

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

INTRODUCTION.

This is an award in respect of acquisition of the land bearing Khasra No.687 measuring 32 bighas 02 biswas situated in village Wazirpur. This land is needed by the Government at the public expense for a public purpose, namely for the Planned Development of Delhi. This land was originally acquired vide the award No.1329 of village Wazirpur. The said award had been announced on 21.8.1962, but, before the possession of the khasra No.687 in question could be taken, S/Shri Mohd. Younus and others had on 1.9.1962 filed the civil writ petition No.95-D/1962 before the Circuit Bench of the Punjab High Court at Delhi. The learned High Court, vide its order dated 24.10.1966, had quashed the acquisition proceedings of the said award on the ground that in the civil appeal number 1018 of 1962 styled as State of Madhya Pradesh Versus Vishnu Prashad Sharma & others decided on the 9th February, 1966 the Supreme Court had held that, there can be no successive notifications U/S 6 of the L.A. Act with respect of land in a locality specified by any one notification under section 4 of the Act. Accordingly, the acquisition proceedings were stopped. The Delhi Administration, therefore, issued a fresh notification under section 4 of the L.A. Act No.F.4(14)/61-L&B dated 23.10.1966, on the basis of which the present acquisition proceedings have been started. The land in question has, therefore, being delated from award No.1329 and is being acquired under the present award. In pursuance of the notification U/S 4 of the L.A. Act, a public notice was issued and objections were entertained. After hearing the objections a report was sent to the Delhi Administration as required

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under section 5-A of the L.A. Act. The Delhi Administration has rejected the objections and issued a final declaration under section 6 of the L.A. Act vide the notification No. F.4(14)/61-L&B dated 15.5.1967. Notices under section 9(1) of the L.A. Act was given due publicity, and notices under section 9(3) and 10(1) of the L.A. Act were served upon the known interested persons, who have filed their claims in response of the same. The claimants had filed another civil writ petition No.1457 of 1967 in the Delhi High Court, which was dismissed on 23.9.1971.

MEASUREMENT & OWNERSHIP.

According to the notifications under sections 4 & 6 of the L.A. Act, the area proposed to be acquired under the present award is 32 bighas 02 biswas, which, on further verification made on the spot under section 8 of the Act, was found to be correct. I, therefore, hold the area under acquisition to be correct at 32 bighas 02 biswas, the ownership of which according to the revenue record is in the joint names of S/Shri Yidris, Mohd. Younus, Sultan Ahmed & Abdul Gaffar SS/O Abdul Razak.

CLAIMS AND EVIDENCE.

Only one claim petition has been filed jointly on behalf of S/Shri Mohd Younus, Sultan Ahmed and others. They are the co-sharers in the land under acquisition. Stating that the land under acquisition is situated in the developed area of the phase -II Scheme of the D.D.A., they claim the compensation of the land @ Rs. 150/- per Sq.Yd. and the compensation for other items like tree, built up house etc. total amounting to Rs. 50,22,400/-. In addition to this they claim the usual solatium of 15%.

On behalf of the claimants the following documentary evidence was produced in support of their claim for compensation :-

1. Copy of the judgement of the Additional District Judge, Delhi passed in the L.A. Case No.261 of 1965 styled as Ram Chander Durga Vs. Union of India against the Award No.1632 of village Wazirpur.
2. Copy of the sale deed No.1854, Book No.1, Volume No. 1793.
3. Copy of the Khasra Girdawari for the year 1967-68.

Regarding the document No.1, it is seen that in the award No.1632 the Land Acquisition Collector had allowed the market value of the land @ Rs. 3000/- per bigha which was enhanced to Rs. 6235/- per bigha by the A.D.J. Delhi. The date of the notification under section 4 of the L.A. Act in the award No.1632 was 13.11.1959, whereas, in the present award it is 29.10.1966. However, the land involved in the award No.1632 is situated in the urban limit and is fully developed. The Delhi Land Reforms Act, 1954 is not applicable on this area. On the contrary, the land involved in the instant award is situated in rural area and the Delhi Land Reform Act is applicable on it. In view of this fact the value of the land allowed in the award No. 1632 cannot be rational and a correct basis for arriving at the market value of the land under acquisition.

The document No.2 above relates to the sale of the land bearing Khasra Nos. 676 to 679 and 781/659/12 total measuring 0-04 biswas for a sum of Rs. 8750/-, thus yielding an average of Rs. 43,750/- per bigha. The sale deed was executed on 21.2.1967. This date is about 4 months subsequent to the date (29.10.1966) of the notification under section 4 of the L.A. Act, of the present award.

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Besides, according to the contents of the sale deed the price Rs. 8750/- includes the value of the land as well as the super structures, comprising a house containing 9 rooms, two kitchens, one store room, one courtyard and a boundary well. Further, this property is situated in Sawan Park Extension, which is within the Municipal Corporation's limit and near the Railway Crossing No.3. Thus due to above facts the rate involved in the sale deed in question cannot be applied for assessing the market value of the land under acquisition. Incidentally, it may be pointed out that the Khasra No.676 to 679 have been released from the award No.1329 being built up area and the Khasra No.781/659/12 has been acquired through award No.2197 under Planned Development Scheme covering an area of 18 bighas 11 biswas. The market value is allowed in the said award @ Rs. 3000/- per bigha, the date of the notification under section 4 of the L.A. Act being 13.11.1959.

The third document produced by the claimants is a copy of the Khasra girdawari for the year 1967.68. According to the entries of the said Khasra girdawari the field No. 676/1/25 measuring 04 biswas sold on 17.4.1964 for a sum of Rs. 10,000/- , thus yielding an average of Rs. 50,000/- per bigha. This land is also built up and situated in the approved colony of main Sawan Park which was released from the award No.1329. Incidentally this field No.676/1/25 was sold on 13.8.1956 in the form of a plot for Rs. 1000/- thus yielding an average of Rs. 5000/- per bigha.

The Khasra girdawari in question also relates to the sale of Khasra No.781/659/12 measuring 0.04 biswas that had taken place on 15.4.1966 for a sum of Rs. 5000/- thus yielding an average of Rs. 25,000 /- per bigha. As stated above this land is built up and situated in the Sawan Park Extension. This land has been acquired under
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separate award covering an area of 18 bighas 11 biswas for which the compensation @ Rs. 3000/- per bigha has been allowed. Incidentally, as it can be seen from the khasra girdawari in question, the same field No.781/659/12 was earlier sold on 27.6.56 for a consideration of Rs. 1200/- Thus yielding an average of Rs. 6000/- per bigha.

Thus, from the above discussions, it will be seen that the compensation demanded by the claimant is exorbitant and that the evidence produced by them is not relevant for arriving at the true market value of the land under acquisition. Hence, the claimants are entitled to get the compensation at the rate of discussed under the head 'Market Value'.

' MARKET VALUE. '

1. As stated under the head 'Introduction' of this award the land under acquisition was previously a part and parcel of the land acquired under the award No.1329 of village Wazirpur. Detailed description of the situation of the land has been given under the head 'Market Value' of the award No.1329. Actually, the ~~an~~ land under acquisition, i.e. Khasra No. 687 is located in the North-eastern side of the land acquired under the award No.1329.

2. The sale instances pertaining to the crucial year 1965.66 as collected by the Field staff from the Sub-Registrar's Office are reproduced as below:-

Date of Registry.	Registry No.	Plot No.	Area in Sq.Yds.	Total sale Price.	Average Per Sq. Yds.
17.1.66	1440	Sawan Park.	75	Rs.5000/-	Rs. 6.68
19.1.66	1370	-do-	209	Rs.3135/-	Rs.10.25
5.2.66	2626	-do-	210	Rs.2500/-	Rs.11.80
3.5.66	5873	-do-	50	Rs. 800/-	Rs.16.00
4.1.66	190	-do-	203	Rs.4000/-	Rs.19.70
21.2.66.	4006	-do-	211	Rs.4000/-	Rs.18.95.

Incidentally, all the above transactions relate to Sawan Park Colony. No sale relating to other area of village Wazirpur for the year 1965-66 is available. For the year 1964.65, only one sale instance is available, according to which, vide the mutation No.813, a plot measuring 0.04 biswas out of the khasra No. 806/644/3 situated in Sawan Park colony was sold for a sum of 2500/- thus yielding an average of Rs. 12,500/- per bigha. The average sale price as worked out from the above statement comes to Rs. 15.60 per Sq.Yd. All the sales are in shape of small plots. It is a general trend that smaller plots fetch comparatively higher value. These transactions can not form the basis for determination of market value of a much larger area under acquisition.

As mentioned above the ~~x~~ land under acquisition is quite adjacent to the land acquired under Award No. 1329. According to the revenue record the land under acquisition is Bagh Nehri land. For the Bagh Nehri land the Land Acquisition Collector had fixed the market value at Rs. 3,200/- per bigha in award No.1329 and for Nehri land Rs. 2700/- per bigha. The rate of Rs. 3200/- per bigha for Bagh Nehri land was enhanced by the A.D.J. Delhi to Rs. 5600/- per bigha in the following reference petitions U/S 18 and the Govt. did not file appeal against these decisions.

<u>L.A.C No.</u>	<u>Name of the party.</u>	<u>Date of decision.</u>
235/68	Ishwar Dass Vs.UOI	3.2.1969.
234/68	Smt.Kansho Devi Vs. UOI	3.2.1969.
385-A/68	Jai Gopal Seth & others Vs. Union of India.	13.4.1971.
385-B/68	Badri Parshad Seth Vs. Union of India.	13.4.1971.

But the land involved in the above mentioned reference

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position is far away from the Land under acquisition and is better situated as it aduts on the road. These decisions cannot therefore offer guidance for determination of market value of land in question.

In another reference petition L.A. Case No. 17/68 Harkaran Maru Vs. Union of India in the same award decided on 13.9.68 the A.D.J. Delhi enhanced the market value of Bagh Nehri land from Rs. 3200/- to Rs. 3500/- per bigha and of Nehri land from Rs. 2700/- to Rs. 3000/- per bigha. But in L.A. case No. 690/68 Chander Bhan Vs. U.O.I. against award No. 1329 decided on 4.9.70 the A.D.J. considered the decision in L.A. Case No. 17/68 Harkaran Maru Vs. U.O.I. and enhanced the compensation of Nehri land from Rs. 2700/- per bigha to Rs. 4600/- per bigha and among the Kh. Nos which were the subject matter of this reference petition are Kh. No. 688, 689 which are recorded as Nehri land. These Khasra numbers are quite adjacent to the land under present acquisition and are similarly situated. The Government did not go in appeal against the decision of the A.D.J. Delhi in L.A. case No. 690/68 Chander Bhan Vs. U.O.I. So the market value of Rs. 4600/- per bigha for nehri land bearing Kh. No. 688, 689 in this village stands on 13.11.1959. The land Acquisition Collector has allowed Rs. 500/- per bigha on account of grove over the rate awarded for Nehri land in award No. 1329. Following this assesment the market value of Bagh Nehri land similar in situation to the land under acquisition would be Rs. 5100/- per bigha on 13.11.59, in view of the enhancement allowed by A.D.J. Delhi in case Chander Bhan Vs. U.O.I. mentioned above. But the date of notification U/S 4 for the land under acquisition is 29.10.1966 about 7 years later than 13.11.1959. Allowing for the rise in price of the land during these 7 years I consider a rate of Rs. 6000/- per bigha fair and reasonable market value for the land under acquisition and allow the same. This includes the value of trees existing thereon.

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OTHER COMPENSATION.

There are some structures on the land under acquisition and a well. The Assistant Engineer (Valuation) has been requested to evaluate these structures and well as on 29.10.1966. Supplementary award will be drawn on receipt of the valuation report. There is also one tube-well on the land under acquisition. No compensation is being assessed for the tube-well and the claimants are allowed to remove the same if they so desire. However, Rs. 400/- is allowed for the removal charges for the tube-well.

15% SOLATIUM .

As provided under section 23(2) of the L.A. Act the claimants are entitled for 15% solatium for compulsory nature of acquisition.

APPORTIONMENT.

The compensation will be paid according to the latest entries in the revenue record and in presence of the interested persons, and in case of any dispute the same will be sent to the Additional District Judge, Delhi for adjudication.

SUMMARY OF THE AWARDS

Compensation for the land measuring 32 bighas 02 biswas @ Rs. 6000/- per bigha.	Rs. 1,92,600.00
15% Solatium for compulsory nature of acquisition.	Rs. 28,890.00
Removal charges of the tube-well.	Rs. 400.00
Total:-	Rs. 2,21,890.00

The land is assessed to a land revenue of Rs. 44.78 P. which will be deducted from the revenue roll of the village from the date of taking over the possession of the land.

*Completed
Headed back
1967
M.C.*

P. Lal
(B.L.L. GAUMAT)
LAND ACQUISITION COLLECTOR (D.S.) DELHI.

*Announced + filed today
P. Lal
1967
(D.S.)*

Handwritten notes in Urdu script, likely a list or record of items, with some numbers and dates interspersed.

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Amir Singh
L.S.B.
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