

AWARD NO. 2156

Name of the village Samaspur Jagir  
Nature of acquisition Permanent  
Purpose of acquisition Planned Development of Delhi.

A W A R D

The Delhi Administration issued a notification No.F.15(117)/60-LSG(v) dated 3rd March 1964 u/s 4 of the Land Acquisition Act 1894 for the acquisition of 11 Big. 2 Bis. of land of village Samaspur Jagir at public expense for a public purpose namely the Planned Development of Delhi. A declaration u/s 6 of the Act vide notification No.F.15(117)/60-LSG(ii) dated 16th June 1966 was issued for the above piece of land. Thereafter notices u/s 9 & 10 of the Act were issued to the interested persons to submit their claims. The interested persons have submitted their claims which will be discussed later on at their proper place.

MEASUREMENT

The area under acquisition as notified u/s 6 of the Act is 11 Big. 2 Bis. including Kh.No.37/1 min. But a perusal of the record goes to show that Kh.No.37/1 was originally 2 Big. 14 Bis. in area. Out of this area 14 Bis. had already been acquired vide award No.1762 and the remaining 2 Big. of land has already been notified in another notification u/s 6 regarding 2 Big. 5 Bis. of land of this village and its acquisition proceedings are in progress. Thus Kh. No.37/1 min. measuring 2 Big. is to be excluded from the perview of this notification u/s 6 leaving an area of 9 Big. 2 Bis. now under acquisition. Thus the area to be acquired is 9 Big. 2 Bis. only instead of 11 Big. 2 Bis. notified. The field staff carried out measurements and found the area to be correct at the spot.

OWNERSHIP & NATURE OF LAND.

The details of the area under acquisition with regard to its ownership, Kh. Nos. and classification of

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soil are given below:-

| S.No. | Name of the owner  | Kh.No.       | Area<br>big.bis. | Kind of land.         |
|-------|--|--------------|------------------|-----------------------|
| 1.    | Ram Singh, Rattan Singh, Jhandu ss/o Bhagwan Sahai in equal shares = 1 share. (Baljit s/o Amira ( ) share. | 33/2/2       | 2 - 16           | Chahi.                |
| 2.    | Jag Ram, Mangat ss/o Giasa in equal shares   | 27/2<br>31/1 | 1 - 17<br>0 - 07 | Banjer Qadim<br>Chahi |
| 3.    | Mangat s/o Giasa   | 32/2         | 2 - 08           | Chahi                 |

Note:- In Kh.No. 32/2 S/5h. Ram Chander, Sri Chand ss/o Hardayal are the Asami as per Maksha No.4 of the village.

4. Gaon Sabha 36/2 1 - 14 G.M. Rasta.  
Classification of land as per revenue record at the time of notification u/s 4 is as under:-

| Kind of land | Area<br>Big.Bis. |
|--------------|------------------|
| Chahi        | 5 - 11           |
| Banjer Qadim | 1 - 17           |
| G.M. Rasta   | 1 - 14           |
| Total        | 9 - 02           |

CLAIMS & EVIDENCE

In response to the notices u/ss 9 & 10 of the Land Acquisition Act 1894, the following claims have been received which are as under:-

| S.No. | Name of claimant                  | Kh.No. | Compensation claimed.   | Remarks. |
|-------|-----------------------------------|--------|---|----------|
| 1.    | Sh. Bhagwat Singh s/o Dalip Singh | -      | Rs. 20/- per sq. yds for the land & Rs. 600/- for the construction. |          |

He has produced the following documents in support of his claim.

- Four cash memos of building material dated 17.10.64, 8.10.62, 18.10.64 & 18.10.64
- Five receipts of payment to brikes kiln owner dated 12.10.62, 15.9.62, 24.10.62, 12.3.65 and 10.1.65.
- Three chalans of briks kiln dated 18.1.56, 14.1.56 and 14.1.56.
- Two credit memos of cements dated 22.6.64

Contd....3/-

2. Sh. Balwant Singh - Rs. 20/- per sq. yd. for the  
s/o Dalip Singh land & Rs. 8000/- for the  
construction.

He has produced following documents in support of his claim.

1. One Challan of bricks dated 26.6.54
2. Two receipts memos of building material dated 24.4.54 & one copy of cement permit dated 19.10.65
3. Two receipts of payment of bricks dated 12.1.54 & 18.1.54

3. Ek Chand s/o - Rs. 20/- per sq. yd. for the  
Bharta land & Rs. 8000/- for construction

He has produced no proof.

4. Sh. Baljit s/o 33/2/2 Rs. 15/- per sq. yd. for the land.  
Bhar Singh, Ram  
Singh, Rattan Singh,  
Jhandu s/o Bhagwan Singh

\*He has produced an attested copy of sale deed for plot measuring 83.4 sq. yds. for Rs. 834/- sold on 15.9.59 of village Ghandanda Neem-Ke-Banjer.

5. S/Sh. Ram Chand, 32/2 Rs. 10/- per sq. yd. for the  
Sri Chand s/o Hardayal land.

Have produced no proof. In the revenue record their names do not exist in view of their compensation of the land be kept in dispute.

#### MARKET VALUE

The land under acquisition measuring 9 Big. 3 Bis. comprises of 3 kinds of land as shown above, namely Chahi, Banjer, and Qadim and G.M. Rasta. This land is situated at two different places. The G.M. Rasta measuring 1 Big. 14 Bis. is just by the side of the village Abadi while the remaining area consisting of Chahi and Banjer Qadim is situated at a little distance from the village Abadi on the other side of the proposed new Ring Road. This G.M. Rasta measuring 1 Big. 14 Bis. bearing Kh. No. 36/2 is shown in the name of the Gaon Sabha. Since this land of the Rasta already stands dedicated to the public use, so question of payment of its compensation does not arise. No compensation is to be assessed accordingly. Now to determine the market value of the remaining land under acquisition, it is necessary to divide it into two blocks.

Block 'A' consisting of Kh. Nos 33/2/2, area 2 Big. 16 Bis. 31/1 area 7 bis., 32/2, area 2 Big. 3 Bis. of Chahi and

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Block 'B' consisting of Kh. No. 27/2, area 1 Big. 17 Bis. of Banger Qadim. Now the market value of the above land is to be determined as prevailing on the date of notification u/s 4 i.e. 3.3.1964. The Acquisition staff has reported that no sale transaction has been registered in the Revenue Record of the village Samaspur Jagir during the 5 years preceeding to the above material date. The claimants have also not filed any sale deed of the land of this village, but have filed certain receipts pertaining to the purchase of building materials. Shri Rattan Singh claimant has, however, filed a copy of a sale deed dated 15th Sept. 1959 with regard to a residential plot No.5 Block 'H' measuring 83.4 sq. yds. of Pandav Nagar Coly. in village Ghoranda Neem-Ka- Banger alias Patper Ganj, Shahadra sold for Rs.834/- out of which Rs.100/- have been paid before. So far as this sale deed is concerned, it cannot form the basis of assessment of market value of the land under acquisition as this sale transaction relates to a piece of land for a residential Coly. of Patper Ganj. Secondly only a very small piece of land measuring 83.4 sq. yds. was sold in 1959 while the material date in these acquisition proceedings is 3.3.64. In the absence of any sale transaction to guide assessment of market value, one has to depend upon the market value assessed of the land of this village previously acquired. <sup>Village which</sup> Some land of this ~~category~~ is quite similar in potentiality to the land under acquisition was acquired vide award No. 1762 in 1964 and these acquisition proceedings were also based on the same notification u/s 4 dated 3.3.1964 which is the material date in these proceedings. No doubt references have been filed against the assessment of compensation of this award by the claimants but they are still pending and no decision of the Court is available to suggest any other rate of assessment. I have gone through ~~at~~ Award No.1762 and I fully agree with

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the reasons given for assessing the market value of different kinds of land involved in that award. Fortunately the land under acquisition is also situated close to the land acquired in that award and so keeping in mind the rate of assessment of that award, the market value of the land under acquisition is assessed as follows:-

BLOCK 'A'

~~Kh. Nos. 32/2, 33/2, 33/2/2~~ In this block all these Kh. Nos. have been included the soil of which is Chahi and its market value is to be assessed @ Rs.1200/- per bigha being under cultivation and at a little distance from the Abadi.

BLOCK 'B'

It consists of Kh. No.27/2 measuring 1 Big. 17 Bis. shown as Banjar Qadim, naturally its market value should be less than that of Block 'A' as its land is on un-productivity. So it is assessed at Rs.900/- per bigha.

The above rates of assessment are quite reasonable and adequate and so the land under acquisition is to be assessed accordingly.

TREES, WELLS & STRUCTURES.

There is no well in the land under acquisition. As regards the trees, there is one Sessam tree in Kh. No. 32/2 and its value has been assessed by the Naib Tehsildar at Rs.50/. Then in Kh. No. 33/2/2, there ~~are~~ are three small Nim trees and 7 Jamun trees and their value has been assessed at Rs.12/- and Rs.120/ respectively by the Naib Tehsildar. I consider these assessments quite reasonable and adequate and so assess them accordingly. As regards the structures there are 4 such structures raised in Kh. No. 33/2 which is shown as G.M. Basta in the Revenue records. No such structure is shown on the material date, in the Revenue record of 1964. The details of the existing structures are as follows:-

*Sunder* Contd....6/-

| Sl. No. | Kh.No. Name of occupant       | Details of structures.  |
|---------|-------------------------------|---|
| 1.      | 36/2 Sh. Tek Chand s/o Bharta | Two Latrines.<br>Length Breadth Height.<br>12 ft. 8 ft. 8 ft.<br>fitted with two wooden chaukats without roof & door.   |
| 2.      | 36/2 Sh. Sujan s/o Kalu       | Two pucca rooms (partly)<br>Length Breadth Height.<br>24 ft. 12 ft. 10 ft.<br>fitted with one wooden chaukat with door & roof covered with Karis & stone tiles.   |
| 3.      | 36/2 Sh. Bhagwat s/o Dalip    | One pucca room with Varendra<br>length breadth height<br>20 ft. 19 ft. 10 ft.<br>fitted with one wooden chaukat with two wooden ventilators, roof covered with Karis & stone tiles plastered with cement. |
| 4.      | 36/2 Sh. Balwant              | Three Pucca rooms.<br>Length Breadth Height.<br>36 ft. 10 ft. 10 ft.<br>fitted with wooden chaukhats with wooden doors, roof covered with karis & stone tiles.  |

All the above structures falls in the G.M. Rasta which has been encroached upon. In revenue record of 1964 there is no entry of these structures and so all have been raised

and they also look like that. after the material date of notification u/s 4. ~~the~~ receipts filed by the claimants have not been proved. They might relate to other structures of the claimants within the village Abadi. As such their compensation has not been assessed. The owners of these structures can remove the building materials used in them within a fort-night from the date of the announcement of the award.

RELIGIOUS PROPERTY.

There is no temple, mosque or grave yard or any other religious property on this land.

INTEREST

Since the land under acquisition is still in possession of the respective claimants, so they are not entitled to any interest on this count. Nor they are entitled to any interest under amended Act as notification u/s 4 as wells as u/s 6 of the Act have been within a period of 3 years.

*[Handwritten Signature]*

Contd....7/-

SOLITIUM

The claimants are entitled to 15% solitium for compulsory nature of acquisition as allowed under the Act.

DEDUCTION OF LAND REVENUE

The land under acquisition is assessed at B.1-65 P. land revenue. It shall be deducted from the land revenue roll of this village from the next harvest after the possession of the land is taken over.

APPELLATION

The compensation is to be paid amongst the recorded owners according to the latest entry in the Revenue Record. But as regards the compensation of Kh. No. 32/2 area 2 Big. 2 Bis. it is to be treated as disputed one. Because in this No. some other persons namely Ram Chand & Sri Chand are shown as Asami of the land and they have also claimed compensation against the recorded owners. So its compensation is to be sent to the Addl. District Judge for disbursement, if the concerned parties do not come to an amicable settlement.

SUMMARY OF THE AWARD

The award is summarised as under:-

|    |  |                        |
|----|--|------------------------|
| 1. | Compensation for 5 Big. 11 Bis. of land @ Rs.1200/- per bigha. | Rs.6,660-00            |
| 2. | Compensation for 1 Big. 17 Bis. of land @ Rs.900/- per bigha.  | Rs.1,365-00            |
| 3. | Compensation for trees Rs.182/-                                | Rs. 182-00             |
|    | Total  | Rs. 8507-00<br>8507-00 |
| 5. | 15% of the compulsory acquisition of land                      | Rs.1276-05             |
|    | Grand Total  | Rs.9783-05             |

*Ram Kripa Sinha*  
(R.K.SINHA) 24.9.60  
LAND ACQUISITION COLLECTOR(SD)  
DELHI

*Award announced today & filed.*

*Sinha*  
31.9.60