other person has got any rights in this land. Shri Khazan s/o Gobindi has stated that the trees in this garden were planted by his forefathers and he should get compensation for it. Shri Tej Ram has stated that he is in occupation of this land and should get compensation for it.

	248	-	1
Bagh Nehri.	190	-	8
Nehri.	9	-	10
Banjar.	47	-	7
Gairmunkin well.	0	-	6
Gairmunkin Hut.	0	-	10
	248	-	1

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CLAIMS & EVIDENCE.

The claims have already been discussed under the head "Measurement & Ownership". Most of the land or some rights in the land were evacuee and have been purchased by the claimants in auction from the Custodian during the year 1960-61. The claimants have beaten about the bush and have not stated in ~~any~~ evidence their transactions according to which they purchased the land from the Custodian. Generally the Sardarakhti rights have been purchased @ Rs.1/8/- per sq.yd. and the ownership rights at about Rs.3/- per sq.yd. from the Custodian. They have, however, made claims ~~that~~ ^{at} the rate of Rs.40/- per sq.yd. The claims are so absurd and high pitched that it will be useless waste of time to consider them. They think that the prices of the land went up 40 times higher as soon as they purchased the land. In evidence they have not produced even their own transactions. The evidence produced by them is, therefore, worthless.

MARKET VALUE.

The land under acquisition is situated on the Western side of the Railway line near Partap Bagh. The land has got some potential value for building purposes. The land generally belongs to the Government and other persons have rights of Sardarakhti or occupancy which have been purchased by them from the Custodian within a year of the date of notification under section 4 of the Land Acquisition Act. Since the issue of general notification for the acquisition of 34 thousand

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acre scheme for the Planned Development of Delhi in November 1959, the prices have slightly gone down instead of increasing. The purchases made by the claimants from the Custodian are a true indication of the Market Value of the land on the relevant date. I, therefore, think that in the case of those persons who purchased their rights from the Custodian, the Market Value is the same as they paid to the Custodian. If this price is given, they will get about $1\frac{1}{2}$ times the price which they have actually paid. This is due to the fact that price of the claims in the year 1960-61 was not more than -/12/- for every rupee. If a man purchased the land for Rs.100/- then ~~he~~ he had to pay only Rs.75/- to purchase claims of Rs.100/-. He will, however, get Rs.100/- plus Rs.15/- i.e. Rs.115/- for Rs.75/-. In these circumstances I award the same price to the claimants who purchased their rights from the Custodian as they themselves paid to them.

For fixing compensation for those claimants who did not purchase their rights from the Custodian, it will be best to take the average of the transactions of the Custodian. The area under acquisition can be divided into two parts.

a). That which is situated on ^{the} ~~the~~ Wasirpur Road or on the Nazaigarh Drain, i.e. Khasra Nos. 66, 67, 68, 463/72, 73/1, 127/1, 133, 485/148 and 486/148.

b). The area which is situated on no road. It consists of the remaining khasra numbers.

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a). In the previous case almost all these khasra numbers have been purchased by them from the Custodian and they will get the same compensation what they paid to the Custodian plus 15% as solatium. The average price of ^{all} the rights of Block 'A' works out as follows:-

Sl.No.	Name of the parties	Khasra Nos.	Area Bigha-Biswa	Total price.
1.	Custodian in favour of Rajinder Singh.	66, 67, 68, 463/72,73/1 and 127/1.	46 - 0	2,63,100/-.
2.	Custodian in favour of Shm. Devi Bai.	133	13 - 17 59 - 17	78,000/- 3,41,100/-

The average of these transactions comes to Rs.5600/- per bigha. I, therefore, award this rate for all rights in the land comprised in Block 'A'. This rate will be paid to those persons who have not purchased their rights from the Custodian. The latter persons will get the same amount as they have paid to the Custodian.

b). In this area three transactions of sale of complete rights of ownership have taken place. The details are as given below:-

1.	Custodian in favour of Sher Amir Singh.	71	3 - 12	7800/-
2.	Custodian in favour of Swastik Coopera- tive House Building Ltd.	78 & 80	27 - 6	91000/-

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3.	Custodian in favour	452/115 &			
	of Bhagwan Singh.	453/115.	10	-	0
					30,000/-
			40	-	18
					1,28,800/-

The Average of these transactions comes to Rs.3200/- per bigha. I, therefore, award Rs.3200/- for the price of ^{all} rights in the land of Category 'B'..

There are som Amledar Sardarakhti who have not purchased their rights from the Custodian. To arrive at the market Value of their rights in the land it will be better to take the average sale of these rights from the Custodian. The details of these transactions is as follows:-

1.	Custodian in favour				
	of Swastik Coopera-	79	6	-	4
	tive Housing Society.				Rs.13000/-
2.	Custodian in favour				
	of Sh.Balkishan Dass.	114	11	.	12
					Rs.14000/-.
3.	Custodian in favour				
	of Shm. Giani Bai.	81,91,110,			
	and 118.		56	-	3
					Rs.82500/-
4.	Custodian in favour				
	of Mala Devi.	90	2	-	8
					Rs. 5500/-
			76	-	7
					Rs.115000/-

The average of these transactions comes to Rs.1500/- per bigha. I, therefore, award Rs.1500/- per bigha out of the whole compensation of the land to those persons who have got Sardarakhti rights but did not purchase them from the Custodian. The persons who purchased their rights will get the same amount as they paid to the Custodian. The average of the rights of occupancy is as follows:-

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1.	Custodian in favour of Har Swroop.	147	15 - 7	Rs.25,500/-.
2.	Custodian in favour of Bullaqi Dass.	486/148, 149 & 150	17 - 11	Rs.15,000/-
			32 - 18	Rs.40,500/-

The average of these transactions comes to Rs.1200/- per bigha. I, therefore, award Rs.1200/- per bigha to those persons who did not purchase the rights of occupancy from the Custodian.

The purchases from the Custodian are as follows:-

Sl.No.	Name of the parties	Khasra No.	Area Big-Bis.	Rights pur- chased.	Total Sale price issued or not.
1.	<i>Swatli</i> M/S Delhi State Cooperative House Building Society Ltd.	79	6 - 4	Sardar- akhti.	13000/- Issued
2.	-do-	78 & 80	27 - 6	Ownership	91000/- -do-
3.	Sh.Balkishan Das	114	11 - 12	Sardrkhti	14000/- Not "
4.	Rajinder Singh.	66,67, 68, 463/72,73/1 and 127/1.	46 - 0	Full owner- ship.	263100/- Not Issued
5.	Sh.Sher Amir Singh.	71	3 - 12	-do-	7800/- -do-
6.	Shm. Devi Bai	133	13 - 17	-do-	78000/- Issued.
7.	Bhagwan Singh.	452/115 and 453/115	10 - 0	-do-	30000/- Not Issued
8.	Shm.Giani Bai	81,91,110,118	56 - 3	Sardrkhti	82500/- -do-
9.	Sh.Harsarup Gupta	147	15 - 7	Occupancy	5500/- -do-
10.	R.S.Amar Nath.	485/148	2 - 3	-do-	10200/- -do-
11.	Shm.Mala Devi.	90	2 - 8	Sardrkhti	5500/- -do-
12.	Sh.Bullaqi Dass.	486/148,149 and 150	17 - 11	Occupancy	15000/- Issued

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OTHER COMPENSATION.

In addition to the above compensation, the right holders will get 15% as solatium for compulsory nature of acquisition of their rights.

COMPENSATION FOR WELLS.

In the land under acquisition there are 5 wells situated in Khasra Nos. 73/1, 75, 80, 81 and 133. Khasra numbers 73/1, 80, 81 and 133 have been purchased from the Custodian and the price of the wells is included in the sale-price already awarded. As regards Khasra No. 75, the Naib Tehsildar, Land Acquisition has fixed price of the wells at Rs. 900/- (Rupees Nine Hundred) and I agree with the price assessed by him. I, therefore, award Rs. 900/- for this well.

COMPENSATION FOR TREES.

Khasra Nos. 67, 68, 71, 463/72, 73/1, 486/148 have been purchased from the Custodian. The price of the trees is included in the sale-price paid to the Custodian. In the case of the gardens, the sale-price includes the price of the trees in the case of full ownership or Sardarakhti rights ~~from~~ or the rights of occupancy. There is, therefore, no necessity of giving separate price for the trees. As regards Khasra No. 70, the Naib Tehsildar has assessed the price of the trees at Rs. 124/-. I agree with the price assessed by him and award Rs. 124/- for the trees in Khasra No. 70.

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Shri Bullaql Dass has planted Nursery in Khasra No.149. The price of this Nursery assessed by the Naib Tehsildar amounts to Rs.1239/-. I agree with the price assessed by him and award Rs.1239/- as the price of the Nursery.

COMPENSATION FOR STRUCTURE

There are temporary huts constructed by the squatters and by the other right holders in the land. These huts are straw thatched. The Naib Tehsildar, Land Acquisition has assessed the price of these Jhuggees at Rs.1240/-. I agree with the price assessed by him and award Rs.1240/- for the Jhuggees.

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

The full owners will get compensation to the same amount as they paid to the Custodian or on the rates of Rs.5600/- for Block (a) and Rs.3200/- for Block (b). The persons holding other rights than those of ownership will get the same compensation as was paid by them to the Custodian or on the average rate as already discussed under the head 'Market Value'. The remaining compensation for the land will be paid to the owners. Some khasra numbers of Railway are being acquired. The Deputy Housing Commissioner should be requested to enter into the correspondence with Railway for the taking over of these khasra numbers. Compensation for khasra No.87 should be distributed after the position further. Out of the compensation of Rs.

and a sum of Rs.3,000/- will be withheld till a compromise is reached with the ~~Ambedkar-Sardar~~ *Contract of fruit*

THE AWARD IS SUMMARISED AS BELOW.

Compensation for Khasra Nos. 66, 67, 68, 463/72, 73/1 & 127/1.	Rs. 2,63,100.00
Compensation for Khasra No. 133	Rs. 78,000.00
Compensation for Khasra Nos. 485/148 & 486/148 total measuring 4 Bighas 3 Biswas @ Rs. 5600/- per bigha Block (a)	Rs. 23,240.00
Compensation for Khasra No. 71/43	Rs. 7,800.00
Compensation for Kh. No. 78 & 80	Rs. 91,000.00
Compensation for Khasra Nos. 452/115 & 453/115.	Rs. 30,000.00
Compensation for the reamaining 143 Bighas 10 Biswas of land @ Rs. 3200/- per bigha.	Rs. 4,59,200.00
	Rs. 9,52,340.00
Compensation for wells, and structures.	Rs. 2,140.00
	Rs. 9,54,480.00
15% on the above as solatium for compulsory nature of acquisition.	Rs. 1,43,172.00
	Rs. 10,97,652.00
Compensation for Nursery and Trees.	Rs. 1,363.00
	Rs. 10,99,015.00
Grand Total.....	

The land is assessed to a land Revenue of Rs. 40.14 which shall be deducted from the Revenue Roll from Rabi 196

(Nand Kishore)
Land Acquisition Collector(I),
D E L H I.
27.9.62.

Submitted to the Collector of District for information and filing.

(Nand Kishore)
Land Acquisition Collector,
27.9.62.

Seen. Filed. *[Signature]* 24.10.62