

A W A R D NO. 31/1969

Name of the Village
Nature of Acquisition
Purpose of Acquisition

Wazirpur
Permanent
Planned Dev. of Delhi.

These are proceedings for the determination of compensation u/s 11 Land Acquisition Act. The land under acquisition is situated in village Wazirpur and was notified u/s 4 of the L.A. Act vide notification No. F. 15(III)/59-LSG dated 13.11.1959 for a public purpose namely for the Planned Dev. of Delhi. Declaration u/s 6 of the L.A. Act for an area 7 big. 10 bis was issued vide notification No. F. 4(14)/61 L & H(II) dated 16.1.69. The acquisition proceedings in this award are being confined to Kh. No. 696 and 697, total area 2 big. 6 bis. as desired by the L & B Deptt. in their letter No. F. 7(23)/61- L & H dated 14th July, 69. The rest of the area will be acquired as and when desired by the L & B Deptt. In pursuance of the aforesaid notification notices u/s 9 & 10 of the L.A. Act were issued to the persons interested in the land under present acquisition. The claims filed by the claimants are discussed hereafter under the heading " Compensation Claims ".

TABLE & CORRECT AREA:

<u>Field No.</u>	<u>Area</u>	<u>Classification of Land.</u>
696	1-06	G.H. Gadhia
697	1-00	-do-

COMPENSATION CLAIMS:

The following persons have claimed compensation:

S.No. Name of the claimant.

1. Baldev Krishan, Mangal
 s/o Sh. Karam Chand.
2. Parsing Das Seth
 Pehlad Dass Seth
 Purn Chend Seth

Compensation claimed.

claimed Rs. 60/- per sq. yd.
for land, Rs. 7000/- for
levelling & Rs. 5000/- for
structures.

Claimed Rs. 80/- per sq.yd.

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EVIDENCE.

The following documentary evidence was filed By Baldev Krishan Mangal:-

1. An attested copy of a notice dated 21.3.57 from the Asstt. Engineer Delhi Provisional Development Authority addressed to Shri Baldev Krishan Mangal.
2. An attested copy of a letter dated 12-6-63 from Shri Baldev Krishan Mangal addressed to the Asstt. Engineer requesting to grant permission for repair.
3. An attested copy dated 1-6 seeking the permission for the repairs.
4. An attested copy of sale deed of plot No.42 measuring 210 sq. yards.
5. An attested copy of building permit dated 14.6.57 from Delhi Development Provisional Authority in the name of the claimant.

The document cited at Serial No.1 is a notice for the demolition of compound wall raised upto 3 feet high, whereas the letters dated 12-6-63 and 1-6 pertain to the permission asked by the petitioner for the repairs in all these structures. The sale deed of Sr. No.4 does not specify the khasra No. and as such it is not possible to identify the land as mentioned in the sale deed. The building permit dated 14.6.57 indicates grant of permission for re-erecting a building in plot no. 696 & 697 but it has not and can not show whether any building was ^{erected} over the said plots. The above documents therefore in no way prove that the present structure existed before issue of the preliminary notification. The notice dated 21.3.57 at Sr. No.1 clearly indicates that there was no structure at that time except 3 feet high compound wall. There is no cogent and corroborative evidence to prove that the structure came into existence prior to the issue of the notification u/s 4 of the L.A. Act. This is corroborated by the entries in the khasra girdwari of the year 1959 which clearly indicate that there was no structure on the material date. As such the claimant is not entitled to any compensation for the structure.

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MARKET VALUE:

The market value to be ascertained is the value to the owners of the land in its actual condition at the time of the publication of the notification w/s 4 of the L.A. Act with all its advantages and with all its potentialities. The best evidence available to prove what a willing purchaser could pay for the land under acquisition would be evidence of genuine sales effected at the time of the notification. In determining the market value of the land on the basis of the sales of other lands the question of similarity between the two lands is particularly important or in other words, the land must be actually parallel. The claimants in this case have put forth exorbitant claims regarding the market value of the land without any corroborative evidence whatsoever. Efforts were therefore made at this end to find out parallel sale deeds nearest to the material date so as to arrive at a fair market value of the land. The following sale deeds were executed nearest to the material date according to the entries in the record of rights.

Mutation No.	Date of Registry	Khasra No.	Area	Total sale amount	Average per big.
691	13.12.58	827/515/2, 832/525 & 516	23-5	Rs. 26,500/-	Rs. 2000/-
692	3.11.59	781/659/11	0.4	Rs. 2500/-	Rs. 12500/-
719	6.11.59	780/659/8	0.4	Rs. 2600/-	Rs. 13000/-
732	13.9.69	784/501 785/501	19.19	Rs. 48500/-	Rs. 2431/-

Mutation No. 692 & 719 are not proper examples as they pertain to small pieces of land and it is a well known proposition that small pieces of land always carry very high and lucrative prices. Further mutation No. 691 & 732 are also not applicable because land involved therein is far away from the land under acquisition and have a much higher potentiality than the land under ^{an} requisition which is low lying and more or less in the shape of pits.

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Apart from similar sales, awards of the court u/s 26 of the L.A. Act, are proper guide to the amount of compensation to be awarded. It has been held that "there can not be clear authority that previous decisions in acquisition cases are relevant in subsequent cases where market value of the land in the same neighbourhood is in issue".

In Award No. 1632, the material date of which was the same viz. 13.11.59 the Land Acquisition Collector awarded Rs. 3500/- for Grove Mahri; Rs. 3000/- per big. for other land and Rs. 1500/- per bi. for low lying lands, having a depression of about 3' deep. No judicial adjudications challenging this award are yet available.

Further in Award No. 1329 the material date of which was the same, the Land Acquisition Collector awarded Rs. 3200/- per big. for Grove Mahri Rs. 2700/- per big. for Mahri land; Rs. 2200/- per big. for low-lying lands and Rs. 1000/- per big. for Gair Mumkin land which, among other things, included the water channels as well. This Award was challenged in the Civil Court by various persons through a joint reference petition w/s 18 of the L.A. Act and the Adml. Distt. Judge in L.A. Case No. 17/1968 decided on 13.8.68 enhanced Rs. 300/- uniformly for all lands except on lands classified as G. Mumkin for which a rate of Rs. 1000/- was awarded by the Land Acquisition Collector. It would thus appear that there was no enhancement for land which were classified as Gair Mumkin and included roads and water channel. The land under acquisition is in the shape of pits with a depth varying from 2' to 4' and its surface unlevelled and uneven. This land is akin to the Gair Mumkin land as classified in Award No. 1329 which contained water channels and which usually run in deep surface. As the Distt. Judge did not enhance any compensation for this land in Award No. 1329, I am therefore inclined to award the same rate for the land under acquisition. Consequently I award a rate of Rs. 1000/- per big. for the land under acquisition.

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STRUCTURES & TREES

There are no trees and structures on the land under acquisition. 3 ~~houses~~ ^{structures} were constructed unauthorisedly on the land under acquisition much after the preliminary notification as discussed before and as such the owners are not entitled to any compensation. They will remove these structures within 15 days of the announcement of the Award filing which possession will be taken.

INTEREST.

According to "Sub-Section(.) of 4 of the Land Acquisition (Amendment & Validation) Act, 1967 6% interest is payable from 13.11.62 to the date of payment as the preliminary notification was issued on 13.11.59 and the declaration w/s 6 issued on 16.1.69

'APPORTIONMENT'

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

'SUMMARY OF THE AWARD'

Compensation for the land measuring 2 bighas & 6 biswas & Rs. 1000/- P.B.	Rs. 2300/-
15% of the above as solatium for compulsory nature of acquisition.	Rs. 345/-
Interest @ Rs. 6 p.a. on the market value of the land (Rs. 2300/- from 13.11.62 to 29.9.69.	Rs. 949. 36.
Total	Rs. 3594. 36.

The land is assessed to a land revenue of Rs. 1.73, which will be deducted from the Khalsa rent roll of the village from the date of taking over the possession of the land under acquisition.

B. N. L. Gahlot
B. N. L. GAHLOT
LAND ACQUISITION COLLECTOR(DS): DELHI

Handwritten notes:
1/11/62
1/11/62

روزنامه دادنی فقه اور کتب 31 قسم و ذریعہ 1966

زبان

راج. پبلیشنگ کمپنی، لاہور، پاکستان، 12/70

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31 روزانہ 696-697 لہجہ کی کتابیں لکھی گئی ہیں۔

1-6 1-0

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