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AWARD NO. 8/1975-76

Name of the village : Saqdarpur
Nature of Acquisition : Permanent
Purpose of Acquisition : Planned Development of Delhi.

These are proceedings under section 11 of the Land Acquisition Act, 1894 in respect of land measuring 41 Bighas 2 Biswas situated in Village Saqdarpur. The land forms part of notification u/s 4 L.A. Act issued by the Delhi Administration vide No. F.15(245)/60-LSG dated 10.11.60 (1808 acres scheme) followed by notification u/s 6 No.F.4(19)/65-L&H (iii) dated 21.9.66 for area 742 Bighas 17 Biswas of village Saqdarpur. The remaining area will be acquired through a supplementary award.

The land is required by the government for a public purpose at the public expense, namely, for the Planned Development of Delhi.

Notices u/s 9 & 10 of the L.A. Act were issued to the persons interested in the land. Claims filed in response to the same will be discussed under the appropriate heading.

MEASUREMENT & TRUE AREA

As said above the present acquisition proceedings are confined to an area 41 Bighas 2 Biswas only, which was found to be correct at the spot on measurement carried out by the field staff. The details of the land area as below:-

<u>Kh.No.</u>	<u>Area</u> Big-Bis	<u>Kind of soil</u>
75/2	1-02	Bhur Awal
2066/758/633/77/1	0-01	-do-
634/78/2	1-16	-do-
644/84/2	1-12	G.M.Gadde
114/1	0-16	Rosli

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115/1	1-02	Rosli
116/1	1-19	-do-
122/2	0-05	G.M.Nali
134/2	1-15	Bhur Awal
135/1	1-08	-do-
138/1	2-05	Rosli
139/2	2-11	Rosli
140/1	1-04	Bhur Awal
437/1	0-17	Banjar Jadid
440/1		
440/1	1-11	Rosli 1-01 G.M.Makan 0-10
441/1	1-05	Banjar Jadid
692/442/1	0-14	Rosli
693/442/1	0-03	-do-
880/443/1	0-17	-do-
770/448/1	2-00	-do-
694/449/1	0-07	-do-
453/2	2-19	-do-
454/1	2-01	-do-
773/501/1	0-19	-do-
839/774/501/1	0-06	Banjar Jadid
951/838/774/501	0-14	Rosli
504/1	0-14	-do-
506/1	0-12	G.M.Gadde
507/1	0-12	-do-
776/704/508/1	1-14	Banjar Qadim
776/704/508/2	2-08	-do-
520/2	0-18	Rosli
703/508/2	1-02	Rosli 0-10 G.M. Gadde (0-10) (0-12)
521	0-06	Rosli
522/2	2-07	Chahi

Total:

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CLAIMS & EVIDENCE

S.No.	Name of the claimant	Kh.No.	Area	Rate claimed	Evidence
1.	Madan Gupta, son , Smt. Bela Devi wd/o Musaddi Lal	134	2-11	i)Rs.100/- per sq.yd for land ii) Solatium iii) Interest	Nil
2.	Abdulla s/o Khillu, Om Singh s/o Chajju Singh, Ajam Ali s/o Shohrab Khan, Harish Chand s/o Charanji Lal	134 135 139 140 2066/ 758/ 633/ 77/1	-	-do-	Nil
3.	Harish Chander s/o Charanji Lal Abdulla s/o Khillu	116, 138	-	-do-	Nil
4.	Shubrati s/o Alla Bax	✓114/1 115/1 122/1 773/501/ 1	0-16 1-02 0-05 0-19	i)Rs. 100/- p.sq.yd for land ii) Solatium iii) Interest.	Nil
5.	Ajam Ali, Rajinder Nath, Dewan Chand, B.C.Dass s/o H.P.Dass, Ahsan-ul-Haq, Dr. J.C.Bhatta- charya	-	-	i)Rs.200/- per.sq.yd for land. ii) Solatium iii) Interest.	Nil
6.	Mst.Asharfi wd/o Ram Sarup self & on behalf of her sons , Des Raj, minor, Dharam Singh	139/2	-	i)Rs. 60/- to 70/- per sqyd for land	Nil
7.	Gafoor s/o Iwaj	116/1 138/1	-	-do-	Nil
8.	Shera s/o Shansher and on behalf of his brothers Sher Din and Gul- sher	135/1	-	-do-	Nil
9.	-do-	140/1	-	-do-	Nil

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Note:- The claimant has not mentioned the khasra number. This plot does not appear to be part of the present acquisition.

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19. Om Parkash s/o	440	3-01	i) Rs. 100/- per sq.yd
Lal Chand ,	441	3-02	for land.
Mohan Lal s/o	437	2-17	
Sita through	438	2-17	ii) Rs. 6000/- each for
Sh. Davinder Kumar,	449	-	Rs. 6000/- eight quarters
Advocate.	450	-	iii) 6 % interest.
	451	1-16	
	649/449	-	iv) 15 % solatium
	695/449	-	

MARKET VALUE

The market value of the land under acquisition is to be determined with reference to the date of preliminary notification u/s 4 i.e. 10.11.1960.

The persons interested in the case have claimed very high rate of compensation but they have not adduced any evidence in support of their claim.

In determining the market value of the land previous awards for similar land with the same date of preliminary notification and sale transactions of land similarly circumstanced on or about the material date have to be taken into consideration. In this village only two awards have so far been made. In award No. 69/73-74 with the material date as 9.1.69 the Collector fixed the market value at Rs. 2500/- per bigha and ⁱⁿ award No. 16/74-75 with the material date as 28.9.67 the Collector awarded a rate of Rs. 2300/- per bigha. Both these awards do not, however offer any guidance in the present case as the material date in both cases is much later than the date in the present case.

A perusal of the sale transactions during the year 1960 mutated in the revenue record reveal that the following sale transactions are nearer the date of preliminary notification.

Sr.No.	Mutation No.	Date of registration	Kh.No.	Area	Amount	Average per bigha
1.	1248 ✓	14.10.1960	924/614/ 403/1 (3-04)	3-04	Rs. 3000/-	Rs. 937.50
2.	1260 ✓	25-10.60	382	0-18	Rs. 8460/-	Rs. 9400-00
3.	1243 ✓	27-10-60	42	0-15	Rs. 2500/-	Rs. 3333-33
4.	1290	27-10-60	36	0-09	Rs. 500/-	Rs. 1111-11

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5.	1247	27-10-60	40/2	4-07	4,350/-	Rs. 1000-00
6.	1246	28-10-60	613/43	0-09	95,000/-	Rs. 2467-00
			44	8-17		
			617/45	0-06		
			69/1	1-15		
			70	3-03		
			71	2-05		
			72	3-03		
			59/1	8-05		
			60	4-04		
			41	6-03		
			Total	38-10		

7.	1263	30-10-60	697/		16,000/-	Rs. 4637-00
			480/2	2-12		
			479/1	0-17		
				3-09		
8.	1244	7-11-60	38	2-08	7,350-00	Rs. 1000/-
			1305/			
			39/2	3-06		
			40/1	0-06		
			46	1-07		
			Total	7-07		

9.	1245	7-11-60	614/43	2-13	28,000/-	Rs. 1,992-00
			=61/2			
			47	4-04		
			48	7-04		
			Total:	14-01		

Sale transactions at Sr.No. 2 & 3 are for smaller area of land and this accounts for the higher rate at which the land was sold. Sale at Sr.No. 7 pertains to land which abuts on Loni Road and for this reason it can fetch higher price. Sales at Sr.No. 1,4,5 & 8 relate to land on which occupancy/non-occupancy tenants are recorded in the Jamabandi 1960-61 and this accounts for the lower rate at which the land was sold. All these sale transactions cannot reflect correctly the market value of land prevailing on the material date.

Sales at Sr.No. 6 & 9 pertain to larger area of land and the land involved in them is situated nearer to the land under present acquisition, and is recorded in self cultivatory possession

in the relevant year. They therefore deserve to be carefully looked into. Certified copies of these two sale transactions have been obtained from the office of the Sub-Registrar, Delhi. The details of the two sale transactions are given below:-

Sr.No.	Date of registration	Kh.No.	Area	Amount	Rate per bigha
1.	28-10-60	615/43 631/ 4264 42-64 67 68 65 66	9-08	95,000/-	
2.		60 49 613/43 617/45 44 59 min 69 min 70 71 72	10-07 28-03		

Grand Total: 47-18

2.-7-11-60	614/61- 43/1 min x614/61x 47 48	2-13 11-08	28,000/-
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G.Total: 14-01

A perusal of the sale transaction at Sr.No. 1 above shows that it involves area of 47 Bighas 18 Biswas instead of 38 Bighas 10 Biswas as mentioned in the mutation at Sr.No. 6 above. The entire amount of Rs. 95,000/- was not paid before the Sub-Registrar and the Vendee paid only a sum of Rs. 81,000/- before the Sub-Registrar and the balance amount of Rs. 14,000/- is stated to have been received by the Vendee in advance in instalments. Since the sale price in cash before the Sub-Registrar was only Rs. 81,000/- it would be appropriate to take this amount in consideration and it yields a rate of

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Rs. 1691/- per bigha. Similarly a perusal of the sale deed at Sr.No. 2 shows that out of Rs. 28,000/- only a sum of Rs. 21,000/- was paid before the Sub-Registrar and the balance amount of Rs. 7,000/- is stated to have been received by the vendee in advance. It would, therefore be appropriate to take the sale price paid before the Sub-Registrar into consideration and this yield an average of Rs. 1494/- per bigha. Since both these sale transactions are relevant to the determination of the market value of land in the present case, their average works out approximately at Rs. 1646/- per bigha. I, therefore, consider it fair and reasonable to fix the market value at the rate of Rs. 1650/- per bigha for entire land except Kh.No. 644/84/2 (1-12), 122/2 (0-05), 506/1(0-12), 507/1(0-12), 703/508/2 min (0+12), Total 3 Bigha 13 Biswas, which is Gair Mumkin Gadda and Gair Mumkin Nali.

The uneven land which is Gair Mumkin Gadda and Gair Mumkin Nali cannot be compared with the even land as considerable amount of money would have to be spent to bring it to the normal level. It would, therefore, be fair to fix the market value of uneven land at the rate of Rs. 1000/- per bigha and I award the same.

OTHER COMPENSATION

STRUCTURES

There are some residential structures in Kh.No. 440/1 ^{only} which exist prior to the date of notification u/s 4. These structures were got evaluated by the Assistant Engineer, Valuation, DDA who submitted his valuation statement vide his letter No. AE(V)/537/75/⁵¹²~~12~~-14 dated 21.2.1975. He has assessed these structures at Rs. 9185/- which I consider reasonable and award the same. ^{he}

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WELLS & TREES

There are no well or tree on the land under acquisition, and as such no compensation is assessed under this heading.

SOLATIUM

15 % solatium will be paid over & above the market value of the land towards compulsory nature of acquisition.

INTEREST

The case falls within the purview of the Land Acquisition (Amendment & Validation) Act, 1967 as the declaration u/s 6 of the Act in the present case was issued on 21-9-66, i.e. after the expiry of 3 years from the date of notification u/s 4 of the L.A. Act which is 10-11-60. Therefore interest @ 6 % p.a. would be paid only on the market value of the land w.e.f. 10.11.63 to the date of announcement of the award which is tentatively fixed as 24-5-1975.

LAND REVENUE

The land under acquisition is assessed to Rs. 12.25 as land revenue, which will be deducted from the Khalsa Rent Roll of the village from the date of possession.

APPORTIONMENT

Payment will be made according to the latest entries in the revenue record, except where persons other than owners are recorded as occupants or claim compensation or there are other notes of dispute. In cases of dispute the matter will be referred to the Court u/s 30,31 of the L.A. Act for adjudication. *he*

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The award is summarised as below:-

SUMMARY

1. Market value for land measuring 37 Bigha 9 Biswas @ Rs. 1650/- per Bigha.	Rs. 61,792-50
2. Market value for land measuring 3 Bigha 13 Biswas (uneven land) @ Rs. 1000/- per Bigha	Rs. 3,650-00
3. Market value for structures	Rs. 9,185-00
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	Rs. 74,627-50
4. Add 15 % solatium	Rs. 11,194-13
5. Interest u/s 4(3) of Land Acquisition (Amendment & Validation) Act, 1967 w.e.f. 10.11.63 to 23.6.75 (11 yrs. 195 days) on the market value of the land (Rs. 74,627-50)	Rs. 51,646-32

GRAND TOTAL:

Rs. 1,37,467-95

(Rupees one Lakh Thirty Seven Thousand Four Hundred Sixty Seven & Paise Ninty Five only)

B. M. L. Gaumat
(B.M.L. GAUMAT) 28.8.75
LAND ACQUISITION COLLECTOR (MSW)
DELHI.

Announcements + filed today

B. M. L. Gaumat
28.8.75
LAC (MSW)

Confound.

Chaitany Sub
N.T. (LA)