

A W A R D No.

1740

Name of the village:

Sadhara Kalan.

Nature of acquisition:

Permanent.

INTRODUCTION:

The land situate in the estate of Sadhara Kalan is required by the Government at the public expense for a public purpose, namely for the Planned Development of Delhi. A ^{notification} declaration under section 4 of the Land Acquisition Act was made vide notification No.F.15(245)/60-LSG dated 24.10.1961. The substance of the notification was given due publicity and objections were invited from the interested persons. The objections were heard and a report was made to the Delhi Administration along with the objections in original. A declaration under section 6 of the Land Acquisition Act was made vide notification No.F.1(2)/62-L&H dated 29.6.1963. Notice under section 9(1) was given due publicity and notices under section 9(3) and 10(1) of the Land Acquisition Act were served upon the known interested persons. All the interested persons have responded to the notices.

'MEASUREMENT AND OWNERSHIP'

According to the notification under section 6, the total area to be acquired was 8 bighas and 8 biswas. But from the verification made on the spot under section 8 of the Land Acquisition Act, the total area to be acquired comes to 8 bighas and 14 biswas. Thus there is an excess of 6 biswas which is due to the fact that according to Revenue Record the khasra No. 938/613 consists of 17 biswas, but actually it is 1 bigha and 3 biswas. The compensation in respect of 6 biswas will have to be treated as disputed and it will be paid after necessary verifications are made. Therefore I hold the area under acquisition to be correct at 8 bighas and 14 biswas. The ownership of the land under acquisition according to the Revenue Record is given as below:-

S.No.	Name of the owner	Khasra No.	Area Bigha.Bis.	Kind of land	Claim made.
1.	Mohan Lal ad.s/o Bhana Mal.	942/32	2 - 18	Gm.Makan & Plot.	
		944/33	1 - 08	Gm.Makan	
		945/36	0 - 07 4 - 13	Gm. Quarter.	

Note:- Shri Mohan Lal has claimed compensation for khasra Numbers 942/32, 944/32, 945/36 and 867/62-63/1 @ Rs.2.50 NP per sq.yd. as a monthly return. But according to the record khasra No. 945/36 has been sold to Shri Sant Kirpal Singh by mutation No.1298 and Khasra No.867/62-63/1 to the Rahmani Satsang Society by mutation No.1020.

2. Mohan Lal ad.s/o 938/613 1 - 05 Gm. Makanat.
Bhana Mal.

Note:- Shri Mohan Lal has stated in his claim petition that the area of khasra No.938/613 is 1 bigha 3 biswas and net 17 biswas as given in the notice. He has also stated that the land under acquisition has been commercial and industrial site. Lately it has been sanctioned as a cinema site. Hence he has claimed @ Rs.2.50 NP per sq.yd. as a monthly return of the land for a period of 30 years as rental purchase value.

3. Rahani Satsang Sawan 867/62-63/1 2 - 18 Gm. Makanat.
Ashram, through Shri
Kirpal Singh.

THE FOLLOWING CLAIMS HAVE BEEN RECEIVED IN RESPECT OF THE LAND UNDER ACQ.

S.No.	Name of the claimant	Compensation claimed.	Khasra No. in which the structure is situated.	Price assessed for the structure by the N.T.	Remarks by L.A.O. on the site inspection
1.	Shri Ugrasy	Rs.900/-	944/32	Nil	No structure was found on the spot.
2.	Shmt. Rajrani	Rs.700/-	944/32	---	-de-
3.	Sh. Tirlok Chand	Rs.600/-	944/32	---	-de-
4.	Sh. Pat Ram	Rs.600/-	642/32 & 944/33	---	-de-
5.	Sh. Gurbakash Singh.	Rs.600/-	944/32	---	-de-
6.	Sh. Hazara Singh	Rs.700/-	944/32	Rs.33/-	Sirki Chhapar
7.	Bhim Sain	Rs.1000/-	944/32	Rs.100/-	Tin shed shop.
8.	Bhura Mal	Rs.600/-	942/32	Rs.30/-	Jhopari made of pheos.
9.	Ami Chand	Rs.700/-	942/32, & 944/33	---	No structure was found on the spot.
10.	Sh. Nand Lal	Rs.300/-	944/33	---	-de-

11.	Sh. Khushrang	Rs.500/-	944/33	---	No structure was found on the spot.
12.	Sh. Harnam Dass	Rs.900/-	944/32	---	-do-
13.	Sh. Karam Singh (Note: verified as Karan Singh s/o Nawal Singh at the site)	Rs.1000/-	942/32	Rs.61/-	Tea shop with tin - sheets roof.
14.	Sh. Shyam Sunder	Rs.1500/-	944/33	---	No structure was found on the spot.
15.	Jajan Lal	Rs.600/-	944/32	---	-do-
16.	Sh. Om Prakash	Rs.1000/-	944/33	---	-do-
17.	Sh. Shis Ram	Rs.600/-	944/32	---	-do-
18.	Sh. Pearey Lal	Rs.1000/-	942/32	Rs.200/-	A pucca room.
19.	Inder Prakash	Rs.1000/-	942/32 & 944/33	Rs.16/-	A Jhepari.
20.	Sh. Ram Singh	Rs.1000/-	942/32	Rs.127/-	A sirki chhapar
21.	Sh. Fateh Chand	Rs.900/-	942/32	Rs.30/-	A Jhepari phoes.
22.	Shmt. Chand Devi	Rs.800/-	942/32 & 944/33	---	No structure was found on the spot.
23.	Inderaj	Rs.800/-	942/32 & 944/33	---	-do-
24.	Pheel Singh s/o Meku Lal	Rs.700/-	942/32	Rs.30/-	A Jhepari phoes.
25.	Sh. Sia Ram Sharma	Rs.800/-	642/32 & 944/33	---	No structure was found on the spot.
26.	Sh. Subedar Singh	Rs.600/-	942/32 & 944/33	---	There is a wooden plank fixed along with the wall where the applicant is running a hair cutting shop for which no value has been assessed.
27.	Sh. Prem Sagar	Rs.1000/-	942/32	---	No structure was found on the spot.
28.	Sh. Arjan Dass	Rs.600/-	942/32 & 944/33	---	-do-
29.	Sh. Nand Lal s/o Thakar Dass	Rs.600/-	942/32 & 944/33	---	-do-
30.	Dr. Hardasamal s/o Hazari Mal.	Rs.71000/-	938/613, & an alter 942/32 & -native plot. 944/33	---	Entrance Gate.

Note: The compensation of the structure has been assessed by the Valuation Department in favour of Mohan Lal s/o Bhana Mal and not shri Hardasamal Hazarimal. Hence the compensation will be treated as disputed.

31. Sh. Charan Dass Sehdeva Pradhan Pratap Sawa Samiti has claimed compensation at Rs.400/- for a chhabil (drinking water shed). But on the spot no structure was found. Therefore no compensation is allowed.

32. Sh. Harbans Lal has stated that he is a tenant of Shri Mahtab Singh on a monthly rent of Rs.15/-. Hence he has claimed that an alternative accommodation may be allotted to him. But at the site no such structure was found. Hence no compensation is allowed.

33.	Rewa s/o Ghasi	Rs.800/-	938/613	Rs.20/-	A sirki roof Jhepari.
34.	Om Prakash s/o Sabe Singh.		938/613	Rs.20/-	A Jhepari
35.	Alam Chand alias Ulma s/o Sabe Singh		938/613	Rs.20/-	A Jhepari
36.	Kalu s/o Chhote	Rs.400/-	--	Rs.20/-	A Jhepari
37.	Sabe Singh s/o Amman	Rs.400/-	--	Rs.20/-	A Jhepari
38.	Mathuri s/o Kadam Singh	Rs.250/-	--	Rs.20/-	A Jhepari

Note: The persons at Sl.Nos.34 to 38 have claimed that as they are adverse

in possession of the land since 18 years, its compensation may be given to them. Hence the compensation will be kept as disputed and will be sent to the Addl. District Judge for disbursement.

In respect of these persons, pheels jheparis were found in the khasra No.938/613 which have been assessed at Rs.20/- each.

The claims of compensation of the owners of Soap Factories existing in khasra Nos.942/32 and 944/33:-

(i) M/S SACHDEVA SOAP MILLS THROUGH SHRI CHARAN DASS:

1. Loss of earnings as a result of the acquisition calculated at 5 years net income according to Income Tax Department.	Rs.86193.00
2. Cost of building and structures in the existing factory according to the estimate prepared by Shri Amar Nath Kapur Architect.	Rs. 4826.78
3. Cost of equipment and machinery.	Rs. 2043.00
4. Possible bad debts on account of non-receipt of outstandings due to close of business.	Rs.18000.00
5. Compensation for staff due to termination of services.	Rs. 2988.00

Total compensation claimed besides the cost of leasehold rights.

Rs.114050.78

(ii) M/S Tirath Soap Factory through Shri Tirath Ram:

Similar total compensation claimed besides the cost of lease held right.

Rs.117931.48

(iii) M/S Bombay Soap Mills through Shri Devi Dass:

Total compensation claimed besides the cost of leasehold rights.

Rs.125876.43

(iv) M/S Parkash Soap Factory through Shri Ved Prakash:

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Total compensation claimed. Rs.103093.90

(v) M/S Krishna Soap Factory through Shri Krishan Lal:

Total Compensation claimed Rs.123146.75

(vi) M/S Arjit Sarup Soap Factory through Shri Attar Singh:

Total compensation claimed Rs.102812.37

(vii) M/S Diwan Chand Dholan Dass through Ganesh Dass:

1. Loss of earnings as a result of the acquisition calculated at 5 years net income for the business of Diwan Chand Dholan Dass and Ganesh Dass Bhoj Raj. Rs.6,25000.00
2. Cost of buildings and structures in the existing factory according to estimate prepared by Shri Amar Nath Kapur Architect. Rs. 26592.00
3. Damages to be incurred for the breach of contracts undertaken. Rs. 60000.00

Total compensation claimed .. Rs.711592.00

The above said claimants have also claimed themselves to be the bonafide tenants of the land owner Shri Mohan Lal ad.s/• Bhana Mal. They, therefore, expressed their entitlement to the compensation for the land in their respective occupation and tenancy in the same proportion and on the same principle. In view of this fact the compensation will have to be treated as disputed and be sent to the Addl. Distt. Judge for disbursement.

On BEHALF OF THE MANAGING COMMITTEE SHRI KIRPAL SINGH RUHANI SOCIETY SAWAN ASHRAM, GURKI MANDI, DELHI, SHRI JODH SINGH IN HIS CLAIM PETITION HAS DEMANDED THE FOLLOWING COMPENSATION IN RESPECT OF FIELD NOS:867/62-63/1.

Compensation for boundary wall:	Rs.2250.00
Prayer Hall	Rs.13450.00
Quarter (6 rooms of 12' X 10')	Rs.24500.00
Three Sewadar rooms:	Rs. 3000.00
Compensation of land @ Rs.100/- per sq.yd.	Rs.3,27,600.00
Compensation for Garage.	Rs. 3,000.00
Compensation for trees;	Rs. 6,850.00
Grassy lawn of 1000 sq.ft. prepared after levelling of land manuring watering and planting of grass.	Rs. 5,000.00
Compensation for roads.	Rs. 4,800.00
Compensation for sewers and pipes	Rs. 1,840.00
Compensation for hand-pump	Rs. 250.00
Compensation for fittings & fixtures etc;	Rs. 500.00
	Rs.3,93,040.00

'CLAIMS AND EVIDENCE'

The claims made by various persons have already been discussed under the head 'Measurement and Ownership'. No evidence has been produced by any of the claimants in support of their claims.

'MARKET VALUE'

The land under acquisition bearing khasra Numbers 942/32, 944/33 and 938/613 are situated along with the G.T. Road on the south-west of Shakati Nagar Colony, Ganda Nala is passing in between them. Shakati Nagar is a highly developed colony having all the facilities while the land under acquisition is totally undeveloped. The land has, therefore, got some potential value for building purposes.

The land bearing khasra Numbers 867/62-63/1 and 945/36 is adjacent to the Karnal Railway line and the Najafgrah Drain. The distance between this land and the land bearing khasra Nos. 942/32, 944/33 and 938/613 as stated above is about 2-3 furlongs.

The following sale transactions have taken place in and near the land under acquisition during the last five years from the date of notification i.e. 24.10.61.

S.No.	Mutation No.	Date of Registration.	Khasra No.	Total area.	Total sale price.	Average per bigha.
1.	1028	12.6.58	23/1 & 27	17 - 02	Rs. 1,14,750/-	Rs. 6071.52
2.	1056	21.5.59	10	1 - 15	Rs. 11,907/-	Rs. 6804/-
3.	1067	21.2.59	7	0 - 18	Rs. 4,760/-	Rs. 5300/-
4.	1092	23.6.61	3	1 - 07	Rs. 8,000/-	Rs. 5929.63
5.	1298	18.9.61	945/36	0 - 07	Rs. 7,763/-	Rs. 7057.
			947/37	0 - 02		
			951/61	0 - 08		
			949/60	0 - 05		
				1 - 02		
Total				22 - 04	Rs. 1,47,720/-	Rs. 6654/-

I have inspected the site and I found that the situation of the land bearing Khasra Nos. 942/32 measuring 2 bighas 18 biswas, 944/33 measuring 1 bigha 8 biswas, and 938/613 measuring 1 bigha 3 biswas total measuring 5 bighas and 9 biswas are very near and similar to the lands bearing khasra Nos. 29, 805/24-26 and 806/24 which have already been acquired under award No. 1569 in which the rate of Rs. 8000/- per bigha has been awarded.

Similarly the lands bearing khasra Numbers 867/62-63/1 and 945/36 measuring 3 bighas and 5 biswas is similar to the land bearing khasra Nos.6, 7, 10, 308/15, 307/15 which have also been acquired under award No.1569 in which the rate of Rs.6000/- per bigha was assessed. The khasra Numbers 867/62-63/1 and 945/36 is inferior in situation to the remaining land bearing khasra Nos.942/32, 944/33 and 938/613 and is away from them.

I am, therefore, convinced that the market value of the land under acquisition on the relevant date is 24.10.61 was Rs.3000/- perbigha for the khasra Numbers 942/32, 944/33 and 938/613 and Rs.6000/- per bigha for khasra Nos.867/62-63/1 and 945/36 and I award accordingly.

OTHER COMPENSATIONS:

There are some structures on the land under acquisition which have been assessed by the C.P.W.D. (Valuation Department) as follows:-

Sl.No.	Khasra No.	Name of the owner	Detail of property	Price assessed.
1.	938/613, 942/32 and 944/33.	M/S Krishna Soap Factory.	(A) Tin Shed (932 sq.ft) (B) Tin Shed (311 sq.ft) (c) Compensation for removal of furnaces tanks, and other accesseries and the refixing elsewhere.	Rs.1966.00 Rs. 478.00 Rs.1000.00 Rs.3444.00
2.	-do-	M/S Tirath Soap Factory.	(A) Tin Shed (999 sq.ft) (B) Tin Shed (311 sq.ft) (C) Compensation for removal of furnaces tanks, and other accesseries and the refixing elsewhere.	Rs.2107.00 Rs. 478.00 Rs.1000.00 Rs.3585.00
3.	-do-	M/S Sachdeva Soap Factory.	(A) Tin Shed (891 sq.ft) (B) Tin Shed (1086 sq.ft) (C) Compensation for removal of furnaces and other accesseries.	Rs.1880.00 Rs.1623.00 Rs.1000.00 Rs.4503.00
4.	-do-	M/S Amrit Soap Factory.	(A) Tin Shed (1840 sq.ft) (B) Tin Shed (490sq.ft) (C) Removal	Rs.3881.00 Rs. 753.00 Rs.1000.00 Rs.5634.00
5.	-do-	M/S Parkash Soap Factory.	(A) Tin Shed Compensation for removal of accesseries.	Rs.2421.00 Rs.1000.00 Rs.3421.00

6.	-de-	M/S Bombay Soap Factory.	Two offices.	Rs. 3237.00
			Compensation for blown roof and strengthening with holding down belts. J. Hooks etc.	Rs. 500.00
			Room near main Gate.	Rs. 652.00
			Three tanks	Rs. 300.00
			Compensation for shifting factory	Rs. 2000.00
				Rs. 6689.00
7.	-de-	Fruit Factory	Tin Shed & Platform of dry brick flooring.	Rs. 6724.00
			Compensation for shifting factory equipment.	Rs. 1000.00
				Rs. 7724.00
8.	-de-	Mohan Lal	Entrance Gate	Rs. 685.00
			Compound Wall	Rs. 1452.00
			Main Halls (Two)	Rs. 14559.00
				Rs. 16,696.00
9.	63 & 67	Sawan Ashram	Staff Qrs. towards west.	Rs. 14863.00
			Sewadari qrs. towards east near gate.	Rs. 3901.00
			Prayer Shed (South End)	Rs. 10505.00
			Garrage near Sewadari Qrs. and a tin shed behind staff qrs.	Rs. 724.00
			Brick Flooring	Rs. 215.00
			Damages for shifting electrical installations.	Rs. 250.00
			Hand Pump	Rs. 100.00
			Compound Hall	Rs. 473.00
				Rs. 31031.00
			G. Total	Rs. 82727.00

I have inspected the site and I found that the price assessed by the C.P.W.D. is very reasonable and I award accordingly.

In addition to the above structures there are few Juggi-jheparis which have been assessed by the Naib Tehsildar (Land Acquisition) as follows:-

Sl.No.	Name of the owner	Khasra No.	Kind of structure	Price assessed.
1.	Sh. Hazara Singh	942/32	Sirki Chhapar	Rs.33.00
2.	" BhimSain	-de-	Tin Shed shep	Rs.100.00
3.	" Bhura Mal	-de-	Jhepari made of phees.	Rs. 30.00
4.	" Karan Singh	-de-	Tea Shep with tin sheets roof.	Rs. 61.00
5.	" Pearey Lal	-de-	A Pucca Room	Rs.200.00
6.	" Inder Prakash	942/32	A Jhepari	Rs. 16.00
7.	" Fateh Chand	942/32	A Jhepari	Rs. 30.00
8.	" Ram Singh	942/32	A Sirki Jhepari	Rs.127.00
9.	" Fheel Singh s/o Meku	942/32	A Jhepari	Rs. 30.00
10.	" Rewa s/o Ghasi	938/613	A Sirki roof Jhepari	Rs. 20.00
11.	" Om Prakash s/o Sabe Singh.	-de-	A Jhepari	Rs. 20.00
12.	" Alam Chand	-de-	-de-	Rs. 20.00
13.	" Kalu s/o Chhete	-de-	-de-	Rs. 20.00
14.	" Mathuri s/o Kadam Singh	-de-	-de-	Rs. 20.00
15.	" Sabe Singh s/o Anan	-de-	-de-	Rs. 20.00
16.	" Mangat s/o Sabe Singh	-de-	-de-	Rs. 20.00
17.	" Ramji Dass s/o Kanti Ram.	942/32	Sirki Chhapar	Rs. 48.00
18.	" Girwar s/o Chabhu Das	-de-	Pucca room	Rs.205.00
Total				Rs.1020.00

Compensation for trees:

There are some trees in khasra No.867/62-63/1 which have been assessed by the Naib Tehsildar (Land Acquisition) as follows:-

No. of trees	Kind of tree	Apprx. Weight in maunds.	Rate per maund.	Total price.
3	Pilkan	45	Rs.2/-	Rs.90/-
1	Shahteot	25	Rs.2/-	Rs.50/-
2	Neem	30	Rs.2/-	Rs.60/-
6	Balm Kheera	80	Rs.2/-	Rs.160/-
2	Peepal	35	Rs.1/-	Rs.35/-
2	Deeg	35	Rs.2/-	Rs.70/-
6	Kikar Babli	25	Rs.3/-	Rs.75/-
2	Geld Mohr	30	Rs.2/-	Rs.60/-

3.	Jangal Jalebi	10	Rs.2/-	Rs.20/-
1	Sheesham	30	Rs.3/-	Rs.90/-
3	Amrood	4	Rs.2/-	Rs. 8/-
28	Mulseri & Chandani		Rs.5/- per tree. Total ...	<u>Rs.140/-</u> <u>Rs.858/-</u>

I inspected the site and I found that the prices assessed for the structures (Juggi & Jheparis) and for trees by the Naib Tehsildar (Land Acquisition) are quite reasonable and I award accordingly.

Since the possession of the land under acquisition has not been taken, the question of payment of interest does not arise.

'APPORTIONMENT'

The apportionment has already been discussed under the head 'Measurement & Ownership'. As there is a dispute among the land owner Shri Mohan Lal ad.s/o Bhana Mal and the owners of the soap factories as well as the tenants of the Juggis and Jheparis, the compensation in respect of the khasra No.942/32, 944/33, and 938/613 will be sent to the Additional District Judge for disbursement. Similarly there is dispute between the land owner and the Ruhani Satsang Society, in respect of khasra Nos.367/62-63/1 and 945/36. Hence the compensation for this area will also be sent to the Additional District Judge.

The price of the structure will be paid to the owners or the tenants as the case may be, who have actually constructed the structure.

THE AWARD IS SUMMARISED AS BELOW:

Compensation for 5 bighas 9 biswas comprising khasra Nos.942/32, 944/33 and 938/613 @ Rs.8000/- per bigha.	Rs.43,600.00
Compensation for 3 bighas and 5 biswas of land comprising khasra Nos.367/62-63/1 and 945/36 @ Rs.6000/- per bigha.	Rs.19,500.00
Compensation for structures.	Rs.92,727.00
Compensation for Juggis and Jheparis	<u>Rs.1,020.00</u> Rs.1,46,847.00
15% of the above as solatium for compulsory nature of acquisition.	<u>Rs. 22,027.05</u> Rs.1,68,874.05
Compensation for trees.	<u>Rs. 858.00</u>
Grand Total	<u>Rs.1,69,732.05 NP</u>

The land is assessed to a land Revenue of Rs.14.63 which will be deducted from the Revenue Roll from Rabi 1965.

[Signature]
(Zal Newsherwanji)
Land Acquisition Collector,
Delhi-Shahdara Circle,
DELHI.
9.10.1964

Submitted to the District Collector for information and filing.

[Signature]
(Zal Newsherwanji)
Land Acquisition Collector,
Delhi-Shahdara Circle,
DELHI.
9.10.1964

9.10.64

- Seen -
maximised first
Collector, Delhi
(under the L.A. Act of 1894)
12-10-1964.

COLLECTOR, DELHI

Shri Shalimal NT
To prepare Bagha Muntagan d A Statement
The award will be announced on 27.10.64
2/10/64

Shri Shalimal NT
NT (10)

I will be on casual leave on 27.10.64
the date for announcement of the award is
fixed as 29.10.64. Inform parties 22.10.64