

A W A R D NO. 55/72-T

Name of the village:

Wazirpur

Nature of acquisition:

Permanent

Purpose of acquisition:

Planned Development of  
Delhi.

INTRODUCTION

These are proceedings for re-determination of compensation u/s 11 of Land Acquisition Act in respect of 2 bighas 6 biswas of land situated in village Wazirpur, in pursuance of instructions from the Delhi Administration communicated by letter No. F.1(3)/70-L & B(wp) dated 20th August, 1971 as the earlier award No. 31/1969 in respect of this land fixing the market value as on 13.11.59 was quashed by the Hon'ble High Court of Delhi in Civil Writ No. 110/70 Baldev Krishan Mangal Vs. Lt. Governor & others with the direction that the market value should be fixed as on 24.10.61.

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(245)/60-LSG<sup>L+H</sup>/dated 24.10.61 for a public purpose namely for the Planned Development 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 below under the heading 'Claims'.

TRUE & CORRECT AREA

From verification on the spot made by the

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Land Acquisition staff u/s 8 of the Land Acquisition Act  
the area of the land described below is found to be  
correct :-

Kh.No.	Area	Classification of land
✓ 696	1-06	G.M. Gaddha
✓ 697	1-00	-do-

CLAIMS

Name of the Claimant  
Baldev Krishan, Mangal  
Bardari Lal Mangal  
Janak Raj Mangal  
ss/o Sh. Karam Chand  
Mangal

Amount claimed

Rs. 125/- per sq.yd for the  
land.

Cost of fillings and levelling  
Rs. 7000/-

Cost of structures Rs. 25000/-

Total compensation:-  
Rs. 3,25,000/-

EVIDENCE

The claimants have filed the following documents:-

1. Estimate of the boundary wall, 3 sheds and filling of earth in Kh.No. 696 & 697.
2. Application dated 20.5.61 for repairs submitted to Municipal Corporation of Delhi.
3. Copy of plan filed with the above mentioned application for repairs.
4. Copy of letter No. F.2(10)/56 BH VII dated 31.12. 1956 from the Executive Engineer, Delhi Development Provisional Authority.
5. Copy of letter dated 22.5.61 addressed to the Director of Civil Supplies, Tis Hazari, Delhi.
6. Attested copy of the application dated 1.5.63 addressed to the Commissioner, M.C.D., regarding replacing of roofs and plastering of walls of three quarters in Kh.No. 697.
7. Attested copy of plan filed along with application at Sr.No. 6.
8. Copy of sale deed dated 30 March, 1963 in respect of plot No. 42, measuring 210 sq.yds. in Harijan Colony near Sawan Park, Wazirpur, New Delhi for Rs. 7350/- in favour of Shri Sardari Lal Mangal and Baldev Krishan Mangal.
9. Certified copy of judgment dated 6.12.66 in case No. 264 of 1965, Raja Ram Seth Vs. U.O.I. in award No. 1632, in the Court of Sri Hans Raj

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- 10. Copy of mutation No. 692 & 719.
- 11. Key plan of the land situated at Rly. crossing No.3 owned by Shri Baldev Krishan Mangal.

'MARKET VALUE'

To the north of the land under acquisition is the road linking this area with the G.T. road and to the south is the railway line. To the west of the land under acquisition is the area in Kh.No. 698 and Kh.No. 699 acquired vide award No. 1543.

The market value of the land under acquisition is to be determined with reference to the date of notification u/s 4 i.e. 24.10.61. Sales of land with advantages and potentialities similar to the land under acquisition near the date of notification u/s 4 have to be considered. The following sale transaction <sup>is</sup> mutated in the revenue record:-

Mutation No.	Date of registration of the sale deed	Area	Consideration money	Average per bigha
712	5.5.61	big-bis 22-5	Rs. 70,000/-	Rs. 3146.97

This mutation refers to land in Kh.No. 16, 17, 18, 19, 20, 21, 22 & 26. This land is situated far away from the land under acquisition and is recorded as bagh Mehri whereas the land under acquisition is G.H. Gaddha. For these reasons this mutation cannot be a proper exemplar for determining the market value of land under acquisition.

The claimant has filed copy of sale deed dated 23th March, 1963. This sale deed was executed about  $\frac{1}{2}$  years subsequent to the date of notification u/s 4 in this case and can be of no help in fixing the market value as on 24.10.61.

The claimant has also filed copies of mutation No. 719 relating to sale of 4 biswas of land in Kh.No. 730/659/8 for Rs. 2600/- dated 6.11.58 and copy of mutation No. 692 in respect of 4 biswa of land in Kh.No. 761/659/11 in village Wazirpur for Rs. 2500/- on 3.11.59. None of these instances

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can offer guidance in the present case for the reasons that the land in these mutations is situated on the other side of the railway line and very small area is involved and the date of sale deeds is about 2-3 years earlier than the date of present notification.

The following awards in respect of land in this village have been made:-

Sr. No.	Award No.	Date of notification u/s 4
1.	1329	13.11.59
2.	1443	-do-
3.	1580	-do-
4.	1632	-do-
5.	2197	26.10.61
6.	1420	29.3.62
7.	1543	

Awards mentioned at Sr.Nos. 1 to 5 above have no relevancy as the date of notification u/s 4 in these awards is 2 years anterior to the date of notification u/s 4 in the present case. The claimant has however, filed a copy of judgment dated 6.12.66 in the reference petition u/s 18 against award No. 1632, L.A. Case No. 264 of 1965 Raje Ram Seth Vs. U.O.I. whereby the A.D.J., Delhi enhanced the market value of land in Kh.No. 707 to Rs. 6235/- per bigaa from Rs. 3000/- per biga fixed by the Land Acquisition Collector and to Rs. 6225/- from Rs. 1500/- per biga fixed by the Land Acquisition Collector in respect of Kh.No.706. These Khasra numbers are on the other side of the road and Kh.No. 706 is recorded as Roskhi and Kh.No. 707 is recorded as Nehri whereas the land under acquisition is recorded as G.M. Gaddha. This decision of the A.D.J., Delhi cannot form the basis for fixing the market value in the present case.

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The date of notification u/s 4 in award No. 1490 i.e. 26.10.61 is very near to the date of notification in the present case. The L.A.C. awarded Rs. 2500/- per bigha for best land and Rs. 2000/- per bigha for fourth land. The J. District Judge, Delhi enhanced the rate of Rs. 2500/- per bigha to Rs. 4000/- per bigha and the rate of Rs. 2000/- per bigha to Rs. 3500/- per bigha in L.A.C. No. 149/68, Anoop Chand Vs. U.O.I. decided on 28.9.68 and the government did not file appeal against the decision. But the land covered in award No. 1490 is far away across the railway line from the land under acquisition. It will not be proper to base the market value in the present case on this award.

Kh.No. 698 adjoins Kh.No. 696 and 697 under present acquisition. The situation of Kh.No. 698 is very similar to that of land in question. Kh.No. 698 is recorded as Banjar Qadim whereas land under acquisition is recorded as G.M. Qadim in the year of notification u/s 4. So from the view point of situation and kind of land, acquisition of Kh.No. 698 in award No. 1543 deserves to be considered. This Kh.No. was placed in block 'A' and assessed to a rate of Rs. 35,00/- per bigha on the basis of the average of auction price of Kh.No. 698 and Kh.No. 699 in award No. 1543. The details of this auction are given below:-

Sr.No.	Date of auction	Kh.No.	Area big bis	Auction price	Average per bigha -
1.	4.2.60	698	6-4	Rs. 20,000/-	Rs. 3200/-
2.	4.2.60	699	2-7	Rs. 9,000/-	Rs. 3900/-

As pointed out above Kh.No. 698 being quite adjacent to the land under acquisition has to be preferred and the market rate of Kh.No. 698 comes to Rs. 3200/- per bigha on 4.2.60. No reference petition u/s 18 is reported to have been filed in award No. 1543 in respect of Kh.No. 698 and 699. This market value of land in Kh.No.

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698 is about 14 years before the date of notification in the present case. Allowing margin for the increase in price of land during this period and also keeping in view the fact that the land under present acquisition is recorded as G.M. Gaddha in the year of notification though there are no large Gaddha at present except a small water channel, I consider it fair and reasonable to fix the market value of the land under acquisition at the rate of Rs. 3000/- per bigha as on 24.10.61 and assess the same.

The claimant has claimed Rs. 7000/- for filling and levelling the land. The evidence filed by the claimant in support of his case is the estimate prepared by Chanan & Brothers, Architect and Property Valuer but this estimate does not indicate whether it was prepared or executed before 24.10.61. Since the land under acquisition is recorded as G.M. Gaddha in the year 1961, it is presumed that the fillings & levelling of the land was not before 24.10.61. No compensation can be assessed.

OTHER COMPENSATION

STRUCTURES:- There are 4 structures in Kh. No. 697. On the basis of evidence filed by the claimant the Assistant Engineer (Valuation) was asked to report whether they existed prior to the date of notification u/s 4. The AE(V), D.D.A., New Delhi has reported vide his letter No. AE(V)/378/72 dated 29.3.72 that 3 structures existed prior to the date of notification u/s 4 and one has come up after the date of notification u/s 4. He has evaluated the 3 structures at Rs. 2510/-. I agree with the assessment and allow the same.

There is no well or tree over the land under acquisition. There is, however, one hand pump in Kh. No. 697 which the owner is allowed to remove immediately after the announcement of the award.

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IN A SCHEDULE

to of the best value of the ...  
and for compulsory notice of acquisition.

Interest

According to subsection (1) of ...  
acquisition (in which ... 1967, ...)  
interest ... from 06.10.64 to ...  
... 01.01.61  
and the ... on 11.1.62.

APPROXIMATE

The ... will be ...  
...  
...  
... for ...

Non-Additions

Market value for land	R. 4,000.00
Market value for ...	R. 3,500.00
Market value for ...	R. 1,41.00
Interest on ...	R. 4,000.00
... 25.10.64 to 11.10.70 (8 years 7 days) @ 5% p.a.	

TOTAL ... R. 15,000.00

The ...

*(Handwritten signature)*

*Patel ...*  
...  
...

*Announced ...*  
...

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55/72-73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Handwritten notes in Hindi, mentioning 'LAC' and 'LA'.

DELHI ADMINISTRATION  
LAND AND BUILDING  
INDRAPRASTHA ES  
NEW DELHI

No. F.40(132)/67-L&H(W)

Handwritten notes in Hindi, including '23/12/72' and '29/12/72'.

23/12/72  
29/12/72

Handwritten signature and notes.

No. F.27A(15)/71-Lit.

Copy forwarded  
information and stri

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