

A W A R D No. 1445

Name of the Locality:

Jog Dhian Colony, 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 constructing a building for a Government school. A declaration under section 4 of the Land Acquisition Act was made vide Notification No.F.15(198)/60-LSG dated 17.1.61. The substance of the notification was given due publicity and objections were invited against this acquisition within a period of one month. The objecters were heard and a report along with the objections in original was sent to the Delhi Administration for their consideration. A notification of even number dated 6.2.62 under section 6 of the Land Acquisition Act was ~~given~~ published and notice under section 9(1) of the Land Acquisition Act was given due publicity. Notices under section 9(3) and 10(1) of the Land Acquisition Act were served upon the interested parties. Most of the interested parties have responded to the notices.

MEASUREMENT & OWNERSHIP.

According to the notification under section 6 of the Land Acquisition Act, the total area to be acquired was 1115 square yards. From further verifications made, the area is found to be correct at 1115 sq.yds. The boundaries given in the notification are correct. According to the Municipal record, the owners of this land are Sarvashri Harish Chand,

In the claim as well as in the Municipal record, the shares of the parties have not been entered. Before payment of compensation, the shares of the parties will be ascertained. In addition the owners, there are some tenants and squatters on the land. These will be discussed later.

CLAIMS & EVIDENCE.

land
The owners have made the following claims:-

1. Compensation for 1115 sq.yds.
of land @ Rs.1300/- per sq.yd. Rs.14,49,500/-
2. Losses on account of loss of
rent of the building which was
proposed to be constructed. Rs.19,50,000/-
3. Loss of Corporation tax. Rs. 3,705/-
4. Interest on the amount from
26.2.61 to 26.3.61. Rs.1,01,465/-
5. Damages sustained by the
petitioner as much as he
he has started construc-
tion work on the said plot. Rs. 10,000/-
6. Compensation in consideration
of compulsory nature of acqui-
sition. Rs. 2,17,425/-

Total..... Rs. 37,32,095/-

The claim has been made by the petitioner in astronomical figures. ~~He has claimed a sum of Rs. 19,50,000/- as loss of rent for the building which he would have constructed. It is not known how this exact amount has been calculated. He does not show what would have been the amount of the rent for the~~

Contd....3

223691
OFFICE OF THE COLLECTOR: DELHI.

No.P.3(47)/59-Misc.(Req) | 6227

Dated the 14.10.65

To

The Land Acquisition Collector,
Delhi Shahadra Circle,
Delhi.

Sub:

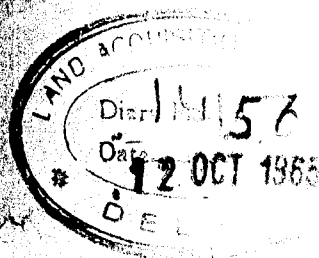
Payment of rent compensation of requisitioned
house Nos. 7533, 34 & 35 Ram Nagar, Pahar Ganj,
Delhi.

Sir,

I have the honour to say that requisitioned
house Nos. 7533, 34 & 35 Ram Nagar have been acquired by
you vide award No. 1771 announced on 16.2.1965. The
landlords are pressing hard for the payment of rent
compensation in respect of these houses upto 31-8-65.

You are, therefore, requested to intimate
whether the physical possession of the premises has been
taken and also indicate upto which date the payment of
rent compensation be made to the landlord. Payment of
rent compensation has already been made upto 13-12-1964.
@ Rs.1337.57 R.P. per month.

Yours faithfully,



(D.K. PODDAR)
Officer Incharge (Req)
for Collector, Delhi.

Ahmad
h.A. C.D.

rent
whole building and for how many years this land would have gone on. The land is infested with tenants and squatters. The house could not be constructed unless these tenants and squatters were ejected and it would have taken years for the claimants to eject them. When they are demanding extraordinary figure of Rs.1300/- per sq.yd. for the land, and I cannot understand how this claim due to damages accrues. The claim is, therefore, absurd and rejected. I do not understand what the petitioner means by loss of Corporation Tax. He appears to be sorry that he would have to pay no tax to the Corporation and he wants compensation for loss of right of payment of Corporation Tax. In item (d) he demands interest from 26.2.61 to 26.3.62. He forgot to demand interest from 26.3.62 to the date of announcement of award and the date of payment of compensation and also interest from the date when he knew that a notification under section 4 is likely to be made. The interest accrues from the date of possession. No possession of the land has been taken so far and, therefore, no interest is admissible. In item (e) he demands a sum of Rs.10,000/- for digging a deep pit, for taking out some machinery. This he calls by the name of foundation or some other thing. As a matter of fact, the expenses of filling this pit by the Government should be deducted from the compensation of the land to be given to the petitioner.

The claim regarding the rate of land is as imaginary as the claims made on other items. I do not think any land in Delhi has been sold @ Rs.1300/- per square yard. There is not even a single transaction throughout the whole Delhi at such a high rate. He has produced the following evidence in support of his claim:-

1. One Architect Chanan Singh & Sons has stated that in his opinion the value of the land was not less than Rs.1050/- per square yard. It is not known as to how he has estimated the price of the land at this high figure.
2. Letter from M/S Rameshwar Dass Ram Saran Dass offering to purchase 800 sq.yds. of land @ Rs.1075/- per sq.yd.
3. Letter from Sh. Amrit Parkasha Singh agent stating that one of his clients wanted to purchase this land @ Rs.1060/- per sq.yd.
4. A copy of ~~xxx~~ an agreement to sell between Lala Hari Shankar & Lala Amar Nath dated 18.12.60 for sale of plot of 180 sq.yds. @ Rs.950/- per sq.yd. behind State Bank.
5. An agreement to sell between Lala Jog Dhian and M/S Devi Sahai Madan Lal through Sita Ram dated 8.1.60 for the sale of a plot of 185 sq.yds. @ Rs.850/- per sq.yd.
6. A registered sale-deed between Lala Harish Chander in favour of Lal Hari Shankar dated 1.8.52 for 27 sq.yds. of land @ Rs.500/- per sq.yd. amount to Rs.13472/-.

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do not
All these documents appear to be genuine. They could be got prepared even after the date of notification under section 4 of the Land Acquisition Act. The sale-deed dated 1.8.52 is very old and is also not relevant because it is between the two ^{brother} ~~brothers~~ ^{claimants} L. It would have been far better if the claimants would have produced one sale-deed of a date before the date of notification under section 4 of the Land Acquisition Act, between the parties other than the claimants.

7. He has produced several decisions from the Wealth Tax Officer ^{for} L 1957-58 to 1961-62, according to which the valuation of the land under acquisition was fixed at Rs.600/- to Rs.750/- per square yard.

I have gone through all the judgements of the Wealth Tax Officer and their appeals filed by the claimants. They have produced the assessment of Wealth Tax ~~off~~ beginning from the year 1957-58. The returns for this year must have been submitted at the end of the year 1958. The correspondence regarding acquisition of another plot for the C.H.S. Ministry for the construction of a Dispensary was going on at that time. It was expected that that plot and the present plot will be acquired by the Government. The claimants themselves submitted returns by fixing the price of the plot at Rs.500/- per square yard. When a man himself states before a Taxation Officer that the value of this property is much higher than the market value, then the Taxation Officer cannot reduce it and it is customary that they slightly increased the assessment over the returns made by the property owners. When the owners themselves assess

their Market Value at Rs.500/- per sq.yd. then naturally the Taxation Officer assesses the valuation of the land at Rs.600/- per sq.yd. This has been deliberately done by the owners because they knew that the two plots are going to be acquired and if they pay some more tax then the price of the plot will be increased 20 times. The Wealth Tax Officer has absolutely no basis on which he assesses the value of this plot at Rs.600/- per sq.yd. The assessment made by the ^{Wealth} Income-tax Officer is, therefore, not at all reliable for arriving at the market value of the land on the relevant date. In addition to the owners, the following tenants & squatters on the land under acquisition have made their claims:-

Name of the occupier	Whether tenant or not.	Claim made for structure	Claim made for other grounds.
Gopal Dass.	He claims to be tenant but the owners do not admit.	Alternative accommodation.	Nil.
Chhaju.	Tenant at 11/- per month.	Nil	Rs.60,000/- for displacement & alternative accommodation.
Kanahya Lal	Tenant at 12/- per month, but not admitted by the owner.	Rs.500/-	Alternative Acco- Rs.52750/- for displacement of Rs.52750/- for displacement mmmodation. Rs.57850/- for displacement of Chakki.
Lachhman Da ss.	Tenant at 13/12/- per month.	Nil.	Rs.57850/- for displacement of Chakki.
Sh.Madan Mohan Ava-sthi.	Not in possession now.	Nil	Rs.8000/- for the loss of rights.
Shri Kundan, Lal.	NO.	Rs.100/-	Alternative accommodation.
Piyara Singh & Dalip Singh.	Tenant.	Nil.	Rs.60,000/-.
Sh.Sura j Parkash	Ejected by the Civil Court on the condition that he will get alternative accommodation in the house constructed by the claimant.	Nil.	Rs.20,000/-

MARKET VALUE.

As is evident from the above discussion, the land under acquisition is infested with tenants. It will be very difficult for the owner to eject the squatters and tenants and to construct a house on the land. The plot is of 1115 square yards and only a very unintelligent man will pay Rs.1400/- per sq.yd. to the owner as the price of this land. As already stated no sale-transaction has taken place @ Rs.1300/- per sq.yd. even including the price of structure. The claim made by the petitioner and the evidence given by him is very ~~difficult~~ ^{unhelpful} to arrive at the market value. The land under acquisition is situated not on the Main Chandni Chowk, ^{Road} but at a distance of about furlong from the Main Chandni Chowk road. The land under acquisition is in front of the Lajpat Rai Market. The shops in this Market run a good business only upto certain depth from the Chandni Chowk Road. After a depth of 150 yards, the shops of Lajpat Rai Market are not ^{used} for shopping purposes. Therefore, there is hardly any marketing activity in Lajpat Rai Market in front of the plot under acquisition. The plot is situated on the back of a Cinema. The front of the Cinema is towards Chandni Chowk and therefore the vicinity of the Cinema has ^{not} ~~any~~ effect on the land under acquisition. There are big electric goods shops in Jogdhian colony on the Western side. But on this side, the land is generally being used for residential purposes. The plot is also big ~~of~~ 1115 sq.yds. and can be fit only for residential purposes. If shops are constructed in this plot, they can be hardly successful. The plot, therefore, has a value for a residential purposes and not for commercial purposes. Sale-transactions in the ~~area~~ of Chandni Chowk for the year 1960-61 are given below:-

of re- sation.	House No.	Locality	Nature of building.	Area in Sq.yds.	Total sale price.	AVER- AGE.
1960.	1170	Kucha Mahajan Chandni Chowk old.	Double storeyed building.	638	22000/-	30/-
1960	1045	Kucha Matwan	-do-	95	7349/-	80/-
1960	1045	-do-	-do-	-do-	-do-	-do-
1960	1171	Kucha Mahajan	Three storey building.	200	38000/-	190/-
1960	4362	Katra Subhash	-do-	75	15300/-	205/-
1960	1168	Kucha Mahajan	-do-	193	20000/-	100/-
1960	1110-1111	Gali Pagri, Ch. Chowk, Delhi.	4 storey building.	160	15000/-	95/-
1960	1243	Gali Kucha Bagh	Single storey building.	32	4157/-	128/-
1960	13-19	Kucha Jola Dari Gujar.	4 storey building.	63	9000/-	145/-
1960	1412-1413	Gali Mandir.	Single storey building.	33	6000/-	190/-
1960	1245	Gali Kucha Bagh	4 storey building.	64	8144/-	130/-
1960	2591	Gali Chhabil Chhata Partap Singh.	Single storey house.	114	12000/-	110/-

The average of all these transactions works out to Rs.100/- per square yard. The biggest average is in the case of Katra Subhash. It is about 200/- per square yard. This is for the shops while the land under acquisition is meant for residential purposes. The next highest average is that for a house of 200 sq.yds. in Kucha Mahajan on 22.7.60. This is a ~~small~~ ^{small} ~~one~~ ^{single} of a three storeyed building of an area of 200 sq.yds. for Rs.38,000/-. The cost of the structure of this three storeyed building cannot be less than Rs.18,000/- and therefore, Rs.20000/- is the price of the land. The average of this transaction comes to Rs.100/- per sq. yd. From these transactions, I find that this is the highest average of land which can be got. I am, therefore, of the view that the price of the land, ~~along~~ ^{along} on which houses have been built and is occupied by tenants is Rs.100/- per

sq.yd. to the maximum. The plot under acquisition is also infested with tenants although there is very little construction on the plot. The old garages on this land are being used as shops by the present tenants. After a great deal of litigation, the land owner has been able to eject only 2 tenants and 6 tenants are still sitting on the land. Since the size of the plot is big and there are tenants on the land, I therefore, consider the market value of this land @ Rs.100/- per sq.yd. as liberal for the land under acquisition, and award it accordingly. The ratable value of this property is fixed at Rs.1194/- by the Municipal Corporation and after deducting the house-tax, the net income to the claimant is only Rs.1015/-. If this is capitalized then the price of the property comes to Rs.23000/- and the rate comes to about Rs.20/- per sq yd. A plot adjacent to the land under acquisition was acquired vide Award No.1114. The rate given by my predecessor was Rs.220/- per square yard. This high rate appears to be due to the fact that plot was vacant and the date of notification was 1959. In the present case the date of notification is January 1961, and I am sure that the market value of the land as given in the sale-transactions was not more than Rs.100/- per sq.yd. I, therefore, award this rate for the land under acquisition.

OTHER COMPENSATION.

There are structures on the land under acquisition. The Naib Tehsildar, Land Acquisition has assessed the price of these structures at Rs.5,557/-. I agree with the price assessed by him and award Rs,5557/- as the cost of the structure. The cost should be paid to the persons, who constructed the structures. The tenants have demanded ^{either} alternative accommodation ^{or} compensation for displacement. It will be difficult for the Education Department to provide alternative accommodation to these ~~persons~~ tenants. I, therefore, award the following compensation to the tenants sitting on the land

under acquisition. This is to be paid in addition to the rate of Rs.100/- per sq.yd. and the cost of structure.

1. Sh.Gopal Dass:- He is a squatter and does not deserve any compensation.
2. Sh.Chhaju:- He is a Sweet seller and will suffer loss on account of displacement. I consider a sum of Rs.1000/- to be a reasonable compensation.
3. Sh.Kanahya Lal: He used to be a tenant in ^agarage but it has broken down. He has now made a Khokha and is sitting there. ^L ^{was his} The land owner refuses to accept ^{the} tenant. The Naib Tehsildar has assessed the compensation of Rs.315/- for his Khokha and I think that is sufficient compensation for the displacement.
4. Sh.Lachhman Dass: He has got a chakki in a ^{garage} ^{here}. He is to be displaced from the land and he has to construct a chakki at another place. I consider a compensation of Rs.2000/- to be reasonable on account of his displacement. If he is not prepared to remove his chakki, then he will be paid an additional compensation of Rs.1500/- ^{for this chakki}.
5. Sh.Madan Mohan Avasthi. He is not a tenant now and the Govt. is not taking possession from him. He is, therefore, not allowed any compensation.
6. Sh.Kundan Singh s/o Chhattar Singh. He is a squatter and deserves no compensation for displacement.
7. Piyara Singh Dalip Singh. They are tenants in a shop which is in bad condition. They have to go in any case. A compensation of Rs.1000/- will

8. Suraj Parkash:- He is not a tenant now and is, therefore, allowed no compensation

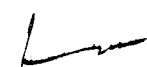
The total compensation for displacement works out to Rs.5,500/-.

APPORTIONMENT.


The compensation for the land will be paid to the land owner and the compensation for the structure to those persons who constructed the structure and compensation for displacement to the tenants.

THE AWARD IS SUMMARISED AS BELOW.

Compensation for 1115 sq.yd. of land @ Rs.100/-per sq.yd;	Rs.1,11,500.00
Compensation for structure.	Rs. 5,557.00
	Rs.1,17,057.00
15% of the above as solatium for compulsory nature of acquisition.	Rs. 17,558.55
Compensation for displacement.	Rs. 5,500.00
Grand Total.....	Rs.1,40,115.55


(Nand Kishore)
Land Acquisition Collector I,
DELHI.
6.12.1962.

Submitted to the Collector of District for information and filing.


(Nand Kishore)
Land Acquisition Collector I,
DELHI.
6.12.1962.


26.12.62
COLLECTOR, DELHI.