

AWARD NO. 1937

(M)

Award No. \_\_\_\_\_ for the year 1966- by shri Bishan Singh, P.C.S., Land Acquisition Collector, Delhi.

Case No. \_\_\_\_\_

Acquisition of land for construction of Kundli to Janti Kalan Road.

Village: S I N G H U  
A W A R D

In pursuance of Delhi Administration Notification No.F.15(71)/65-LSG(1), dated the 3rd May, 1966 under section 4 of the Land Acquisition Act, 1894, the Delhi Administration notified to acquire 1 bigha 10 biswas of land in village Singhu Tehsil and Distt. Delhi at public expense for public purpose namely for construction of Kundli to Janti Kalan Road. Provisions of Sub-section 1 of section 17 of the said act were made applicable to this land and under sub-section 4 of the said section, it was also directed that provisions of section 5A do not apply. Hence objections were not filed by the interested persons. Notification No.F.15(71)/65-LSG(11), dated 6.5.66 under section 6 of the said Act was also issued for acquiring the above mentioned area. Vide Delhi Administration notification No.F.15(71)/65-LSG (11), dated 6.5.66, the possession was to be taken on the expiration of 15 days from the publication of the notification under section (sub) 1 of section 9 of the said Act. Notices in pursuance of above mentioned notification were issued on 16.6.66, it has been reported by the Naib-Tehsildar, Land Acquisition, that at that time the road had already been constructed and his report is on the file. Notices under section 9 and 10 were also issued to the Right-Holders concerned who submitted their objections which will be dealt with under the heading "CLAIM".

1. MEASUREMENT:

The area under acquisition as given in the notification under section 6 is 1 bigha 10 biswas which has been found to be correct. In another words, no difference is found at the time of measurement. In the notification, Kh. Nos. were notified by showing min because a part of those Kh. Nos. is to be acquired. At present

contd...2/-



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now kh. Nos have been given according to standing instructions.

## 2. OWNERSHIP

The land under acquisition lies in 4 Nos as detailed in form 7 L.A. prepared under paragraph 55 of the Financial Commissioner's standing order No.28. The details of ownership and khasra Nos etc. are as below:-

S.No.	Name of the owner	Name of the tenant.	Old. kh. No.	Big. & Bis.	New Kh. No.	Big. & Bis.	Kind of land.
1.	Jage, Prabhu, Banwari, Bakhtawar, Mire, alias, Ragbir Ss/o Jhunda in equal share.	Self	1/16 24 25/1 25/2	1-16 3-16 4-05 0-11	16/1 24/1 25/1/1 25/2/1	0-02 0-03 1-02 0-03	Barani Chahi Barani do-
Total						1-10	

The measurement and classification of land has been accepted by the interested persons. No objection was received from the department either. I, therefore, agree with the classification of land as proposed by the Naib-Tehsildar, land Acquisition, on the basis of entries in Khasra Girdwari as it stood on 3.5.66.

S.No.	CLASSIFICATION OF LAND	AREA BIG. BIS.	
1.	Barani	1	07
2.	Chahi	00	03
TOTAL.		01	10

S/shri Jage, Bakhtawar, Ss/o Jhunda and another person namely Bakhtawar singh, Pradhan Gaon sabha, who appeared in pursuance of notices under section 9 and 10 of the Act were examined for measurement of area, quality of land and assessment of compensation on 19.7.66 and they raised no objection in this respect.

## 3. CLAIM :

S.No.	Name of claimant.	Claim	Remarks.
1.	Bakhtawar s/o Jhunda	This area is jointly owned with Jage, Prabhu, Banwari and Mire and is in his exclusive possession. The compensation be given to him @ Rs.3000/- per bigha because this area is near	This area is jointly owned by this claimant with other co-sharers. The question of paying compensation to him does not arise. This area is situated at



G.T. Road. The construction of road has spilt up this area into 2 parts and the earth has also been taken by the P.W.D. for raising the level of the road. Hence he should be compensated for this loss.

a distance of about half mile from G.T. road and the price demanded is very high. It is a fact that some earth has been taken from the neighbouring field Nos of this site but the claimant has not proved that this earth was taken by the P.W.D. Authorities. Compensation will be given according to market value.

#### 4. POSSESSION :

The land has been acquired for construction of Pucca Road from village Kundli to Janti Kalan which has been constructed by the Public Works Department ( Building and Road ) Rohtak, under the supervision of the Executive Engineer, Provincial Division, Rohtak. It has been informed by the Sub Divisional Officer concerned that the possession was taken of this land during the month of October, 1965 but no specific date was mentioned in that letter. Now the S.D.O. concerned has been asked to intimate the exact date of taking over possession of this land by failing which it will be presumed that possession of this area was taken over by the Deptt. concerned on 1.10.65. No reply has so far been received, hence, the interest ~~will be~~ calculated accordingly w.e.f. 1.10.65. *That the possession was taken on 31.10.65.*

#### 5. MARKET VALUE:

Out of the land owners, only Bakhtawar has claimed compensation @ Rs.3000/- per bigha, but he has not produced any documentary or oral evidence in respect of his claim. The market price can not, therefore, be assessed as desired by him.

I inspected the site on 19.7.66. The land under acquisition is of average quality and is situated alongwith the boundaries of villages Kundli and Sirsa of Rohtak Distt. and are at about a distance of Half mile and  $\frac{1}{4}$  mile from the G.T. Road and the village Abadi respectively. The land is of rural area and is governed under the Delhi Land Reforms Act, 1954 and can be used only for agricultural purposes. Before construction of this road, for which land is being acquired, this land was out of easy reach from the G.T. Road as well as from the village Abadi.



(4)

For fixing up the market value, I have<sup>also</sup> to take into consideration the sale transactions which took place during 5 years preceding from the date of notification u/s 4 of the Land Acquisition Act, 1894 in this case which was issued on 3.5.1966.

The Yearwise statement of average price for the 5 years immediately preceding the date of notification u/s 4 of the Act has been worked out as under:-

S.No.	Year	Area		Amount	Average per bigha.
		Big.	Bis.		
1.	1961-62	60	07	Rs. 23,000=00	Rs. 381=11
2.	1962-63	4	19	Rs. 3,200=00	Rs. 646=46
3.	1963-64	-	-	-	-
4.	1964-65	-	-	-	-
5.	1965-66	-	-	-	-
TOTAL.		65	06	Rs. 26,200=00	Rs. 401=23

The average sale price for 5 years comes to Rs.401=23 per bigha. During the year 1961-62, only 4 transactions took place. Area measuring 2 bighas abutting to G.T. Road was purchased by the Karnal Cooperative Transport Society for Rs.10,000/-, vide mutation No.457, which comes to Rs.5000/- per bigha. The purchaser is a Cooperative Transport Society and it is quite clear that this land will be utilised either for setting up a Petrol Pump or Workshops, because there are other Petrol Pumps and workshops near this site. Moreover the land of this village was not meant for purposes other than agricultural. This sale is not for agricultural purposes. Hence I ignore it for fixing up the market value. Area measuring 48 bighas 16 biswas Ghairmunkin Bhatta which is near this site was sold for Rs.10,000/- vide mutation No.452. The average price of this area comes to Rs.204=92<sup>1</sup> but this area is Ghairmunkin from where earth has already been taken for making bricks and the price of this land has depressed and can not be presumed as correct one. Area measuring 1 bigha 11 biswas ( Ghairmunkin ) was sold for Rs.1000/- vide mutation No.451, adjacent to the abadi side. The average price per bigha comes to Rs.645=16. The location of this area is such that this area will be used for construction of buildings because it is lying within the Circular Road and can not be presumed to have



been purchased for purposes other than those. Hence it can not be a correct base for fixing up market value. Area measuring 8 bighas of land for Rs.2000/- was sold vide mutation No.455. Half of this area was of Rosli class and the remaining Half area was Banjar Qadim. The average price for this area comes to Rs.250=00. This area is also near this side. From the above discussion, the land involved by this transaction can be taken into consideration for fixing up the market value.

During the year 1962, only one transaction was affected involving area measuring 4 bighas 19 biswas for Rs.3200/-. It is not out of place to mention here that a well situated in Killa No.37/28 was also sold alongwith other agricultural land. In order to work out the actual price of the land, the price of well is to be deducted. I am of the view that a well of average type can not be constructed for less than Rs.1600/- and the average price of land per bigha comes to Rs.323=20. Half of the land during the year 1962-63 is Rosli and the remaining half is Khali, but the situation of this area adjacent to the well appreciates the value of this land to certain extent. But this fact is to be ignored while working out the actual market value of the land.

It is not out of place to mention here that no sale took place during the year 1963-64, 1964-65 and 1965-66, but some margin for annual increase in the price of the land is also kept in view. If this rise is taken at 10% per year, then it comes to Rs.100/- during the 4 years on the basis of average price of Rs.250=00 per bigha for the year 1961-62 as mentioned above. Thus the market price for this area at the date of publication of notification u/s 4 of the Land Acquisition Act, 1894, i.e. 3.5.66 comes to Rs.350/- per bigha. By giving consideration for the rise in average value ( Rs.323=20 ) of land for the year 1962-63, the actual average price at the date of publication of notification u/s 4 of the Land Acquisition Act, 1894, i.e. 3.5.66 comes to about Rs.420/- per bigha but this land is far away from the land which is being acquired now and is also adjacent to the well. Hence the average price of this land can not be made the sale base for the market price of this area.



Keeping all these facts in view, the genuine basis for fixing up the market price appears to me that the average price per bigha for the sale during the year 1961-62, which comes to Rs.350/- and the average saleprice for the year 1962-63 which comes to Rs.420/- on the date of publication of notification u/s 4 i.e. 3.5.66 be put together and the average be worked out, which comes to Rs.385/-.

Out of total area now to be acquired 3 biswas is Chahi and the well is also away from this area and the remaining area measuring 1 bigha 7 biswas is Barani. The quality of the soil of whole of the area is of average type. I see no reason to put the meagre Chahi area in separate block, because this area is also of the quality of the Barani.

Keeping all the above mentioned discussion in view, and giving full consideration to the demand of the land owners, the situation and quality of land, average sale price for every transactions and during 5 years before the date of notification u/s 4 of the land Acquisition Act, 1894, giving margin of rise in the price of land per year, I am of the view that Rs.385/- per bigha will be quite fair and reasonable for this land.

#### 6. TREES WELLS AND OTHER STRUCTURES:

Trees :- There is no <sup>tree</sup> structure on the land under acquisition.

Wells :- There is no well in the land under acquisition.

Other Structures :- There is no structure on the land under acquisition.

#### 7. MAUFI :

The area under acquisition is not under Maufi.

#### 8. COMPULSORY ACQUISITION CHARGES:

The owners will be entitled to 15% in consideration of the Compulsory nature of acquisition on the market value of land u/s 23(2).

#### 9. INTEREST:

Interest shall be paid @ 6% per annum from the date when the possession has been taken by the department concerned. i.e.,

31.12.65



10. MODE OF PAYMENT:

Out of killa No.1/16/1, 25/2/1, the area measuring 2 biswas and 3 biswas respectively previously in the ownership of Gaon Sabha has been transferred in favour of Jage etc. the claimant, vide mutation No.444 decided on 6.2.61 who are owners of other remaining area which is being acquired under this award. It is remoured that the area, previously belonging to Gaon Sabha and afterwards mutated in favour of individuals, is to be reverted to the previous owners i.e. Gaon Sabha. The claimant will have to give proof that this area is not to be reverted to the Gaon Sabha. In case of failure of these claimants, then compensation for this area will remain disputed. If the position is not so, as mentioned above, then owners will be paid compensation according to entries of Naqsha no;4 of the village. The land under acquisition is neither under the possession of occupancy tenant nor non-occupancy tenant. The land is also free from any sort of incumbrances.

11. LAND REVENUE :

The land under acquisition is Barani and Chahi and is assessed to the land revenue which comes to 35 Paise. This amount will be deducted from the Khalsa Rent Roll of the village with effect from the date when the possession was taken.

Aforesaid land will vest absolutely in the Government free from all encumbrances from the date when the possession was taken.

Subject to above remarks, the award stands as follows:-

1.	Compensation for land measuring one bigha and Ten biswas @ Rs 385 per bigha	-	Rs.	577=50
2.	15% Compulsory acquisition charges	-	Rs.	86=63
3.	Interest from 1.10.65 to 30.9.66 @ 6% per annum.	-	Rs.	99=85 36=57
TOTAL.			Rs.	763=98
				700=70

( BISHAN SINGH )  
LAND ACQUISITION COLLECTOR (N)  
DELHI. 12.9.66

Forwarded to the Collector, Delhi, for information.

seen. Filed.  
11/11/66  
( BISHAN SINGH )  
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