

20/3

Subject: 3.1 N D P U R
Source of acquisition: P U R V A N S N T
Purpose of acquisition: Construction of Mithelmur Bund
A W A F D

There are proceedings for determination of compensation U/s 11 of the Land Acquisition Act. The land measuring 2 biswas 18 biswas situate in village Sindur Bazar under acquisition was put under Notification U/s 4 of the Land Acquisition Act, 1894, vide Notification No. P.15(7)/67-LHH (1) dated 11.5.67 at the public expense for public purpose namely for the construction of Mithelmur Bund. Provisions of subsection 1 of section 17 of the said Act were also made applicable to this land and hence the interested persons were not given any opportunity to submit their objections U/s 5A of the said Act. The Delhi Administration issued a declaration U/s 6 of the Act for the acquisition of the above mentioned area vide Notification No. P.15(7)/67-L&H(11) dated 11.5.67. In pursuance of above notification notices U/s 9 & 10 of the Land Acquisition Act were issued to all the persons interested in the land under acquisition. The objections filed by the claimants are discussed hereafter under the heading 'DETAILS'.

1. MEASUREMENT IN T:

The area under acquisition as given in the Notification U/s 6 is 2 biswas 18 biswas and the same has been found correct at the time of measurement made by the field staff. Khara Mos. given in the Gazette after bifurcation has been now corrected on account of the fact that wrong Mos. was given due to temporary acquisition which was not to be given effect in the revenue record.

2. CLASSIFICATION OF LAND:

The details of Khara Mos. in form 7-A have been prepared under para 55 of the Financial Commission's order No. 38 which are as under:-

Sl. No.	Khara No.	Area	Kind of land
		Bis. Bis.	
1.	Dist. 20 04/1	0 - 03	Chair Alphonse

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2.	<u>Rect. 24</u>	1 - 07	Ghair Abpash
	3/2	1 - 02	-do-
	8/2	0 - 06	-do-
3.	9/1/2		
TOTAL:		2 - 18	

The land owners have not raised any objection regarding the measurement and classification of land. At present there is no other alternative left with me except to agree with the classification and measurement as proposed by the Naib Tehsildar, Land Acquisition, on the basis of entries of Khasra Girdawri and other relevant record. At the time of publication of notification U/s 4 the classification of land is as under:-

Kind of land	Area
	Bis. Pis.
Ghair Ab Pash	2 - 18

3. POSSESSION :

The area is being acquired at public expense, for public purpose namely for the construction of Mukhlai Pur Bund and the possession of this area has been taken over by the department concerned on 8.6.67 .

4. CLAIMS :- Only one claims has been received which is discussed as under:-

1. Shri Chhatar Singh s/o Nathuwa etc. have filed their claim and have demanded compensation @ Rs. 6000/- per bigha.

Statement of Shri Chhatar Singh on his own behalf as well as on behalf of others was recorded and he produced a uncertified copy of a registered deed which cannot be relied upon. The compensation shall be fixed according to facts and figures available from the revenue record.

5. MARKET-VALUE :

The area of this village is governed by the Delhi Land Reforms Act, 1954 and cannot be used for purposes other than agriculture without the previous sanction of the prescribed authority.

In calculating the amount of compensation to be awarded, certain points as mentioned under section 23(1) of the Land Acquisition Act, are to be kept in view. In order
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to determine the market value, many other factors enter into reckoning which are also necessary, for instance, the sale transaction of the village concerned that took place during first 5 years preceding the date of publication of notification U/s 4 of the Act, i.e. 11.5.67, nearness of the land to any pucca road, the size and shape of the land now under acquisition, all the previous transactions, situation and use to which it can be put to, rise and fall in prices due to demand of the land in market and the land acquired previously in the village concerned. It is a fact that exact market value is not likely to be fixed in any case, but it cannot be denied that every possible effort should not be made to fix up the correct market value prevailing on the date of notification U/s 4. The claims of the right-holders already discussed are also to be kept in view for fixing up the market value.

According to record available in this office neither any land has so far been acquired nor any sale transaction has taken place during 5 years preceding the date of publication of notification U/s 4 of the said Act issued on 11.5.67. The claimant has produced uncertified copy of a sale deed regarding the sale of Killa No. 29/13, ^{As} though the copy is uncertified ^{it} and should not be trusted upon. ^{Simply} to have some idea of the land sold, record has been checked and found that Killa No. 29/13 is adjacent to the Grand Trunk Road and can be the best suitable place for Petrol Pump as many other Petrol Pumps exist even at present on the Grand Trunk Road in this direction. The area now under acquisition is far off from Killa No. ²⁹13. If this transaction is accepted as entered by the party of this village as correct even then the value of the land has no effect on the value now to be fixed for the land under acquisition.

It is a fact that this area is being acquired for the construction of Mulhmel Pur Bund and is quite

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adjacent to the area of village Mukhmel Pur which has been acquired for the same purpose under the same notification. Before coming to any conclusion it also seems necessary to discuss the price fixed at the time when award No. 931 was drawn under notification No. F.15(60)/55-LB dated 10.2.1955 issued U/s 4 of the Land Acquisition Act, 1894 ^{in village, Mukhmel Pur} as under:-

<u>Kind of soil</u>	<u>Price per bigha</u>
Chahi	Rs. 300/-
Dakar	Rs. 200/-
Banjar Qadin	Rs. 70/-
Chairmudin	Rs. 35/-

It is now quite clear that notification U/s 4 was issued more than 10 years back for this area but it is quite near to the area now under acquisition and the price fixed at that time can be of great help for fixing the price of the land now under acquisition.

Before fixing the market value of the land now under acquisition it seems necessary to have an idea of year-wise average sale price of the land per bigha in village Mukhmel Pur, which is adjacent to it, for 5 years preceding the date of publication of notification U/s 4 of the Land Acquisition Act, 1894, i.e. 11.5.37. The yearwise statement of village Mukhmel Pur is as under:-

<u>S.No.</u>	<u>Year</u>	<u>Area</u> <u>Big. Bis.</u>	<u>Amount</u>	<u>Average per bigha</u>
1.	1962-63	18 - 00	Rs. 5320/-	Rs. 295.55
2.	1963-64	-	-	-
3.	1964-65	12 - 02	Rs. 3600/-	Rs. 274.38
4.	1965-66	26 - 04	Rs. 3000/-	Rs. 234.18
5.	1966-67	-	-	-
TOTAL:		51 - 08	Rs. 15920/-	Rs. 292.27

The above table shows that the average price per bigha of the land during 5 years preceding the date of publication of notification U/s 4 comes to Rs. 292.27. With the exception of price during the year 1964-65 the trend of the prices has been upward. The yearwise discussion is as under:-

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1962-63:

During this year land sold vide mutation No. 361 and 362 both entered on the basis of registered deed dated 27.9.62 is towards the west-southern corner of Abadi Doh and the rate per bigha comes to Rs. 3000/- and Rs. 200/- respectively. As the area sold during this year vide above mentioned mutations was very close to the Abadi Doh as compared with the land now under acquisition so it cannot be taken as basis for fixing the market value of the land. The other land sold, is away from the land and needs no discussion.

1963-64:

No sale took place during this year.

1964-65:

During this year only one transaction took place and the area involved is far away from the land now under acquisition. Hence no further discussion is called for.

1965-66:

During this year only one transaction involving land which is also away from the area at hand now under acquisition took place and the average price per bigha, has already been given in the statement ^{which} comes to Rs. 304-18.

1966-67:

No sale took place during this year.

The claims of the concerned persons have already been discussed and they are of no help as far as the fixation of the market value of the land is concerned. It has already been mentioned that land was acquired ^{in village with mail par} vide No. 931 more than 10 years back and the price fixed at that time cannot be ignored altogether. Besides this according to the latest sale transaction in that village the average price per bigha comes to Rs. 304-18 though this area is away from the area now under acquisition but this fact cannot also be ignored. The offer has recently been drawn for the compulsory acquisition in this village in which the price of land has been fixed @ Rs. 300/- per bigha. This fact is also to be remembered.

Keeping all these above mentioned facts in view I think that Rs. 300/- per bigha is the fair and reasonable price.

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of the land now under acquisition. I also assess the same.

6. TREES, WELLS & OTHER STRUCTURES:

TREES:- There is no tree on the land now under acquisition.

WELLS:- There is no well on the land now under acquisition.

OTHER STRUCTURE:- There is no other structure over the land now under acquisition.

HAULI AND JACIR:- There is no hauli and Jacir over the land now under acquisition.

7. APPORTIONMENT:

The interested persons shall be paid compensation according to the latest entries in the revenue record of the land now under acquisition. Each of the interested persons have filed the claims regarding the land which is not owned by them according to the latest entries in the revenue record. The compensation of all such claims shall be paid to the interested persons and will be paid to the claimants only if they come to any amicable settlement and in case of their failure the matter shall be referred to the competent court for adjudication.

8. LAND REVENUE DEDUCTION:

Khalasa amount of Rs. 2500/- over the land now under acquisition on account of land acquired before 1st 11.9.55. There will be a deduction of this amount from the Khalasa Rent Roll of the village w.e.f. taking over the possession of the land now under acquisition.

9. INTEREST:

As already mentioned the Government has taken over the possession of the land now under acquisition on 2.6.67 and the interested persons shall be entitled to have interest @ 6% per annum w.e.f. 2.6.67 to the date of payment which is likely to take place by the end of August, 1967. Hence the interest at the above mentioned rate will be calculated by them upto 31.8.67. If the amount of compensation is not received by that date a supplementary award for making payment of interest money shall be drawn, if demanded by the interested persons.

The aforesaid land will remain absolutely free from all encumbrances from the date of taking over the possession.

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Subject to above remarks, the award is summarised as under:-

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| 1. Compensation for the land measuring 3 bighas 18 biswas @ Rs. 300/- per bigha. | Rs. 870-00 |
| 2. 15% for compulsory acquisition. | Rs. 130-50 |
| 3. Interest @ 6% per annum w.e.f. 8.6.67 to 31.8.67 | Rs. 13-08 |

TOTAL: Rs. 1,014-48

(Bishan Singh) 24/7/67
Land Acquisition Collector (N): Delhi.

Forwarded to the Collector, Delhi, for information,

(Bishan Singh) 24/7/67
Land Acquisition Collector (N): Delhi.

file
nishan
L.A.C.

18/9/67

کاررداری قبضه حصول راضی موضع زندان بروجیه قاضی نوری
 قیومه 67-5-11 اسکیم مستقل زیر قیومه 4-6-17

شماره 10
 بوجیه قلم ضابط طلبه صاحب بپاد کسر مندرج به پیرایه ای است که در سر
 گورده است. آری در شری زندان بپاد کسر اصل. قیومه بر بنیاد مطابق بپاد کسر مندرج
 این سند در زندان خلافت کاتب است که در قول من این است. قیومه بر حاضر یک نفر از خیره

24	20	22
9	3	2
3	1-2	0-3
0-6		

ملی لایحه لایحه 18-9-11 بپاد کسر مندرج

واقعی بوجیه بر خالی است. بپاد کسر مندرج قبضه اندازی در کار جاری شود
 به جبات قائم بپاد کسر مندرج قول من این است. گورده بپاد کسر مطابق قاضی نوری
 دفعه 4-6-17 قیومه بر بپاد کسر مندرج بپاد کسر مندرج آری چه لایحه مندرج قیومه بپاد کسر
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Lawrence R. ...
 8-6-67

8/11/67

Asam ...

Lawrence R. ...

Lawrence R. ...

حاج محمد ...

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