

AWARD NO. 886

Village:

SADHORA KALAN.

Nature of acquisition:

Permanent.

In pursuance of the Chief Commissioner, Delhi's Notification No.F.15(51)/56-LSG(i), dated the 29th October, 1956, under section 4 of the Land Acquisition Act, 1894, 11 Bighas and 6 Biswas of land was notified for acquisition for a public purpose namely for the construction of Road leading to Bharat Nagar Refugee Colony. The Declaration under section 6 of the Act was made vide Notification No.F.15 (51)/56-LSG(ii), on the same date, for the same purpose and area.

AREA:

By actual measurement at the spot the area mentioned in the Notifications under section 4 and 6 of the Act was found to be correct. This land bears field Nos.129 (3 Bighas and 4 Biswas) and 164 (8 Bighas and 2 Biswas) and its kind as entered in the Revenue Records at the time of the Notification under section 4 of the Act was Ghairmunkin Path.

COMPENSATION:

1. CLAIMS: The following persons interested filed their claims in writing, of which the details are given below:-

<u>Sl.No.</u>	<u>Date of claim</u>	<u>Name of the claimant</u>	<u>Amount claimed</u>
1.	11-12-1956	Uma Shankar Seth.	Rs.100/- per sq yard.
2.	29-4-1957	Servashri Narain Dass Seth & Brij Kishore Seth.	Rs.55/- per sq yard.
3.	29.4.1957	Servashri Hergopal Seth Onkar Nath Seth, Vishnu Gopal & Brij Kishore Seth.	Rs.55/- per sq. yd.
4.	2-5-1957	Smt.Kanso Devi w/o Gujjo Lal Seth.	She demanded no definite amount and gave no rate in her claim and demanded the highest rate of compensation as may be allowed any other of the land in the locality.

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amount claimed.

or in the vicinity as her land was equally good.

Shri Uma Shankar s/o Daya Ram Seth, through his statement on the 26th February, 1957 stated that the price of the land under acquisition on the date of the statement was Rs.100/- per sq.yard. He produced Ex.A-1, a sale-deed dated the 17th November, 1956, at the rate of Rs.85/- per sq.yard sold by his brother Durga Shankar in favour of Shri Brij Lal Sharma, said to be near the land under acquisition. He produced Ex.A-2, a registered sale-deed, dated the 7th January, 1956 at the rate of Rs.49/- per sq.yard relating to the land situated near the land in question sold by Hari Chand in favour of Smt. Shakuntala Devi. He also produced Ex.A-3, a copy of Sale Deed, dated the 8th February, 1957, said to be situated near their land sold by Shiv Mohan etc in favour of Shri Nachhitar Singh, at the rate of Rs.65/- per sq.yard. Last of all he produced Ex.A-4, a copy of sale-deed dated the 10th December, 1956, relating to the sale of land by Shri Devi Sehai in favour of Gurcharan Singh at the rate of Rs.42/- per sq.yard. He further stated that the rate of the land under acquisition or in its vicinity in October, 1956 was ranging from Rs.90/- to Rs.95/- per sq.yard. Servashri. Narain Dass and Onkar Nath Seth stated before me on the 15th May, 1957 that they had no objection about the area and the rate per sq.yard at that place was ranging from Rs.55/- to Rs.100/- per sq.yard. That the evidence produced by Shri Uma Shankar Seth might also be considered in their cases and they might be given interest.

2. CHIEF - DATA: The Naib-Tehsildar, Land Acquisition in his report dated the 25th June, 1958 proposed a rate of Rs.619/- per Bigha as its market value.

3. DEPARTMENTAL REPRESENTATION: The Executive Engineer Development Division, C.P.W.D., New Delhi, vide his letter No.7955/VI-45, dated the 17th June, 1957, wrote to say that the matter might be referred to the Revenue Authorities

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... Rs.1500/- per Bigha.  
... of inferior land @ Rs.1310/- per Bigha.

concerned, who were in possession of all the necessary records on the subject before actually fixing the amount of compensation payable to the parties concerned.

4. FAIR & REASONABLE VALUE: I inspected the spot just now. The land in question is a narrow strip of land, which was previously Chairman's Path and was subsequently used for a pucca road, which has since been constructed there. For all intents and purposes the land in question was meant for Public use though shown in the possession of the individual right-holders. This is said to be in use for that purpose since long and is in fact a thoroughfare. There is no other land belonging to the land owners of the land in question. This was practically of no use to them, nor was it expected that they could ever stop its use by others. The quinquennial average, preceding the date of the Notification under section 4 of the Act, comes to Rs. 5,824/11/2, but this generally includes the area under the plots, which is very valuable. It is a matter of common-knowledge that it is not an easy task to obtain sanction for construction after obtaining the approval of the Scheme for a colony, from which about half the area is reserved for common-purposes. Therefore, it is not reasonable to apply that rate to this land. The persons interested produced 4 documents out of which Ex.A.1, dated 17-11-56, A-3, dated 8th February, 1957 and Ex.A.4, dated the 10th December, 1956 took place after the date of the Notification under section 4 (29th October, 1956) and are, therefore, not relevant to this case. Ex.A-2 relates to the transfer of a plot measuring 254.7 sq.yards situated in Roshanara Extension Scheme (Shakti Nagar) Subzi Mandi, for a consideration of Rs. 12500/-. Obviously, this has no comparison or similarity with the long strip of land used as a path in the present case. Award No. 815 is available, whereby 117 Bighas and 9 Biswas was acquired at the following rates:-

114 Bighas and 4 Biswas of superior land @ Rs. 1500/- per Bigha.  
3 Bighas and 5 Biswas of inferior land @ Rs. 1310/- per Bigha.

The relevant date in this case was 21st July, 1956. These rates too are not applicable to the land under acquisition because of there being no similarity in both the lands. There is a sale transaction<sup>available</sup> in respect of the land situated in field No.612/165, half of which measuring 19 Bighas and 8 Biswas was transferred for Rs.12,000/- at the rate of Rs.619/- per bigha, through a registered sale deed, dated the 23rd September, 1952. Field No.164 out of the land under acquisition is situated adjoining that land, while next to it is situated another field No.129, which is also under acquisition. The land of field No.612/165 is a garden at the spot and is definitely better than the land under acquisition, from several respects. The transaction took place in the year 1952 and the prices have since then appreciated.

The persons interested demand exorbitant rates, which are not supported by any reliable evidence. The documents produced by them relate either to the time after the date of the notification under section 4 of the Act or <sup>the land involved therein</sup> has no similarity with the land under acquisition. In fact the land under acquisition was from before in Public use and is now being utilised as such and acquired for the same purpose. The average of the 5 years preceding the date of the Notification is seldom a sound criterion to be followed. Keeping in view my personal observation of the spot, the claims filed and evidence produced by the persons interested, the chief-data provided by the Naib-Tehsildar, Land Acquisition and other factors, I consider a rate of Rs.619/- per bigha as fair and reasonable and award accordingly.

There is no well, tree or structure in the land under acquisition nor any matter of severance is involved.

SOLUTION:

15% of the amount of compensation will be added for its compulsory nature of acquisition.

INTEREST:

The Executive Engineer, Development Division, C.P.W.D. New Delhi, vide his letter No. DD/Bn-1/15248-49, dated the 11th September, 1958 informed this office that the work of this road started on the 10th August, 1950 and therefore, the interest would accrue @ 6% P.A. from the date of possession upto the date of payment, which is expected to be the 29th October, 1958.

APPORTIONMENT.

As reported by the Naib-Tehsildar, Land Acquisition, the land under acquisition is subject to the operation of the Delhi Land Reforms Act, 1954. The Tenure-system there-under has not been declared by the Revenue Assistant, Delhi so far. The amount of compensation shall have, therefore to be deposited with the District Judge, for verification and payment to the right persons.

The award is summarised as below:-

Sl.No.	Kind of Soil	Area Big-Bis.	Rate per bigha	Amount of compensation.
1.	Ghairmunkin Path	11 - 6	Rs. 619.00	Rs. 6,994.70
	Add 15% towards compulsory nature of acquisition.	....		Rs. 1,049.20
			Total:-	Rs. 8,043.90
	Interest @ 6% P.A. from 10.8.50 to 29.10.58	...		Rs. 3,970.82
			<u>GRAND TOTAL:-</u>	Rs. 12,014.72

LAND REVENUE DEDUCTION:

Because of the land being Ghairmunkin it was not assessed to Land Revenue, therefore, no deduction in the Land Revenue from the Khalsa Rent Roll of village Sadhora Kalan is necessary.

Dt. 20.9.1958.

(Murari Singh)  
Land Acquisition Collector, Delhi.

Submitted to the Deputy Commissioner, Delhi (Collector of the District) for information.

(Murari Singh)  
Land Acquisition Collector, Delhi  
20/9/1958