

Award No. 1022

Phatak Telian, Turkman Gate, Delhi.

Mode of acquisition:

Permanent.

In pursuance of Chief Commissioner, Delhi's notification No. F.15(57)/53-MT&CE, dated the 29th March, 1957, under section 4 of the Land Acquisition Act, 1894, 12 $\frac{3}{4}$ square yards of land was acquired for acquisition for a public purpose namely for the construction of a Dustbin at Phatak Telian, Turkman Gate, Delhi. Subsequently, notification No. F.15(57)/53-L.S.G. dated the 3rd February, 1958 was issued under section 6 of the Act in respect of the same area, for the same purpose, by the same authority. On information supplied by the Assistant Commissioner, Municipal Corporation of Delhi, vide his letter No.188/L&B, dated the 30th April, 1958, the area had been found to be 9.7 sq.yards of the property bearing Municipal Number IX/1798. Consequently a move was made for the correction of the area and its location, which was made through corrigendum notification of the even number dated the 26th May, 1958, describing the area as 9.7. sq.yards and the boundaries as follows:-

North	:House No.1799
South	:Gali.
East	:House No.1797.
West	:Bazar Turkman Gate.

It has been admitted as correct by Shri Kalu, one of the persons interested in his statement dated the 11th September, 1959. Therefore, this area is taken to be as the true area of the land under acquisition.

COMPENSATION:

There is a general application from the inhabitants of the locality that the proposed place was not fit for the purpose of ^(just bin) ~~balloos~~ as it was surrounded by milk shops, restaurants, vegetable shops and other shops dealing in food stuffs and articles of daily necessity, which would affect the sanitation of the adjoining properties. Land should be acquired further ahead near the public latrine, which would be quite suitable for the purpose. This is an objection against the acquisition and filed on the 15th January, 1960 long after the notification under section 6 dated the 3rd February, 1958 and corrigendum notification under the same section on the

contd....2.

26th June, 1958. No such application was entertainable at the stage, it was filed. Sarvashri Kalu, Mohd. Hussain, alias Jagga Babu Zahur and Mst. Bashiran wd/o Haji Mohd. filed a claim under the signature of Shri Kalu alone dated the 28th February, 1958 wherein a demand was made for the market value of the land at Rs.200.00 per sq.yard amounting to Rs.2,550.00 as it was situated in a thickly populated area in the Bazar. In support of their claim, the persons interested produce oral evidence. On the 24th April, 1958, Shri Dharam Pal stated that he was prepared to offer Rs.200.00 per sq.yard, but it was refused by Shri Kalu and he (the witness) was still prepared to offer that amount and in his statement on the 6th January, 1960 he deposited that he offered Rs.300/- to Rs.400/- a sq.yard to Kalu and was prepared to do it even then, but he (Kalu) refused. Abdul Mazid stated on the 29th April, 1958 that he was prepared to offer Rs.200.00 a sq.yard because it was situated in the Bazar, where the prices were high. Shri Din Mohd. stated on the 7th April, 1960 that he was prepared to offer Rs.310.00 a sq.yard to them but his shop in its neighbourhood and by its acquisition his business would come to an end. Shri Allauddin stated on the same day that he was the tenant of Kalu at Rs.17.50 nP. P.M. and he might be given an alternative accommodation. That he was a tenant for the last 12 years. Kalu stated on the 24th April, 1958 that he might be given compensation @ Rs.200.00 a sq.yard. Later on, in his statement on the 14th December, 1958 he deposed that he was offered Rs.300.00 a sq.yard for this land. Jahoor, another persons interested stated on the 6th January, 1960 that he was offered Rs.400.00 a sq.yard for this land. Mohd. Hussain, still other person interested supported the statement of Jahoor and did Smt. Bashiran.

FF DATA:

The Naib-Tehsildar, Land Acquisition through his report the 19th March, 1960 proposed a rate of Rs.75.00 per sq.yard the land under acquisition.

DEPARTMENTAL REPRESENTATION:

Through his letter No.12-2 CG Part III/172/L&E, dated the 23rd April, 1960, the Deputy Commissioner (S), Municipal Corporation of Delhi wrote to say that the owners claim was not correct. That the property fell within the Delhi Ajmeri Gate Slum Clearance Scheme Area and that the erstwhile Delhi Improvement Trust acquired various properties in the vicinity for enforcing their slum clearance scheme in 1938 and paid compensation @ Rs.15./ per sq.yard. That no sale transaction between private individuals took place and no example regarding sale was forthcoming. That the price of the property under acquisition might be assessed taking into view the price paid by the erstwhile Delhi Improvement Trust in that area. Since 1938 the prices had not gone more than 3 times up in any case in the city. The fair price for that property would be about Rs.40.00 per sq.yard and should be assessed at that amount. The proposal of the Naib-Tehsildar was too high.

FAIR & REASONABLE VALUE:

The place was inspected by me on the 14th May, 1960 with Sarvashri Tek Chand, Naib-Tehsildar, Inderaj Singh and Jai Narain, Kanungos, and Sh.Mehar Chand, Patwari, Land Acquisition in the presence of Shri Kalu, one of the persons interested. It is situated in front of the gate of Phatak Telian on the other side of the pucca road. Shri Kalu stated about a transaction recently taken place about House No.VII-IX/1807 disposed of by Kedar Nath, Chhanga Mal vendors in favour of Hans Raj s/o Lal Chand and Sunder Dass s/o Ram Lal in equal shares. This took place through a registered deed No.5801 executed on the 8th July, 1959 for Rs.6500.00. Rs.5,000.00 were paid before the Sub.Registrar and Rs.1,500.00 were paid as earnest money. The other half is said to have been purchased by Shri Sunder Lal on the same day for the same amount. The condition of the house is not good. The building is dilapidated, which is situated in the same row and the intermediate distance is hardly 50 yards. The locality is the same. The transaction would have been relevant but for its taking place long after the

date of the notification under section 4 of the Act (29.3.1957) during which prices have appreciated in this locality. Shri Jagat Narain, Naib-Tehsildar, Delhi vide his report dated the 28th October, 1953 proposed a rate of about Rs.40.00 per sq.yard. During the intermediate period, the prices have appreciated. ~~There~~ two datas are available - the higher one is at the rate of Rs.108/5/4 per sq.yard and the lower one at the rate of Rs.40.00 per sq.yard. The former is derived on the basis of a registered deed executed 2 years after and the latter is based on the report of the Naib-Tehsildar written 3½ years before. The prices have appreciated to a considerable degree after the date of the notification under section 4. The appreciation of prices during 3½ years before the notification is nearly the same as it has been during the two years after it. By taking the mean of two figures it comes to about Rs.74.00 per sq.yard. The awards given for the Execution of the Delhi Ajmeri Gate Scheme (Slum Clearance) ~~are~~ at the rate of Rs.50.00 per sq.yard are not relevant to this case, as these rates were based on use value on the 19th March, 1938. The claims made by the persons interested are too exorbitant and are not supported by any documentary or other evidence. Keeping in view the claims of the persons interested, the evidence produced by them, the chief ~~data~~ provided by the Naib-Tehsildar, the departmental representation and my own observation of the spot, I consider a rate of Rs.75.00 per sq.yard as fair and reasonable and award accordingly.

STRUCTURE:

There is a structure on the land under acquisition. The matter was referred to the Municipal Corporation of Delhi. Through his letter No.3390/L&E, dated the 24th February, 1960, the Deputy Commissioner, Municipal Corporation of Delhi forwarded a copy of the estimates drawn up by the Superintendent (Land & Estate) according to which the valuation comes to Rs.384.00. For its being an expert opinion, I have no reason to differ and award the same amount.

S O L A T I U M:

As provided in sub-section 2 of section 23 of the Land Acquisition Act, 1894, 15% will be added to the amount of compensation for its compulsory nature of acquisition.

There is no case of severance. There is no well or tree in the land under acquisition. There is no other item to be assessed.

A P P O R T I O N M E N T:

Through his letter No.1582/L&E, dated the 18th September, 1953, the Assistant Commissioner, Municipal Corporation of Delhi informed that according to House Tax records the property under reference stood in the name of Shri Kallu, Mohd. Hussain alias Jaggo, Zahoor Mohd., Smt. Bashiran ss/o and widow of Haji Mohd, 1797 Turkman Gate, Delhi and it was occupied by Shri Bhurey. The shares of the persons interested were not defined. The occupant did not file any claim. The Naib-Tehsildar in his report dated the 28th October, 1953 described the property as evacuee property. A reference had to be made to the Assistant Settlement Commissioner-cum- Custodian of Evacuee Property and in reply thereof, the Managing Officer, Office of the Regional Settlement Commissioner, Jam Nagar House, New Delhi vide his letter No.1-VIII/11643, dated the 5th August, 1959 informed that the property No.VIII/1798 was never taken over as an evacuee property. As correct information was not given, a reference has again been made to the Managing Officer, Ward No.IE, Office of the Regional Settlement Commissioner, New Delhi, vide letter No.F.7(104)/55-LAC, dated 19.5.60. His reply through letter No.XV/D/3372, dated 21.6.60 shows that this is not an acquired evacuee property. Through letter No.12-2-CG (III)/561/L&E, dated the 15th June, 1960, the Deputy Commissioner (G), Municipal Corporation of Delhi wrote to say that they were not aware about the individual's share for which they might be asked to submit proofs for the satisfaction of this office. In the absence of any evidence on the file about the shares inter-se of the persons interested, the matter shall have to be referred to the District Judge for verification, and payment to the rightful owners.

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s summarised as below:-

Descript pro	Area	Rate per sq.yard.	Amount of compensation.
House	9.7 sq. yards.	Rs.75.00	Rs. 727.50 nP.
Add			Rs. 384.00 nP.
tion for the structure.			Rs. 1,111.50 nP.
wards compulsory acquisition			Rs. 166.73 nP.
Grand Total:-			Rs. 1,278.23 nP.

The property is not assessed to any land revenue.

(Murari Singh)
Land Acquisition Collector(I):Delhi.
22.6.60.

Submitted to the Collector of the District(Deputy
Commissioner, Delhi) for information.

(Murari Singh)
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22.6.60.

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