

OFFER NO. 2/84-85

NAME OF THE VILLAGE : SAMALKA
 NATURE OF ACQUISITION : TEMPORARY
 PURPOSE OF ACQUISITION : CONSTRUCTION OF RAJOKRI BUND
 NO. II

439

These are proceedings under section 35 of the Land Acquisition Act, 1894 for determination of compensation in respect of land measuring 69 bighas 5 biswas situated in Village Samalka. The land is required for temporary occupation and use for a period of one year from the commencement of such occupation. The temporary acquisition /occupation is for public purpose, namely for construction of Rajokri Bund No. II. A declaration u/s 35(1) of the said Act was issued vide notification No. F.7(41)/21-L&B(4) dated 22.1.1982 for the land measuring 69 bighas 5 biswas. The notices u/s 35(1) of the Act were issued to the interested persons for filing claims who have responded to the notices and have filed their claims which will be discussed under a separate heading "Claims & Evidence."

MEASUREMENT

The field staff has carried out measurement on the spot and also consulted the relevant revenue record as required. The correct area found is 69 bighas 5 biswas only. The details of the land under acquisition is as under:-

<u>Kb.No.</u>	<u>Area</u>	<u>Kind of soil</u>
	<u>Big-Bis</u>	
23/10/1	1-00	Waste Parti
11/1	1-03	-de-
18	4-16	G.M. Garhe
19	4-16	-de-
20	4-16	Parti No.1
21	4-16	G.M. Garhe
22.	4-16	-de-
23	4-16	-de-
24/6/1	1-10	G. Apash

Contd..2....

15/1	1-15	Abpash
16/1	1-15	-de-
25/1	1-15	-de-
32/5/1	1-15	G. Abpash
6/1	1-03	G.M. Garhe
15/1	1-19	G. Abpash
16/1	2-09	Parti No. 1
25/1	2-09	Parti No. 1
33/1/1	1-00	G.M. Garhe
10/1	0-17	-de-
11	3-06	Parti No. 3
19	2-09	Parti No. 1
20	4-16	-de-
21	5-17	-de-
37/5/1/1	2-10	Abpash
5/2/1	0-13	Abpash
56/21/1	0-08	G.M. Nala

Grand Total:- 69-05

OWNERSHIP & OCCUPANCY RIGHTS

Sl.No.	Name of owner	Name of occupant	Kh.No.	Area
1.	Amir Singh, Ram Kanwar, Arjan ss/e Har Sukh equal share in 1/3 share Kishan Sahai, Chain Sukh ss/e Maya Ram equal share in 2/3 share		33/11	Big-Bis 3-06
2.	Chander s/e Rura, Bihari s/e Niram, Sheo Ram s/e Ram Parshad equal share in 1/4 share Ballu Singh, Bal Ram ss/e Ram Lal equal share in one share. Ram Kishan, Khushi Ram ss/e Keshe Ram, Smt. Bhagwani wd/e Harnam equal share in 3 share 1/4 share Mukh Ram adpt. s/e Mehar Chand 1/4 share, Nihal s/e Kanshi Ram 1/4 share.		37/5/1/1	2-10

Contd...3....

3. Munshi Ram, Kanwar Lal, Hardwari Lal, Tek Chand, Sabha Chand, Jai Ram ss/• Bhim Singh equal share 1/2 share. 24/6/1 1-10
 Melar, Har Chand, Shee Narain ss/• Smt. Maru d/• Udmi equal share 1/2 share in one share. Rugh Nath s/• Sis Ram, Har Narain s/• Meel Chand equal share 2/3 share.
 Lakshman, s/• Mst. Ugam Devi wd/• Fateh Singh equal share 1/9 share. Chander Bhan, Jai Narain ss/• Kanha equal share 2/9 share in One share, Jagan, Devi Ram ss/• Bihari equal share one share. Siri Chand Hari Chand, Nand Kishore ss/• Devi Singh equal share, One share.
4. Mangat s/• Har Chand 1/4 share Tuli, Tulsi ss/• Dil Sukh equal share 1/2 share, Ganga Ram, Ram Khilari ss/• Ram Parshad equal share 1/4 share. 37/5/2/1 0-13
5. Mangal, Bhartu ss/• Kanhaya equal share 2/3 share. Ram Rikh, Ram Nath, Bal Ram ss/• Fattan equal share 1/3 share in 1/2 share. Bhim Singh s/• Richmal 1/2 share. 23/23 4-16
6. Rethash, Badlu ss/• Mathra equal share 33/19 2-09
7. Sada Ram, Ram Sarup, Hari Bas ss/• Rati Ram equal share 1/2 share. 32/15/1 1-19
 Ramesh Chand, Ram Khilari, Om Parkash ss/• Ahey Ram equal share 1/2 share 16/1 2-09
4-08
8. Lachhi Ram, Kuria ss/• Kishna equal share 1/2 share. Rati Ram, ~~xxxx~~ ~~XXE~~ Gerdhan, Sada Singh ss/• Lal Chand equal share 1/2 share. 33/20 4-16
9. Sultan Singh s/• Amar Singh, 1 share 23/18 4-16
 Shih Lal s/• Udmi 1/8 share, Lekh 19 4-16
 Ram, Chiman Singh, Thandi Ram, 22 4-16
 Krishna ss/• Bahwari equal share 33/1/1 1-00
 1/8 share. Siri Ram Rati Ram ss/• 10/1 0-17
 Desh Ram equal share, 2 share. 15-05
10. Sis Ram s/• Hira, Smt. Maha Dai wd/• Salag Ram equal share 1/3 share. 33/21 5-17
 Manphool, Pirohu, Lakhi, Dulli ss/• Siri Ram equal share 1/2 share. 32/25/1 2-09
 Same Singh, Banwari, Udmi Ram, Sandhu Ram, Khacheru Ram ss/• Kirpa 8-06
 Ram equal share 1/2 share in 1/3 share Bhagwana s/• Ram Pat, 1/3 share.

11. Sheo Ram, Singh Ram ss/•	24/15	1-15
Hira Singh equal share 1/2 share.		
Ram Chander, Kishna ss/•	16/1	1-15
Hazari equal share 1/2 share	25/1	1-15
	32/5/1	1-15
	6/1	1-03
	23/10/1	1-00
	11/1	1-03
	20	4-16
	21	4-16
		19-18

12. Gram Sabha

56/21/1

0-08

CLAIM & EVIDENCESl.No. Name of claimantAmount claimed

✓ 1. S/Sh. Siri Kishan, Ram Chander ss/• Hazari, Sheo Ram, Singh Ram ss/• Hira Lal r/• Village Samalka, Delhi.

Have claimed compensation for Kh.No. 24/15/1(1-15), 16/1(1-15), 25/1(1-15), 32/5/1(1-15), 6/1(1-03), 23/10 min(1-0), 11 min(1-3), 20(4-16), 21(4-16) @ Rs.40/- per sq.yds alongwith 15 % solatium and 6 % Instt. and also claimed as under:-

- 1) Rs. 2,00000/- for loss of crops
- 2) Rs. 1,0000/- for loss of crops in the remaining land.
- 3) Rs. 50,000/- for the irrigation facilities from Tube-Well.
- 4) Rs. 1,0000/- for levelling land

✓ 2. Arjan Singh, Meer Singh, Raj Kumar ss/• Sh. Har Sukh, Sukh Chain, Kishan Sahai ss/• Mam Raj

Have claimed compensation for Kh.No. 3/11(3-16) @ Rs. 30,000/- for their land, the said Kh. No. is not under acquisition.

✓ 3. Rehtash, Badlu ss/• Muthra

Have claimed compensation Rs. 30,000/- for their land.

✓ 4. Ashok, Atri, Naresh Chand, Rajesh Sharma, Arvind Sharma Harish Chand ss/• Pt. Hukam Chand

Have claimed compensation for Kh.No. 23/13-19(2-8), 33/10, 23/22, 33/1 @ Rs. 10,000/- per bigha, Rs. 10,000/- per bigha for loss of crops and produced the copy of sale deeds Nos. 1128-1127-1130, 1131-1132 dt. 16.2.1982. These sale deeds have been executed after the date of notification u/s 35 i.e. 22.1.1982 and also produced the copy of General Power of Attorney dt. 12.3.81 and 13.3.81.

Contd...5....

5. Gram Sabha Samalka
th. Vice Pardhan

Has claimed compensation for
Kh.No. 56/21(0-3) @ Rs. 10,000/-
per bigha.

6. Munshi Ram, Kavar Lal,
Hardwari Lal, Tek Chand,
Jai Ram, ss/o Bhim Singh,
Kawal Kishore, Jatender
Kishore, Raj Kishore ss/o
~~Mohar~~ Sabha Chand.

Have claimed compensation for
Kh.No. 24/6/1 @ Rs. 10000/- per
and Rs. 10000/- for less of
of profit.

Melar, Mehar Chand, Shiv
Narain ss/o, Mari d/o Udai
Ram, Rugh Nath s/o Sis Ram,
Chander Bhan, Jai Narain ss/o
Kanha, Har Narain s/o Sis Ram,
Lakshman s/o, Ugam Devi wd/o
Fateh Singh, Trilek Chand, Satya
Parkash ss/o Siri Chand, Hari
Singh, Nand Kishore ss/o Devi
Singh, Jaggan, Devi Ram ss/o
Bihari Lal.

7. Ram Kumar, Ballu Singh ss/o
Ram Lal

Have claimed compensation for
Kh.No. 37/5/1/1 (2-10) @ Rs.
10,000/- per bigha for land
Rs. 10,000/- for less of crops.

8. Hari Dass, Sada Ram, Ram
Serup ss/o Rati Ram

Have claimed compensation for
Kh.No. 32/15/1 (1-19), 16/1
(2-9) @ Rs. 10,000/- per bigha
for land, Rs. 10,000/- for less
of profit, Rs. 500/- for trees.

9. Ram Khilari, Ramesh, Om
Parkash ss/o Abhey Ram

Have claimed compensation for
Kh.No. 32/15/1, 16/1 @ Rs. 3000/-
per bigha for land and Rs. 1000/-
for crops.

DOCUMENTARY EVIDENCE

Sl.No.	G.P. Attorney/ Sale deed No. & date	Name of Parties	Consideration money
1.	GPA 923/13.3.81	Naresh Chand s/o Hukam Chand - Rajesh Sharma s/o Hukam Chand -	
2.	GPA.924/13.3.81	Arvind Sharma Rajesh Sharma s/o Hukam Chand -	
3.	1127/16.2.82 Sale deed	Sultan Singh ss/o Des Ram Vs. Naresh Chand s/o Hukam Chand	Rs. 30,000/-
4.	1131/16.2.82 Sale deed	Sultan Singh s/o Amar Singh & Ors. Vs. Arvind Sharma s/o Hukam Chand.	Rs. 37,500/-
5.	1132/16.2.82 Sale deed	Sultan Singh s/o Amar Singh & Ors Vs. Harish Chand s/o Hukam Chand.	Rs. 37,500/-

Contd...6....

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6. 1128/16.2.82 Sale deed Sultan Singh s/o Amar Singh & Ors. Rs. 37,500/-
Vs. Ashok Atree s/o Hukam Chand
7. 1130/16.2.82 Sale deed Sultan Singh s/o Amar Singh & Ors. Vs. Rajesh Sharma s/o Hukam Chand.

AWARDS

The details of the awards which have been announced in the Village is as under:-

Sl.No.	Award No.	Date of notification u/s 4	Rate awarded per bigha
1.	70/72-73	3.12.71	Rs. 2760/- for Block A Rs. 1850/- for Block B

Reference u/s 18

The references u/s 18 have been filed by the persons interested in the award mentioned above but not yet decided.

MARKET VALUE

The Market Value of the land under acquisition is to be determined with reference to the date of preliminary notification i.e. 22.1.1982. In assessing the market value of the land under acquisition, the material date, bonafide sale transactions of the land similarly circumstanced as also the awards for similarly situated lands made with reference to the date of notification u/s 4 of the Land Acquisition Act, 1894 are to be taken into consideration. In this Village, the following awards are reported to have been made :-

S.No.	Award No.	Date of notification	Rate awarded per bigha
1.	70/72-73	3.12.1971	Rs. 2760/- per bigha for Block A Rs. 1850/- per bigha for Block B.

The material date in this award is 3.12.1971 while in the present case it is 22.1.1982. Therefore, this award does not help in arriving at the correct market value in this case.

As regards the Sale transactions having taken place in the Village, the following instances have come to notice through Field Staff:-

S.No.	Year	Area	Consideration money	Average per bigha
1.	1978-79	Big-Bis 17-14	Rs. 51,000-00	Rs. 2881-35
2.	1979-80	58-11	Rs. 1,90,100-00	Rs. 3361-62
3.	1980-81	53-09	Rs. 2,96,304-00	Rs. 5542-40
4.	1981-82	14-12 $\frac{1}{4}$	Rs. 1,07,000-00	Rs. 7322-50
		142-6 $\frac{1}{4}$	Rs. 6,44,404-00	Rs. 4526-60

The average per bigha in the sale transactions of the above table comes to Rs. 4527/- (round figure) and most of the sales were effected 2 to 3 years prior to the material date in the present case. These sales, ^{& other sales after the date of notification} therefore, do not provide ^{Rs.} guidance to the extent required. However, during 1981-82, land measuring 7 bighas 4 biswas was sold for Rs. 40,000/- vide Sale Deed No. 7088 dated 4.9.1981 by Smt. Chaype widow of Shri Sundu to Shri Matadin s/o Shri Prabhu Dayal. Average per bigha comes to Rs. 5560-00. Sale took place on 4.9.81 while the material date of present case is 22.1.82. Sale is about 5 months earlier. This sale of Rs. 5560/- can give guidance in the present ^{Case} and during the next 4 to 5 months period, no evidence is available regarding appreciation of the market value.

No judgment is available regarding enhanced compensation awarded by the Court of Additional District Judge in awards made in respect of this Village under section 18 of L.A. Act, 1894.

Keeping in view the above factors the market value of Rs. 5700/- per bigha appears to be reasonable which I determine accordingly. This is sufficient and reasonable. Some addition has also been made for the gap of 4 months and 18 days as sale took place earlier by this period. Since the acquisition was temporary and was only for one year 6% of the compensation determined per bigha shall be allowed for the period of one year.

WELL & TREE

There are no Wells and trees on the land under

Contd...3...

: 8 :

acquisition. Hence no compensation is assessed for the same.

STRUCTURE

Cemented water Nali which is built up before the date of issue of notification i.e. 22.1.32, exists on the land under acquisition. The details of the same areas are as under:-

<u>Kh. No.</u>	<u>Description of structure</u>	<u>Assessible amount</u>
XXXXXX 24/15/1	80 ft. long water Nali made of bricks & plastered with cement	Rs. 150-00
16/1	198 ft. long water Nali made of bricks and plastered with cement	Rs. 500-00
25/1	-do-	Rs. 500-00
Total:-		Rs. 1150-00

Naib Tehsildar has assessed the value which I consider quite fair & award the same.

INTEREST

The possession of the land under acquisition was taken over on 22.3.32. Interest u/s 28 is not payable in this case, because the land is being acquired on temporary basis u/s 35(1) for a period of one year only from the date of taking over possession.

SOLATUM

15% solatium will also not be payable in the present scheme (being temporary acquisition for one year only).

APPORTIONMENT

Payment will be made according to the latest entries in the Revenue Record. Where there is a dispute and the parties do not reach amicable settlement within a reasonable period, the matter will be referred to the Court of ADJ, Delhi u/s 30 and 31 of the L.A. Act, 1894.

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LAND REVENUE

The land in question is not assessable for land revenue, because the land under present scheme is being acquired temporary u/s 35(1) of the L.A. Act, 1894.

SUMMARY

Compensation for land measuring
68 bighas 17 biswas @ Rs. 342/-
per bigha for temporary acquisition
for one year.

Rs. 23546-70

Compensation for land measuring
8 biswas G.M. Mala

Rs. Nil

Compensation for structure.

Rs. 1,150-00

Interest & Solatium

Nil

Total .

Rs. 24696-70

(Rupees Twenty Four Thousand Six Hundred Ninety Six and
Paise Seventy only).

R.C. CHUGH
(R.C. CHUGH)
LAND ACQUISITION COLLECTOR: (MSW)
DELHI.

*Announced and
kept on record
today*

*17/5/84
LAC (MSW)*

38/

चार्यवाही लकड़ा ग्राम समालका (आस्था)

आज दिनांक 23-3-82 को बहुसंख्य जनान
 LAC (MSW) साहब बहमराह श्री लाल चन्द N.T (LA) त
 श्री एचारे लाल Kgo (LA) श्री वेद सिंह बि. (LA) श्री
 जोशीन्द्र सिंह बि. (LA) व श्री शोभा राम P. O. (LA)
 मौका पर पहुँचे। महकमा लघु सिंचाई
 खण्ड (महवौली उप खण्ड) की ओर से श्री A. K.
 Bhardwaj (J.E) मुताबिक प्रोग्राम मौका पर मिले
 वास्तुकारों में से बाऊजुय सूचा के लोई हाजिर नहीं
 है। अति अधिकृत MS-35 No. F.7(4)/81-12B
 (4) प्र. 22-1-82 वशमूल नम्बरान खसरा :-

23

10 min	11 min	18	19	20	21	22	23
(1-0)	(1-3)	(4-16)	(4-16)	(4-16)	(4-16)	(4-16)	(4-16)

24

6/1	15/1	16/1	25/1	32	5/1	6/1	15/1	16/1	25/1
(1-10)	(1-15)	(1-15)	(1-15)	(1-15)	(1-3)	(1-14)	(2-9)	(2-9)	(2-9)

33

1 min	10 min	11	19	20	21	37	56
(1-0)	(0-14)	(3-6)	(2-9)	(4-16)	(5-17)	5/11, 5/21	21 min
						(2-10) (0-13)	(0-8)

कुल लादी 69 बीघे 5 बीसवे मौका पर बजरीय
 जमीन आन्दाजी पैमाइश करके व बुजीयात खसल लगाकर
 निशान देही की गयी रकबा हुआ जैसे लुद्ध नम्बरान खसरा
 में गेहूँ व हरड़ की फसल खड़ी है जिसकी सूचि
 अलग से तैयार करके चार्यवाही लकड़ा के साथ लगा
 दी गयी है। सालिम रकबा (69-5) का लकड़ा
 वाकई सच फसल के हासिल उसी एक साल के
 लिए यानि दिनांक 22-3-83 तक के उसी के
 लिए हासिल किया गया और इसी वस्तु श्री
 A. K. Bhardwaj (J.E) महकमा लघु सिंचाई
 खण्ड के हवाले किया गया। और महकमा लघु
 सिंचाई खण्ड के मुमाइन्दा श्री A. K. Bhardwaj (J.E)
 की ओर से वास्ता फसल को धारण के लिए
 P. T. O.

मालकाज- भूमिदारान को दिनांक 30-4-82 तक का
 समय दिया गया। इससे बाद मालकाज का
 सम्बन्धित भूमि से उसी एक साल यात्रा
 दिनांक 22-3-83 तक जोड़े जास्ता नहीं रहेगा।
 यदि खड़ी जसल को महकमा लघु सिंचाई खण्ड
 की ओर से दिनांक 30-4-82 तक उजाया गया
 या किसी प्रकार की हानी पहुचायी गयी तो
 मालकाज- भूमिदारान को जसल का पुर्तिकर
 भी दिया जाना उचित होगा। बरवन्त कार्यवाही
 जसल जोड़े मजहमत पेश नहीं छापी। मुनाय
 व मुस्तहरी बाबत तलबेली जसल मौसा पर
 व देहना में बजरीय की शोभा राम चपरासी (LA)
 व-आवाज बुलन्द करायी गयी। उराजी मजबूरा
 बाला का जसल अपने उराप ही मालकाज साक
 को दिनांक 23-3-83 को वापिस तरवार होगा।
 पहवारी हल्का बवजह दीगर का सरकार हाजी
 नहीं डा सका। लिहाजा एक नक्सा जायि वाही
 जसल बजरीय तहसील दार साहब (महरीली) बरसे
 उमल दवायद दर कागजात माला उसको मिज्बाई
 जीवे। और एक नक्सा महकमा Acquiring के
 मुमाइन्दगी A. K. Bhargava (J.E) को दी गई।
 जायि वाही जसल मुकम्मल हो चुकी है 23/3/82

Pyar Lal Kgo

23/3/82

24/3/82 Pat (LA)
 23/3/82
 23/3/82 Usingh Pat
 23/3/82

Shardul

23/3/82

(A. K. Bhargava)
 DE

388

आज दिनांक 20-3-82 को ग्राम समालिका की यह मिशाल
जिस का नोटिफिकेशन प/स. 35 No. F. 7(41)/81-L+B(4)
दिनांक 22-1-82 का है बराये लेने वाले पेश हुई। निम्न
लिखित व्यक्तियों ने हाजिर आकर अपना वालेम पेश
किया। जो फाईल हजा के साथ लगाया जावे। सम्बन्धित
व्यक्ति सबुत देने के लिये समय चाहते हैं। अतः सबुत देने
के लिये तिथि 26-3-82 दी जाती है।

भूमि अधिग्रहण अधिकारी
(MSW) दिल्ली
20-3-82

1) रामचन्द्र पुत्र हजारि ने हाजिर
आकर अपना व अपने भाईयो
का मुस्तरका एवं ही वालेम
पेश किया।

2) अर्जन पुत्र हरसुरव ने
हाजिर आकर एवं वालेम
पेश किया।

Arjun Singh

3) बदलू पुत्र मुखरा ने हाजिर आकर Badlo Ram
एवं वालेम पेश किया।

4) श्री रामचन्द्र गुप्ता Advocate ने
हाजिर आकर श्री अशोक अतरी पुत्र
हुसैन चन्द आदी की ओर से मुस्तरका
एवं ही वालेम पेश किया।

Mahant
Adv

5) श्री रामचन्द्र गुप्ता Advocate ने
हाजिर आकर ग्राम समालिका सभा
ग्राम समालिका की ओर से एवं
वालेम पेश किया।

Mahant
Adv

6) श्री रामचन्द्र गुप्ता Advocate ने
हाजिर आकर श्री मुन्शी राम पुत्र
भीम सिंह आदी की ओर से एवं
ही मुस्तरका वालेम पेश किया।

Mahant
Adv

7)

श्री बल्लू सिंह १० राम लाल
ने उपरिष्ठत आयालय का फर
कलेम पेश किया।

L.T. 1 Ballu Singh



8)

श्री हरी दास १० रती राम ने
आयालय उपरिष्ठत का फर
कलेम पेश किया।

हरी दास

9)

श्री रमेश पुत्र अमेश ने हाली
आयालय अपना व अपने भाईयों
का मुस्तरना एवं हीनलेम
पेश किया।

L.T. 1

रमेश



(TO BE PUBLISHED IN PART IV OF DELHI EXTRAORDINARY GAZETTE)

DELHI ADMINISTRATION : DELHI

*** O. D. R. ***

Dated the 22nd Jan., 1982.

No. F.7(41)/81-L&B (4) :- Whereas ~~it~~ it appears to the Lt. Governor, Delhi that the temporary occupation and use of the waste or arable land described in the specification below are required for a public purpose, namely, for Construction of Rajouri Bund No-II.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 35 of the Land Acquisition Act, 1894, the Lt. Governor, Delhi is pleased to direct the Land Acquisition Collector, Delhi, to procure the occupation and use of the said land for a period of one year from the commencement of such occupation.

A plan of the land may be inspected at the Office of the Collector of Delhi.

*** SPECIFICATION ***

Name of village	Total Area		Field Nos. or Boundaries.			
	Big.-	Bis.	Rect No.	Khasra No.	Area	Big.- Bis.

Samalka	69-05		23	10 min		1-00
				11 min		1-03
				18		4-16
				19		4-16
				20		4-16
				21		4-16
				22		4-16
				23		4-16
			24	6 min		1-10
				15 min		1-15
				16 min		1-15
				25 min		1-15
			32	5 min		1-15
				6 min		1-03
				15 min		1-19
				16 min		2-09
				25 min		2-09
			33	1 min		1-00
				10 min		0-17
				11 min		3-06
				19 min		2-09
				20		4-16
				21		5-17

*Sh. Anney Ram Kgo
and Sh. Ved Singh partners
to report.*

*at m. n. mt/mt.
2-2-82*

Contd.....p.3/-

2
- : 22 : -

1.	2.	3.	4.	5.
Samalka (Contd.)		37	5/1 min 5/2 min	2-10 0-13
		56	21 min	0-08

By Order,

(JANKI JUNEJA)
JOINT SECRETARY (LAND & BUILDING)
DELHI ADMINISTRATION : DELHI.

Contd.....p.3/-