

A W A R D No. 1723

Name of the Locality: Jama Masjid Area near Jagat Cinema.
Nature of acquisition: Permanent.

This is a case for the acquisition of land in the above locality required by the Municipal Corporation of Delhi for a public purpose namely for an Electric Sub Station for the Delhi Electric Supply Undertaking. A declaration under section 4 of the Land Acquisition Act was made vide notification No.F.15(106)/56-LSG dated 6.5.1960. The substance of the notification was given due publicity and objections were invited from the interested persons. An objection was received on behalf of the owner of the land and a report along with the objection was sent by my predecessor to the Delhi Administration vide his letter dated 23.9.1960. The objection was rejected by the Delhi Administration and a declaration under section 6 of the Land Acquisition Act was made vide notification No.F.15(106)/57-LSG dated 7.6.1963. Notice under section 9(1) was given due publicity and notices under section 9(3) and 10(1) of the Land Acquisition Act were issued to the persons interested. The owner has responded to the notices under section 9 and 10.

MEASUREMENT AND OWNERSHIP

According to the notification the property is house No. ^{XI} 3923 near Jagat Cinema, Jama Masjid, Delhi. The area in the notification is given as 209 sq.yds approximately. From further verification made under section 8 of the Land Acquisition Act, the area is found to be 207 sq.yds. I, therefore, hold the area to be correct at 207 sq.yds. The ownership of the land vests in Shri Hari Chand Jain s/o Late H. Ram Chand Jain resident of 2/29, Ansari Road, Darya Ganj, Delhi. The land is under tenancy of Delhi Electric Supply Undertaking. The land owner has claimed compensation @ Rs.300/- per sq.yd. In evidence he has produced several witnesses, one Shri Shiv Charan Dass Gupta, a property dealer of Darya Ganj stated on 18.9.1963 that the land under acquisition is situated on the main road leading from Jama Masjid to Darya Ganj in front of Edward Park. He further stated that 4-5 years ago he offered a rate of Rs.260/- per sq.yd.
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for this land to the owner. He further stated that he has no written correspondence regarding this offer, and in the street adjacent to Jagat Cinema small children ease themselves and bad smell comes out of the street. The Municipal Refuse Dump is also situated near the land under acquisition. He further stated that in between the main road leading from Jama Masjid to Darya Ganj ~~near~~ ~~of~~ the land under acquisition there is a plot of about 250 sq.yds. belonging to Municipal Corporation. If the Municipal Corporation constructs some building in this plot then the land under acquisition will be cut off from the main road. From this evidence it is clear that the land is situated on a narrow lane of about 10 feet wide.

He has also produced one Shri Sheel Chand s/o Mittal Sain who has stated that he wanted to purchase this land from the owner @ Rs.225/- per sq.yd. The owner, however, did not want to sell for less than Rs.275/- per sq.yd. The third witness Shri Tirlok Chand also a property dealer stated that in the year 1960 he offered Rs.275/- per sq.yd. for the land under acquisition. I am unable to believe the evidences of these property dealers and purchasers because the land was under the tenancy of Delhi Electric Supply Undertaking and ~~no~~ one would have been ready to purchase this land under such circumstances. Shri Harish Chand Jain has produced a copy of a sale deed No.5145 regarding his own land which is also situated in the Jama Masjid Area. This land is situated inside the street which is also about 10 feet wide. The area of the land was about 95 sq.yds. and the sale price was Rs.9,000/-. The average of this transaction comes to Rs.94/- per sq.yd. I inspected this house and I found that at the time of sale, there was a boundary wall round about this land and the price of the boundary wall should be roughly Rs.1000/-. The price of the land was, therefore, Rs.8000/- and the average price comes to about Rs.84/- per sq.yd. The area of this property was only 95 sq.yds. while the land under acquisition is 207 sq.yds. It is a well known fact that smaller plots are sold at higher average price than the bigger plots. The situation of the land under acquisition, however, is slightly superior to the land

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involved in this sale transaction because the land under acquisition is about 50 yds. from the main road while the land sold in transaction No.5145 is about 200 yds. inside the lane. Considering these two factors the price of the land under acquisition should be about Rs.80/- per sq.yd.

The ^{Potadi} Potadi House has been recently taken by the Education Department by private negotiation. This property is near the land under acquisition. The whole property was purchased for a sum of Rs.1,40,000/- on 29.3.1963. The price of the Malba was Rs.35000/- and the price of the land which is about 1300 sq.yds was Rs.1,05,000/-. The average of this transaction come to about Rs.80/- per sq. yd. This also includes the 15 % solatium which would have been paid to the owner in case of compulsory acquisition. The market price of the land was agreed at Rs.70/- per sq. yd for the land. The area was about 1300 sq.yds. As already stated that the average price of the bigger plots is less than the price of the smaller plots. Moreover the situation of the Potadi House is far better than the situation of the land under acquisition as Potadi House is opened on three sides and is situated on a 30 feet wide road. Considering this sale I am of the view that the price of the land under acquisition should be about Rs.80/- per sq.yd. I, therefore, award Rs.80/- per sq.yd for the land under acquisition.

OTHER COMPENSATIONS.

The structure on the land has been constructed by the Delhi Electric Supply Undertaking and nothing has been made by the owner. Since the land is being acquired for the Delhi Electric Supply Undertaking, therefore there is no necessity of structure.

APPORTIONMENT.

There is no dispute about the ownership of the land and the compensation will be paid to the owner Shri Hari Chand Jain on the production of a certificate from the Municipal Corporation of Delhi that he is the owner of this land.

THE AWARD IS SUMMARISED AS BELOW.

Compensation for 207 sq.yds.
@ Rs.80/- per sq.yd.

Rs.16,560.00 NP

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

Rs. 2,484.00 NP

Rs.19,044.00 NP

The land is assessed to no land revenue.

(Nand Kishore)
Land Acquisition Collector (I),
DELHI.
16.6.1964.

Submitted to the District Collector of Delhi for
information and filing.

(Nand Kishore)
Land Acquisition Collector (I),
DELHI.
16.6.1964.

COLLECTOR, DELHI

*Annexed to award in favour
of Mr. Nand Kishore for acquisition
of land for public use.
Nand Kishore
16.6.1964*