

A W A R D N o. 1149

Name of Village:-

Gali Shah Tara, Delhi.

Nature of Acquisition:-

Permanent.

This is a case for the acquisition of land required by the Government at the public expense for a public purpose, namely for the construction of a Venereal Diseases Clinic, at G.B. Road, by the Delhi Municipal Corporation.

A declaration regarding this acquisition under section 4 of the Land Acquisition Act 1894 was made vide notification

No. ¹⁵ F/2(40)/52-MT&OG dated 13.2.1953.

Notified under the L.A. Act
This notification was
Notified 4/5/53

published on 7.3.53 and objections were invited within a

period of one month. No objections were, however, received

within the period of ^{limitation} ~~mutation~~. A declaration under section

6 of the Land Acquisition Act was made vide notification of

even number dated 29.5.53. Notices under section 9 and 10

of the Land Acquisition Act were served upon the interested

parties. Almost all of them have responded to the notices.

M E A S U R E M E N T & O W N E R S H I P.

According to the notification, 4 houses of the Municipal

numbers VII 3922, 3923, 3924 and 4290 ~~was~~ notified at 374 sq.

yds. The land owners ~~h~~ raised an objection against this

measurement and it was again got measured through the Municipal

Committee and they have reported that the areas of the houses

are as follows:-

H.No. VII 3922	89 sq.yds.
H.No. VII 3923	50.2 sq.yds.
H.No. VII 3924	27.6 sq.yds.
Total.....	166.8 Sq.yds.
H.No. VII 4290	244.6 sq.yds.
G. Total.....	411.4 Sq.yds.

The measurement is, therefore, held to be correct at 411.4 sq.yds. According to the list supplied by the Municipal Committee, houses numbers VII 3922 and VII 3924 were shown as the property of Sh. Harjiwan Lal s/o Shri Nanak Chand, while the remaining two houses were shown as the property of Shm. Anaro etc. Shri Matru General Attorney of Shm. Anaro etc. has made a statement that they have sold houses number VII 3923 to Sh. Harjiwan Lal and that houses numbers VII 3922, 3923 and 3924 are the property of Sh. Harjiwan Lal and H.No. VII 4290 is the property of Shm. Anaro etc. From verifications made on the spot, the resulting ownership is as follows:-

House number.	Area in sq.yds.	Name of the owner.	Name of the tenant.	Rent per month.	Date of tenancy.
VII 3922	89	Sh. Harjiwan Lal s/o Sh. Nanak Chand.	Sh. B.N. Bhalla Coal, Co.	Rs. 15/-	1940.
VII 3923	50.2	-do-	Ram Kishan s/o Kishan Swroop.	Rs. 12/-	1948.
VII 3924	27.6	-do-	Rirkha Ram s/o Kishan Swroop.		
VII 4290	244.6	Shm. Anaro, Muni, Bindo, Fatu, Sakina, & Asha d/o Choba. Shm. Natho & Jamila d/o Giltu.	Ishar Dass s/o Nanak Chand. Diwan Chand s/o Nanak Chand. Sunder Dass s/o Nanak Chand. Bodh Raj s/o Ram Chand. Manohar Lal s/o Lakhmi Chand.	Rs. 35/-	1947-48.

According to letter No.D.1(1)3162 dated 26.6.59 from the Custodian, it was found that this property is not evacuee.

S I T U A T I O N .

the G.B. Road in a street. The land under acquisition ~~is~~ has been divided into two blocks. Houses numbers ^{VII} 3922-24 which ~~are~~ open on a road parallel to the G.B. Road are placed in Block 'A' while H.No. VII 4290 which opens in a street away from the G.B. Road has been placed in Block 'B'.

C L A I M S & E V I D E N C E.

Shm. Anaro etc. owners of H.No.VII 4290 have claimed a compensation of 333 sq.yds. @ Rs.150/- per sq.yd. The total amount comes to Rs.49950/- and in addition to that they want compensation of Rs.10,000/- for super structure. Sh. Harjiwan Lal owner of the remaining houses has claimed compensation for 195 sq.yds. @ Rs.150/- per sq.yd. In addition to this he has claimed a compensation of Rs.3500/- for the super structure. He has further stated that he purchased 16 sq.yds. of land under acquisition for Rs.1350/- @ Rs.85/- per sq.yd. in the year 1955. He has further stated that the rates in 1953 were higher than those in 1955. In this way he has claimed a compensation of Rs.31750/-.

In evidence they have produced the following evidence.

- 1). Sale by auction from Custodian of H.No.VII 4289 of 258 sq.yds. dated 16.7.58 in favour of Ram Lal Grover for a sum of Rs.34000/-.
- 2). Sale of House (Evacuee) numbers VII 3669-3671 of 60 sq.yds. on 5.10.59 from the Custodian in favour of Sh. Pateh Chand s/o Khem Chand.
- 3). Sale by auction of evacuee H.No.VII 4291 & 3939 of total area of 100 sq.yds. for a sum of Rs.28500/- in favour of Sh. Bhola Nath s/o Dina Nath on 3.2.56.
- 4). Statement of Sh. Matru, General Attorney of Shm. Anaro etc. that they sold H.No.VII 3922 @ Rs.85/- per sq.yd. in 1955 to Sh. ~~Harjiwan Lal~~ *Harjiwan Lal*.

Note:- No ~~sale~~ deed has been produced.

In the above evidence the house owners have produced evidence regarding houses which were sold by the Custodian much after the material date which is 13.2.53. They have further failed to prove the values of the super structure of these houses so that the value of land may be arrived at. The super-structure of each house is different and it is impossible to calculate the value of the super structure of one house by comparing it with the sale-price of another house. The owners should have produced the value of super-structure in each of the above cases so that the value of land could be found out. House No. VII 3922 is ^{a vacant} ~~an ex-cuse~~ plot. The sale of this plot could have given some indication regarding the market value of the land in the area, but the parties have failed to produce the registered deeds by which this sale-transaction was affected, although the sale was between the applicants. It means that they are deliberately suppressing the evidence which could have been of use in arriving at the market value of the land. I am sure, that no such price was paid as ~~it~~ is claimed by the owners, otherwise they would have produced the registered deeds. From the evidence given by the claimants, it is impossible to arrive at the correct value of the land and super structure for the houses under acquisition.

Sarvashri Ishar Dass, Sunder Dass, Diwan Chand ,
Anwar Dass & Bodh Raj tenants have claimed a sum of Rs.3000/-
because they state that they have paid the house-tax and
property tax of the buildings under acquisition to that
amount. They also want

Sh. Ram Kishan, tenant claims a sum of Rs.2000/- out of the compensation of the owner because he says that he has spent this amount on re-building the houses. In support of this he has produced the receipts to the amount of Rs.845/-. He also wants alternative accommodation, if he is ejected from this house.

Sh. Trikha Ram claims that he has spent a sum of Rs.125/- on the repair of this house and he should get this amount out of the compensation of the owner. He should also get alternative accommodation.

DEPARTMENTAL REPRESENTATION.

The Municipal Corporation vide their letter No. 138/998/L&E dated 3.5.61 have stated that the compensation for land should be Rs.25/- per sq.yd. and for super-structure Rs.1744/-. They have suggested the rate of Rs.25/- per sq.yd. on the basis of sale-deeds of some houses situated near about the houses under acquisition. The details of these transactions are given below:-

Name of House Vandee.	House Number.	Area sq.yds.	Sale Price.	Cost of super structure	Cost of land.	Rate per sq.yd.	Date of tra- nsac.
3	4	5	6	7	8	9	10
Anganlal VII 4261 s/o Mohan 4266. Tal.		291.5	4500/-	4900/-	---	--	23.12.5
Hang Bi- VII 4057 Haril Lal 4060. s/o Bala Parshad.		324.4	30000/-	18500/-	11500/-	35/-	28.7.51
Shivsaran Tal s/o VII 4161 Mushadi 4165 Tal.		703.4	24000/-	5000/-	19000/-	27/-	9.3.53

The Municipal Corporation has produced the sale-deeds and the calculations for the value of the super-structure made by their staff. Transactions No.1 and 3 are of a date posterior to ~~that~~ the material date i.e. 13.2.53. These transactions cannot be considered for calculating the value of the houses on the material date.

According to the sale-transactions No.2 the average sale value of the land comes to Rs.35/- per sq.yd. The contention of the Municipal Corporation to assess the value of the land at Rs.25/- is not supported by the evidence given by them.

MARKET VALUE OF LAND.

The evidence given by the land owners regarding the market value of land is totally irrelevant. According to the relevant transactions given by the Municipal Corporation, the average sale value of land comes to Rs.35/- per sq.yd. In the land under acquisition, H.No.VII 3922 is a vacant plot, of 89 sq.yds. Assuming that the rate of interest is 5%, the owner should get 20 years rent to find out the sale value of this plot. 20 years rent comes to Rs.3600/-. In this way Rs.3600/- is the sale price of 89 sq.yds. and the average per sq.yd. comes to Rs.40.45 per sq.yd. ~~Plots~~ ^{Now} Plots No.3922-3924 are situated nearer to the G.B. Road. The average price of land comes to about Rs.40/- per sq.yd. as already shown. H.No. VII 4290 is situated in a street. The rent of this house is Rs.35/- and the 20 years rent comes to Rs.8400/-. Deducting 10% for repairs and other

expenses, the real value comes to Rs.7560/-. The cost of super-structure has been calculated at Rs.988/- by the Municipal Corporation. Deducting this amount, the sale-price of land will be Rs.6572/-. The total area of this house is 236 sq.yds. and the average sale-price of the land therefore, works out to Rs.27.85. This ^{rate} ~~land~~ is, however, not very reasonable because the tenants are evacuee and the rent was fixed by the Custodian. When compared to the rate of Rs.40/- for houses No.VII 3922-3924, the value of Rs.27.85 appears to be on the low side. I think, it should be Rs.35/- per sq.yd. as calculated from the sale-transaction No.2 given by the Municipal Corporation. These prices are supported by independent sale-transactions and also by the calculations of the 20 years rent. I, therefore, ^{think} the above values to be reasonable, and award Rs.40/- per sq.yd. for the area in Block 'A' belonging to Sh. Harjiwan Lal and Rs.35/- per sq.yd. for the area in Block 'B' belonging to Shm. Anaro etc.

O T H E R C O M P E N S A T I O N .

The cost of super structure has been calculated by the Municipal Corporation as follows:-

Cost of super-structure of H.No.VII 3923-24	Rs.756/-
Cost of super-structure of H.No.VII 4290.	Rs.988/-
	<hr/>
	Rs.1744/-.

I have inspected the spot. The super-structure is very old and is likely to fall down at any time. The Municipal Corporation will have to demolish ~~of~~ this

building in order to raise a new super-structure. As a matter of fact, the super structure is of no value. It is a sort of temporary super-structure built in mud and bricks with very low type of ^{timber} ~~temper~~. It is nothing but a make shift arrangement, ^{timber} ~~of~~ the prices calculated by the Municipal Corporation are correct. I, therefore award a sum of Rs.1744/- as the cost of construction. There is a Pipal tree in H.No.VII 4290. The price of which has been calculated at Rs.60/- by the Naib Tehsildar, Land Acquisition. This price is correct. I award Rs.60/- as compensation for the trees. In addition to the above amounts, the land owners will get 15% of the compensation as solatium for compulsory nature of acquisition.

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

The compensation for land will be given to each land owner according to the area under his ownership. The compensation for super-structure and trees will be distributed as shown previously. The tenants are in possession of these houses from the year 1947. This area is included in the slum area of the city and the owner cannot eject them easily. The claimants of the tenants regarding house-tax, water-tax and repairs etc. are not admitted by the owners. They will not get, therefore, any compensation on these accounts. They should, however, get compensation for displacement from their present places. I think 2 years rent in each case will be quite reasonable as compensation for the tenants for being displaced. I, therefore, order

that the following compensation be paid to the tenants out of the compensation of the house owners.

H.No.VII 4290	Rs.840/-
H.No.VII 3922	Rs.360/-
H.No.VII 3923-24	Rs.288/-
	<u>Rs.1488/-</u>

THE AWARD IS SUMMARISED AS BELOW:-

Cost of 166.8 sq.yds. of land in Block 'A' @ Rs.40/- per sq.yd.	Rs. 6,672/-
Cost of super-structure of Block 'A'.	Rs. 756/-
Cost of 244.6 sq.yds. of land in Block 'B' @ Rs.35/- per sq.yd.	Rs. 8,561/-
Cost of super structure of Block 'B'.	Rs. 988/-
Compensation for trees in Block 'B'.	Rs. 60/-
	<u>Rs.17,037/-</u>
Solatium at 15% of the compensation.	Rs. 2,555.55
	<u>Rs.19,592.55</u>
Grand Total....	

The Municipal Corporation should be moved to provide alternative accommodation to the tenants to be ejected.

This land is assessed to no land revenue, *for the Revenue Roll* therefore, no deduction is necessary in this case.

[Signature]
(Nand Kishore)
Land Acquisition Collector I,
D E L H I.
22.5.61

Submitted to the Collector of District for information and approval.

[Signature]
(Nand Kishore)
Land Acquisition Collector I,
D E L H I.
22.5.61.