

A W A R D No.

1807

Name of the village:

Wazirabad.

Nature of acquisition:

permanent.

I N T R O D U C T I O N .

The land situate in the Estate of Wazirabad, Abadi Gopalpur is required by the Government at the public expense for a public purpose namely for the construction of a Bund on the left bank of Najafgrah Drain. A notification under section 4 of the Land Acquisition Act was made vide notification No. F.15(2)/65-LSG dated 21.1.1965. No objections were received under section 5A of the Land Acquisition Act. Hence a notification under section 6 of the Land Acquisition Act was made vide notification No. F.15(2)/65-LSG dated 19.3.1965. Notice under section 9(1) of the Land Acquisition Act was given due publicity and notices under section 9(3) and 10(1) of the Land Acquisition Act were issued and served upon the known interested persons. Almost all the interested persons have responded to the notices.

'MEASUREMENT AND OWNERSHIP'

According to the notification under section 6 of the Land Acquisition Act the total area to be acquired was 6 bighas and 17 biswas comprising khasra Nos. 333/43/2/2, 44/2/1, & 45/2/1. From further verifications made on the spot as required under section 8 of the Land Acquisition Act, the total area to be acquired was found to be correct at 6 bighas and 17 biswas. I, therefore, hold the area under acquisition to be true at 6 bighas and 17 biswas.

The ownership of the land under acquisition according to the revenue record and the claims submitted by the interested persons is as given below:-

Contd 2

Sl.No.	Name of the owner	Name of the occupancy -tenant.	Area Khasra No.	Kind of land.
1	2	3	4	5
				Big.Bis.
1.	Jandu s/o Lakhpat (2-19 share), Attar s/o Saguwa (share 10-07),	Residents of Gopalpur.	331/43/2/2	3 - 08 Gm.Abadi.
2.	Mansa s/o Lakhpat, Kabul Singh s/o Man Singh, in equal shares.	Residents of Gopalpur.	44/2/1	2 - 06 -do-
3.	Attar Singh s/o Saguwa, Brahm Dat s/o Ram Chand in equal shares.	-do-	45/2/1	1 - 03 -do-
Total area				<u>6 - 17</u>

'CLAIMS AND EVIDENCE'

The owners of the land namely Attar Singh, Saguwa and five others have claimed that their claims are entered in revenue papers and that they are in possession of the land under acquisition along with the super-structures existing on it. They demanded compensation @ Rs.8/- per sq.yd. for the vacant land, Rs.50/- per sq.yd. for the kacha roofed area and Rs.100/- per sq.yd. for the pucca roofed area. They also claimed Rs.10,000/- each for the damages.

Similarly Surjan Singh and 39 others have claimed themselves to be the owners of the land and super-structures. They demanded the consolidated compensation of Rs.20/- per sq.yd. for the land as well as the super structures.

Note: Originally the land under acquisition was under the ownership of the present bhoomidars in the land. It is understood that about 30 years ago, the present occupiers had paid a sum of Rs.4,000/- as a nazrana to the land owners and had constructed their houses thereon. The whole of this area is a part of the share. As a matter of fact the present occupiers should have been made bhoomidars at the time of the creation of bhoomidari/rights. This appears not to have been considered by the revenue authorities at the time of conferment of such rights.

In fact the position of the occupiers is that of the owners, and they cannot be ejected by the present owners. Now that the bhoomidars as well as the occupiers have simultaneously claimed the compensation, the compensation will have to be treated as disputed and sent to the Adl. Distt. Judge for adjudication of their rights.

No evidence has been produced by the claimants in support of their respective claims.

'MARKET VALUE'

The land under acquisition is a part of the village abadi on the northern side of the Shahalam bund. The abadi has got to be acquired because there is no other way in which the drain can be extended. The present abadi is not fit for human habitation from the hygienic point of view. Besides, the area is liable to floods every year as it is situated between the Jamuna River and the Bund. Despite these facts, the price of the land under acquisition is higher than the agricultural land existing near about. Recently the award No.1793 has been passed in which the rate of the agricultural land has been awarded at Rs.650/- per bigha. In view of the above facts the price of the abadi land under acquisition should be some what higher than the agricultural land, although it should not be very much higher because of the situation of the abadi on the Najafgrah Drain as explained above. The abadi land just adjoining to the land *in which the rate of Rs.1000/- per bigha was awarded* under acquisition was also acquired vide award No.1425. In the said award the date of notification under section 4 of the Land Acquisition Act was 17.2.1962, whereas the date of notification under section 4 in the present award is 21.1.1965. The land involved in the award No.1425 is quite similar to the land which is being acquired under the present award. But considering the elapse of time and the consequent growing market value of the land these days, I consider the rate of Rs.1200/- per bigha to be a very reasonable and fair market value of the land under acquisition and I award accordingly.

'OTHER COMPENSATIONS'

There are some structures on the land under acquisition, the values of which have been assessed by the Executive Engineer, C.P.W.D. as follows:-

Sl.No.	owner's name according to the site.	Value assessed.
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1.	Sohan Lal	Rs.297/-
2.	Rattan Lal & Rumalo	Rs.492/-
3.	Inderpal	Rs.686/-
4.	Jiwan	Rs.512/-
5.	Jiwan	Rs.458/-
6.	Siri Ram	Rs. 94/-
7.	Siri Ram	Rs.255/-
8.	Sarvan	Rs.396/-
9.	Gurdayal Singh Harpali	Rs.373/-
10.	Bhim Singh	Rs.205/-
11.	KESiri Prashad	Rs.634/-
12.	Devi Prashad	Rs.321/-
13.	Hari Shanker Harbans Lal	Rs.351/-
14.	Risal Singh	Rs.447/-
15.	Nathu Singh	Rs.334/-
16.	Gopi Ram	Rs. 47/-
17.	Nathu Ram	Rs.48/-
18.	Risal Singh	Rs.456/-
19.	M.Phoolle Ram	Rs.1080/-
20.	Surji, Gadraj Singh	Rs.240/-
21.	Anant Ram Hari Chand	Rs.621/-
22.	Nanak Chand	Rs.997/-
23.	Charanji Lal	Rs.503/-
24.	Kahazan Singh	Rs.314/-
25.	Ram Kishan	Rs.377/-
26.	Ram Avtar	Rs. 55/-
27.	Ram Pal, Neh Pal	Rs 381/-

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28.	Jaswant, Ranjit	Rs.416/-
29.	-do-	Rs.403/-
30.	Man Singh, Bhola Singh, Tara Chand, and Khem Singh.	Rs.2028/-
31.	Hari Chand	Rs.239/-
32.	Mam raj	Rs.436/-
33.	Dalmohr	Rs.557/-
34.	Gian Chand	Rs.239/-
35.	Rameshwar	Rs.362/-
36.	Chandagi Ram	Rs.148/-
37.	Surjan	Rs.123/-
38.	Pratap Singh	Rs.177/-
39.	Shamsher Singh	Rs.1256/-
40.	Balbir Singh	Rs.340/-
41.	Shis Ram	Rs.102/-
Total		Rs.17,800/-

Note: At item No.21 Shri Hari Chand is entitled to
Rs.228/- out of the total compensation of Rs.621/-.

COMPENSATION FOR TREES:

Sl.No.	Khasra No.	Value assessed	Remarks
1.	331/43/2/2	Rs.30/-	These trees stand in the area occupied by Shri Gurdayal s/o Dhani Ram.
2.	-do-	Rs.10/-	These trees are standing in the area occupied by Shri Kashmiri s/o Faquir Chand.
3.	44/2/1	Rs.40/-	These trees are standing in the area occupied by Shri Risal s/o Devi Sahai.
4.	-do-	Rs.10/-	These trees are standing in the area occupied by Shri Mehr Chand s/o Bal
5.	45/2/1	Rs.5/-	This tree is standing in the area occupied by Nanka s/o Kehr.
		Rs.95/-	

Note: The value of the above said trees have been assessed by the Naib Tehsildar (Land Acquisition).

I have inspected the site and I found that the values assessed by the Executive Engineer, C.P.W.D. and the Naib Tehsildar (Land Acquisition) for the structures and the trees respectively are quite reasonable and I award accordingly.

' APPORTIONMENT '

As discussed above under the head 'CLAIMS AND EVIDENCE' the compensation for the land and the super structures will be treated as disputed and will be sent to the Addl. District Judge for disbursement. Similarly the compensation for the trees will also be sent to the Addl. District Judge for disbursement as both the parties are claiming the compensation.

' THE AWARD IS SUMMARISED AS BELOW '

Compensation for 6 bighas and 17 biswas of land @ Rs.1200/- per bigha.	Rs.8,220.00
Compensation for the super structures.	Rs.17,800.00
	<u>Rs.26,020.00</u>
15% of the above as solatium for compulsory nature of acquisition.	Rs. 3,903.00
	<u>Rs.29,923.00</u>
Compensation for trees.	Rs. 95.00
Grand Total ...	<u>Rs.30,018.00</u>

The land is assessed to a land revenue of Rs.2.49 paises which will be deducted from the revenue roll from kharif, 1965

*Statement checked -
J.S.G.S.
27/4*

[Signature]
(Zal Nowsherwanji)
Land Acquisition Collector,
Delhi Shahdara Circle,
D E L H I.
27.4.1965

Submitted to the District Collector, Delhi for information and filing.

[Signature]
(Zal Nowsherwanji)
Land Acquisition Collector, Delhi