

: 79/1972-73

NAME OF THE VILLAGE : SHAMASPUR JAGIR  
MODE OF ACQUISITION : PERMANENT  
PURPOSE OF ACQUISITION : PLANNED DEV.OF DELHI.  
...

These are proceedings w/s 11 Land Acquisition Act, 1894 in respect of land measuring 6 big. 12 bis. situated in village Shamaspur Jagir, Delhi. The land forms part of the general notification issued by the Delhi Admn. w/s 4 of the Act vide No. F.15(III)/59-LSG dated 13th Nov, 1959 for 3470 acres scheme. Declaration w/s 6 of the Act was issued in respect of the land alongwith other land, issued vide notification No. F.4(19)/66-L&H dated 20th June, 1966 for area measuring 251 big. 9 bis. The land is required by the Govt. at the public expense for a public purpose, namely for the Planned Development of Delhi.

Notices w/s 9 & 10 of the Act were issued to the persons interested. Claims filed will be discussed under the heading 'Claims & Evidence'.

MEASUREMENT & TRUE AREA :-

The present acquisition proceedings are confined to only 6 big. 12 bis. land out of the notification w/s 6 of the Act issued on 20.6.66. The remaining area will be acquired through supplementary award.

The land acquisition field staff carried out necessary measurement at the spot and area was found correct as 6 big. 12 bis.

Contd....2

The details of the land under acquisition are as below.

Kh.No.	Area Big. Bis.	Kind of soil
23/1	1-02	Abpash.
22/1	1-14	G.Abpush.
29/2/1	2-05	-do-
30	1-11	-do-
	<u>6-12</u>	
	Abpash 1-02	
	G.Abpush 5-10	

OWNERSHIP & OCCUPANCY :-

Name of the claimant.	Name of occupant.	Kh.No.	Area Big. bis.	Kind of soil
Ram chander Sri chander ss/o Har/dayal in equal share	Self	23/1	1-02	Abpash.
Ram Singh s/o Bhagwan Sahai 1/2 share.	Self	22/1 29/2/1 30	1-14 2-05 1-11 <u>5-10</u>	G.Abpush -do- -do-
Moel Chand s/o Mah Singh 1/2 share.				

Notes - These three Kh. Nos. are hypothetically to the Govt. against a loan of Rs 4000/-

CLAIMS & EVIDENCE :-

S.No.	Name of the claimant.	Kh.No.	Area Big. Bis.	Rate claimed	Evidence.
1.	Ram Chander, Sri Chander ss/o Har/dayal through Sh. Shanti Saroop Advocate.	19 20 21 23 24 25 32/1 8,17,18	4-16 0-07 6-03 4-16 4-16 2-12 1-04 -	i) Rs 50/- per sq for land. ii) Rs 50/- per sq yd for severance. iii) Rs 2000/- for well. iv) other benefits as allowed under the law.	N11

Notes - Only Kh. No. 23/1 is under the present acquisition. There is no well on the land under acquisition.

Contd...3

Rattan Singh	39/2	1) Rs 50/- per	Nil
Ram Singh & ) ( 4-18)		sq. yd. for	
Jhanda 1/2 )		severance.	
Baljit 1/2 )		ii) Rs 50/- per	
		sq. yd. for land.	
Ram Singh 1/2 ) 22(3-17)		III) other benefits	
Mool Chand 1/2 ) 29/2(3-16)		under the law.	
	30( 1-11)		

Note:- Only Kp.No. 22/1, 29/2/1 & 30 are under the present acquisition.

Mool Chand	22	3-17	-do-	Nil
Man Singh	29/2	3-16		
	30	1-11		
		( 1/2 share)		

MARKET VALUE :-

In determining the market value of the land as at the date of preliminary notification many factors have to be considered like size and shape of the land, its situation the tenure, the use to which it is put, its potentiality and also rise and fall in the demand for the land. The best evidence to arrive at the correct market value of the land would be the evidence of genuine sales effected about the date of preliminary notification, either in respect of the land under acquisition or a part thereof or the sales of the land parallel in circumstances as to the land under acquisition.

In the present case the date of preliminary notification is 12.11.1959 and as such market value of the land in question is to be determined as prevailing near about that date.

The claimants have demanded a very high rate of compensation, but have not

Contd.....4



... their claim with any evidence.  
 Previous awards in the village and subsequent  
 decisions of the court can help in arriving at  
 the correct market value of the land provided  
 the location of the land/its <sup>and</sup> other characteristics  
 and so also the material date are found relevant.

It would therefore be proper to look into  
 the previous awards in this village. The details  
 of the awards are as below:-

Award No.	Date of notification w/s 4.	Block		Rate awarded per big. in Rs
		A	B	
1782	3.3.64	"	"	1500/- 1200/- 800/-
2156	-do-	"	"	1200/- 900/-
29/1969	-do-	"	"	1500/- 1200/-

The above awards could not offer guidance  
 in the present case as the time gap in between the  
 date of preliminary notification in these awards  
 and that in the present case is about 4 years. It would  
 therefore be necessary to look into the sale  
 transactions in respect of the land which is similarly  
 circumstanced and located nearby the land under  
 acquisition and so also relevant to the date of  
 preliminary notification. On consultation of record  
 of rights, following sale transactions came to notice:-

S.No.	Mutation No.	Dt. of Regn.	Kh.No.	Area	Amount in Rs	Average Per Mg. Rs Ps
1.	132	4.4.55	24 25	4-16 <u>2-12</u> <u>7-08</u>	2000-00	207-27 270-2
2.	134	8.3.56	24/11-12-13	0-10	393-12	786-24

Contd.....5



18.85	24/18 25/5	0-04	180-00	900-00
15.58	24/4	0-03	250-00	1866-66
10.55	24/28	0-03	150-00	1000-00

Although the land involved in all the above sale transactions, is in close proximity to the land under acquisition, but we find that the material date in four cases is far behind to the date in the present case, except in case of transaction at Sl.No. 4. Further land, involved in transactions from Sl.No. 2 to 5, is in the shape of very small areas and presumably the transactions were struck for residential use of land, the use of which is prohibited under the local laws and as such cannot compare to the land under acquisition, which is agricultural land. Therefore the sales as discussed above could not form the basis for determination of the fair market value in the present case.

It is thus clear that there is no material in the village which could offer guidance for assessing the market value of the land in question.

It has been held that the price paid within a reasonable period for the land adjacent to the land acquired, and possessing similar advantages, is a correct method of valuation or, in other words bonafide transactions of purchase of land adjacent to the land acquired and possessing similar advantages, provide an alternative means of estimating the market value.

Adjoined to this village, is Gharonde Hoenka Sanger from where relevant material can be referred to in determination of the market value of the land under acquisition.

In village Gharonde Hoenka Sanger, land has been acquired through some six awards, out of which the material date is posterior by about five years in three cases and in the remaining three, it is 13.11.59, as in the present case. The details of these three awards are as below:- Contd...

Date of Notification	Rate Awarded per bigha.
13.11.59	Rs. 2100/- Block A Rs. 1935/- " B
1971] -do-	Rs. 1425/-
1971] -do-	Rs. 1425/-

The land in award at S.No. 1 & 2 is located at a distance of 1/2 mile from the land under acquisition. The land in award at S.No. 3 compares favourably with the land in award at S.No. 1 & 2 as it is in close proximity to the land under acquisition and also is of the same characteristic. The market value in this award was assessed after considering the relevant factors, at a rate of Rs. 1425/- per bigha which should also be deemed to be the fair market value in the present case. Accordingly I award a rate of Rs. 1425/- per bigha for the land under acquisition.

OTHER COMPENSATION:

There are no trees, wells or structures existing on the land under acquisition, hence no compensation is assessed under this heading.

SOLTIUM:

15% soltium will be paid on the market value of the land towards compulsory nature of acquisition.

INTEREST:

The date of notification u/s 4 L.A. Act in the present case is 13.11.59 and the date of declaration u/s 6 of the Act is 20.6.66. The case therefore falls within the purview of Land Acquisition (Amendment & Validation) Act, 1967. Interest would therefore be payable @ 6% per annum only on the market value of the land from the date on expiry of three years <sup>at</sup> <sub>from</sub> the date of preliminary notification, which in the present case comes to 13.11.62 till the date of announcement of the award, which is tentatively fixed as 21.2.73.

LAND REVENUE:

The land under acquisition is assessed to Rs. 2-98Ps  
Contd...7/-

*Handwritten signature*

Revenue which would be deducted from the Khalsa Rent  
on the date of possession.

NOTE:

Compensation will be paid according to the latest entries  
in revenue record except where persons other than owners  
in occupation of the land or where persons other than  
the claim compensation. Kh. No. 22, 29/2, and 30 are  
mortgaged with the Govt. against a loan of Rs. 4000/-,  
along with other Kh. Nos. Hence compensation of these Kh. Nos.  
will be kept disputed till a clearance report is produced by  
the persons interested from the appropriate authority.

SUMMARY:

1.	Compensation for land measuring 6 bigas 12 biswas @ Rs. 1425/- per biga.	Rs. 9,405=00
2.	Add 15% solatium.	1,410=75
3.	Interest u/s 4(3) L.A. Act @ 6% per annum only on the market value of the land i.e. on Rs. 9,405=00 w.e.f. 13.11.62 to 21.1.73. (10 yrs 70 days)	5,751=22
Grand Total:		Rs. 16,566=97

(Rupees sixteen thousand five hundred sixty six and  
paise ninety seven only.).

*V. L. S. Pillai*  
(V. L. S. PILLAI)  
LAND ACQUISITION COLLECTOR (GEN)  
DELHI.

*Amount advanced today. Filed*

*V. L. S. Pillai*  
22/1/73



79/1972-73 आरंभ 21/11/72  
6 दिवस 12 दिवस

22/11, 29/12/11, 30 कुल मंजूरी 6-12 दिवस  
(1-11) (2-5) (1-11)  
21/11/72-73 आरंभ 21/11/72 से 22/11/72 तक  
22/11, 29/12/11, 30 कुल मंजूरी 6-12 दिवस  
(1-11) (2-5) (1-11)  
21/11/72-73 आरंभ 21/11/72 से 22/11/72 तक

22/11, 29/12/11, 30 कुल मंजूरी 6-12 दिवस  
(1-11) (2-5) (1-11)  
21/11/72-73 आरंभ 21/11/72 से 22/11/72 तक  
22/11, 29/12/11, 30 कुल मंजूरी 6-12 दिवस  
(1-11) (2-5) (1-11)  
21/11/72-73 आरंभ 21/11/72 से 22/11/72 तक



119

मेरी मम अमर सेविका के लिए

मुझे दिवंगत व सुभाष चरणदास के  
पत्नी हलका को विजयवादी जेजे। का  
मुकाबला हो चुका है। रिपोर्ट भेज है।  
नाम:- कादंबरी का कसब काटे की इजाजत दी

Nita Ramfata  
28/2/73

M. Chodho  
28/2/73

विश्व  
N.S. Chaudhary  
28/2/73

M. Chodho  
28/2/73

Chod  
28/2/73

Handwritten notes on a small piece of paper, possibly a receipt or acknowledgment, with some illegible text and a signature.

को अद

सि मुकद

आप को  
आरा 6 नंबर

मुकद

उत्तरादि

रामसयु

वि शीत

को इतल

उत्तरादि

1. शक्ति

2. शक्ति

3. शक्ति

पत्र