

A V A R D No. 1197

Name of the locality:-

Katra Nabi Karim, Delhi.

Nature of Acquisition:-

Permanent.

This is a case for the acquisition of property included in House No.6124-6127 situated in Gali Ravi Dass, Mohalla Nabi Karim, Delhi required by the Municipal Corporation for a public purpose, namely, for the construction of a Municipal School. A declaration to that effect was made vide notification No.F.15(31)/57-LSG dated 11.3.1957. The substance of the notification was given wide publicity on 26.4.57 inviting objections within a period of one month. No objections, however, were received. A declaration under section 6 of the Land Acquisition Act was issued vide notification of even number dated 13.8.59. Notices under section 9 and 10 of the Land Acquisition Act were served upon most of the interested parties and most of them have filed their claims.

MEASUREMENT & OWNERSHIP.

According to the notification the area of the property was 906 sq.yds. Shri Sikandar Bakht stated that the area was 1000 sq.yds. From further measurements made on the spot, it was found that the area of the land under acquisition is really 906 sq.yds. The measurement is, therefore, held to be correct at 906 sq.yds.

The property is a composite property. Previous to partition, the property belonged to Shri Mohd.Sikandar Bakht s/o Mohd. Yusuf and Shri Mohd.Mukhtiar s/o Mohd. Yusuf. Shri Mohd.Mukhtiar migrated to Pakistan and his share was declared to be evacuee. The property, therefore, became a composite property. The owners

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of this property are Shri Mond. Sikandar Bakht s/o Mond. Yusuf 1/2, Custodian of Evacuee property 1/2. The whole of the property under acquisition is under very old tenants. They are about 47 in number and the total rent paid by them is ~~Rs. 107/5/-~~ Rs. 107/5/- per month. The list of the tenants is Appendix 'A'.

CLAIMS & EVIDENCE.

Shri Sikandar Bakht has claimed compensation @ Rs. 75/- per sq. yd. for the land while Rs. 20,000/- for the structure. In evidence he has given no evidence to prove the rate of land prevalent in the locality, nor regarding the cost of structure standing on the land under acquisition. The claim is, therefore, unsubstantiated. The Custodian has stated that the Government cannot acquire this property because it is a composite property and has made no claim regarding the price of the property. Composite property can be acquired and, therefore, their objection is without any ground. The tenants have claimed that they should get alternative accommodation if the property is going to be acquired.

MARKET VALUE.

The property is situated in a street named Gali Ravi Dass in Katra Nabi Karim. The locality is a slum area and persons of low income reside in it. No flush latrines are provided near about the area and the drains are also not under ground. On account of these reasons, it is not a very good locality. Notification under section 4 of the Land Acquisition Act was made in March 57 and we have to pay the property owners the market value of the property on this date. Several transactions are available in the locality of Katra Nabi Karim during the year

1956-57. The details of such transactions are given below:-

Sr.No.	No of Registration.	Date of Registration.	House Number.	Area in sq.yds.	Total Amount.	Average per sq.yd.
1.	1161	17.11.56	6315 Plot	33	Rs.435/-	Rs.13.23
2.	1245	19.11.56	6315 "	35	Rs.500/-	Rs.14.29
3.	1247	20.11.56	8429-43"	63	Rs.858/-	Rs.15.32
4.	1148	30.11.56	6315 "	30	Rs.400/-	Rs.13.33
5.	1160	1. 12.56	6315 "	73	Rs.900/-	Rs.12.22
6.	1248	3.12.56	6315 "	24	Rs.326/-	Rs.13.71
7.	1274	4.12.56	6315 "	67	Rs.900/-	Rs.13.50
Total....				325	Rs.4319	Rs.13.30

These are the transactions regarding plots of very small areas. The average per sq.yd. comes to about Rs.13.30 H.P. Another transaction of sale regarding a house took place on 18.1.57 by a registered deed No.2725 between Shri Abdul Bari and Anant Ram regarding Houses No.5985 to 5987. The total area of the house was 357 sq.yds. and the total money was Rs.5000/-. The average of this transaction is Rs.14/- per sq.yd. This is a big plot and it also includes the cost of the structure. If the cost of structure is excluded then the rate of sale of land alone should not be above Rs.10/- per sq.yd. because there must be a structure of about Rs.1000/- on the land. From these transactions, it is very clear that a price of a plot of 906 sq. yds. as in the present acquisition was not more than Rs.10/- per sq.yd. in the locality of Katra Nabi Karim. The price of the structure has been fixed at Rs.7,135/- by the Engineering Staff. In this way the total compensation works out to about Rs.16,000/-. Calculating by the method of rental value, the price of the property will be as follows:-

Total Monthly Rent.	Rs.107/5/-
Annual rent.	Rs.1287/12/-
Deduction of 10% on account of repairs.	Rs.128/12/-
	Rs.1159/-

Contd.....1

Deduction on account of house-tax etc. at 10% of the residual.

Rs.116/-

Net annual profit to the land owners.

Rs.1043/-

In the land acquisition cases, we give a rent of 6% per annum and the market rate of interest is not less than 6% now-a-days. The market value of this property can be arrived by taking rent of $16\frac{2}{3}$ years. This works out to about Rs.17,383/-. From this method of calculation it is clear that the market value of the property under acquisition was about Rs.17,000/- on the relevant date. I therefore, award Rs.17,000/- for the land as well as the structure of the property.

OTHER COMPENSATION.

In addition to Rs.17,000/- as market value of the property, the land owners will get 15% of the compensation as solatium for compulsory nature of acquisition. The possession has not been taken so far, therefore, the question of interest does not arise.

APPORTIONMENT.

The compensation will be equally divided between the Custodian and Shri Sikkander Bakht. The tenants have been residing on this property since partition. They have not demanded any compensation but have demanded alternative accommodation for their residence. I allow one year's rent to each of the tenant for displacement from the compensation to be given to the land owners. The remaining sum will be distributed between the two parties.

THE AWARD IS SUMMARISED AS BELOW.

Compensation for the land and the structure.

Rs.17,000.00

15% of the compensation as solatium for compulsory nature of acquisition.

Rs. 2,550.00

Total....

Rs.19,550.00

(Nand Kishore)
Land Acquisition Collector (I),
D E L H I .
19.9.61.

(Nand Kishore)
Land Acquisition Collector (I),
DELHI.
19.9.61.

Seen. Filed. *[Signature]*
COLLECTOR, DELHI
20.9.61

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