

A W A R D No.

1743

Name of the property:-

Kala Mahal.

Nature of acquisition:

Permanent.

INTRODUCTION:

The land Municipal House No.1487 (Ward No.XI) behind Pataudi House, Darya Ganj, Delhi is needed by the Government at the public expense for a public purpose namely for the Government School Building. A notification under section 4 of the Land Acquisition Act was made vide notification No.F.15(287)/60-LSG dated 30.8.1961. The substance of the notification was given due publicity and objections were invited from the interested persons. The objections were heard and a report was made to the Delhi Administration along with the objections in original. A declaration under section 6 of the Land Acquisition Act was made vide notification of even number dated 4.7.1963. Notice under section 9(1) was given due publicity and notices under section 9(3) and 10(1) of the Land Acquisition Act were served upon the known interested persons. Almost all the interested persons have responded to the notices.

'MEASUREMENT AND OWNERSHIP'

According to the notification under section 6, the total area to be acquired was 3900 sq.yds. From further verifications made on the spot under section 8 of the Land Acquisition Act, the total area to be acquired was found to be correct at 3900 sq.yds. Therefore I hold the area under acquisition to be true at 3900 sq.yds.

According to the Municipal Corporation Letter No.Tax/CSZ/3587/HCT dated 21.1.1964 the ownership of half of the property under acquisition No.1487 (Ward No.XI) stands in the name of Shri MUMtazuddin s/o Shams-ul-haq, and that of half of the portion of the said property stands in the name of Shmt. Mariambi.

The names of the occupants and tenants as per the site inspection as well as the claims preferred by the tenants themselves, along with the area held by them as measured on the site are as given below :-

Contd2

S.No.	Name of the occupant/ tenant.	Plot No.	Area held	Claim made.
1.	Sh. Mumtazudin and Shmt. Mariambi- (owners).	13	364 sq.ft.	
		24	168 "	
		36	60 "	
		47	68 "	
		48	14776 "	
		50	3400	
			<u>18836 "</u>	
				= 2093 sq.yds.

Shri Mumtazudin and Shmt. Mariambi have jointly filed their claim through Shri Mohd. Miyan Advocate stating that the property under acquisition No.1487 is owned by them in equal shares. Later in the year 1957 Shmt. Mariambi who is the mother of Shri Mumtazudin gifted half share in the said property to her son Shri Mumtazudin and put the donee in actual possession thereof. It was further stated that the said gift was accepted by the donee and hence Shri Mumtazudin is now the owner of the entire property. The compensation was thus claimed by Shri Mumtazudin in capacity of the owner of the whole property under acquisition as follows:-

Rs. 7,08,000.00	towards compensation of the property.
Rs. 50,000.00	Compensation for delay in acquiring the property.
<u>Rs. 8,30,000.00</u>	

The claimants further clarified that if for any reason the aforesaid gift made by Shmt. Mariambi in favour of Shri Mumtazudin is not recognised and admitted, the present claim may be considered as has been made by both the claimants equally.

2.	Dina s/o Tirku	53	286 Sq.ft.	
		54	273 "	
		57	117 "	
			<u>676 "</u>	
				= 74 sq.yds.
3.	Nangin wd/o Sarna and Faizai dt.	51	309 sq.ft.	(Najju s/o Pyare is sub-tenant at plot No.51)
		55	273 "	
		56	469 "	
		--	205 " (Compound)	
			<u>1256 sq.ft.</u>	
				=140 sq.yds.
4.	Babu s/o Dina	26	143	
			=16 sq.yds.	Contd 3

5. Balli s/o Munni-tenant Nika s/o Munni-Sub tenant.	25	165 =18 sq.yds.
6. Bunde Khan s/o Mohd. Sahid.	27	280 =31 sq.yds.
7. Yakub Khan s/o Jang Baj Khan.	28	308 =34 sq.yds.
8. Bundu s/o Samira	29	308 =34 sq.yds.

Note: According to the verification on the site it was known that Bundu's father name is Mohda.

9. Munda s/o Juman	30	560 =62 sq.yds.
10. Ismil s/o Ghisa	31	280 =31 sq.yds.
11. Nazir Khan s/o Nasib Khan.	32	165 =18 sq.yds.
12. Abdul Rehman s/o Abdula.	34	195 =22 sq.yds.
13. Moti s/o Kalu	35	180 =20 sq.yds.
14. Waris Ali s/o Talib Ali.	33 33 A	468 <u>221</u> 689 =77 sq.yds.

Note: His younger brother and Sabir Ali son are residing with the tenant in plot No.33 & 33A and has claimed Rs.500/- for repairing and pump Rs.650/- and no evidence is produced. This is a matter between the land owners and the tenant. Hence the amount of Rs.1150/- will be paid with their consent otherwise it will be treated as disputed.

15. Hikmat Ali s/o Talib Ali.	37 38 39	225 170 <u>221</u> 616 sq.fts. =68 sq.yds.
16. Shokat Ali s/o Irshad Ali.	40	136 =15 sq.yds.
17. Bashir Ahmed s/o Mohd. Ibrahim.	41	187 =21 sq.yds.
18. Bashir Ahmed, Nashiru s/o Mangali, & Shafik Ahmed s/o Ikbali Ahmed.	42 43/1	119 <u>128</u> 247 sq.fts. =27 sq.yds.

19. Ramjani s/o Abdul Rehman. 43/2 128
=14 sq.yds.

Note: Nasirudin brother of Ramjani has claimed that he is also residing in this portion.

20. Abdul Majid s/o Sadula. 44 306
=34 sq.yds.

21. Mohd. Shakif and Mohd. Rafik s/o Ballu. 45 391
=43 sq.yds.

22. Mohd. Shafi s/o Abdul Wahid Khan-tenant, Mirza Anish Ahmed.s/o Mohd. Jan-Sub-tenant. 46 289
5 323
612
68 sq.yds.

23. Mohd. Asgar s/o Mohd. Sahid. 2 204
=23 sq.yds.

24. Ronak Ali s/o Mohd. Evizali. 1 204
=23 sq.yds.

25. Ashfaq Hussain s/o Altaf Hussain. 3 170
=19 sq.yds.

26. Ramzani(deceased) Shakif Ahmed s/o Iqbal Ahmed(Present tenant). 4 187
=21 sq.yds.

27. Mohd. Jan s/o Akbar Khan. 6 204 Mohd. Jan's Son Shri Nafi is also residing with him.
=23 sq.yds.

28. Abdul Rajak alias Natti s/o Bindu. 7 187
=21 sq.yds.

29. Shikinder s/o Mohamad. 8 280
9 264
544
=60 sq.yds.

30. Safdar Ali s/o Khuda Baksh. 11 85
12 374
459
=51 sq.yds.

31. Babu s/o Batti 10 153
14 143
296
=33 sq.yds.

32. Abdul Wahid s/o Bashir Ahmed. 15 143
=16 sq.yds.

33. Abad Ahmed s/o Fiyazkhan and Shokat Ali s/o Fateh Yab Khah, 16 1020
=113 sq.yds.

34. Chhota s/o Budha 17 429
=48 sq.yds.

Note: On the site it was found that Shri Chhota s/o Bhuda is in Pakistan and his son is the present occupant.

55.	Nanna s/o Kalu (died) and his daughter is the present occupant.	18	546 =61 sq.yds.
36.	Mohd.Shafi s/o Kali- (tenant).	19 to 23 23 19A	1762 1080 <u>2842</u> =316 sq.yds.

Note: It was found on the site that Shri Mohd.Shafi has sub let the house to the following persons.

- 1- Aladad s/o Bhaya.
- 2- Habibula s/o Budha Khan.
- 3- Mohd.Nazir s/o Kali.
- 4- Abdul Majid s/o Abdul Rajak.
- 5- Shokat Ali s/o Mohd. Ali.

These sub-tenants have not filed any claim.

37.	Munni s/o Chuni	49	400 44 sq.yds.
38.	Kishori s/o Karim	52	502 =56 sq.yds.
39.	Rashid s/o Khurshid Ahmed.	58	50 =6 sq.yds.
40.	Imamudin s/o Nobat Ali.	59	50 = 6sq.yds.

Total Area..3900 sq.yds.

The claimants from Sl.Nos. 2 to 40 have stated that they are the tenants of the house under acquisition and they requested that they should be given alternative accommodation in place of their present premises, on the open space in the same Katra, i.e. property No.1487. No doubt, these tenants are very old and that alternative accommodation will have to be provided to them. But their demand to allot the space in the same katra cannot be conceded to, because the whole area comprising 3900 sq.yds. is being acquired. However, the Municipal Corporation will have to be moved to provide alternative accommodation to these tenants at a suitable site.

'CLAIMS AND EVIDENCE.'

The claims made by owners and tenants have already been discussed under the head 'measurement And Ownership'. In support of the claim the owners have produced some copies of the sale deeds as follows:

1. A copy of the Registered Sale Deed No.7072 dated 16.10.58 purported to have been executed by one Shri Chanchal Dass in favour of Shri Des Raj for the area of 120 sq.yds. for a consideration of Rs.19,500/-. This sale deed relates to a double storey house.
2. A copy of the Registered Sale Deed No.7742 dated 30.9.1959 executed by Shrimati Anaro Devi in favour of Shri Jiwan Lal for a sum of Rs.12250/- for an area of 84 sq.yds. This sale deed pertains to a Kothi No.16 in Darya Ganj.
3. A copy of the Registered Sale deed No.2178 dated 14.1.1957 executed by Shri Roshan Behari in favour of Shri Raghubir Singh for a sum of Rs.4778/- for an area of 122.56 sq.yds. This sale deed pertains to a residential house No.5 at Darya Ganj.
4. A copy of the sale deed No.3658 dated 15.7.1955 executed by Shri Ganga Devi in favour of Shri Mool Raj for a sum of Rs.4000/- for an area of 45 sq.yds. in Kucha Tara Chand.

The owners have also produced the valuation statement of the property under acquisition which was prepared by one Shri K.K.Dewan, Diploma Civil Engineer Architect for M/S Kundan & Associates, 20-Rajinder Nagar, New Delhi for Rs.64,214.10 NP.

'MARKET VALUE'

The property under acquisition is situated in Darya Ganj behind Pataudi House. From the sale instances referred to by the owners in their evidence the average sale price works out to Rs.162/- per sq.yd. In respect of the said sale instances it is seen that there are building structures on the plots. The owners have not produced any specific evidence regarding the valuation of the said building structures. Besides, the area in which these plots are situated is behind commercial area of Darya Ganj. The present land under acquisition is away from this area at a distance of about more than a furlong. Hence the value involved in these transactions cannot be held to be relevant for arriving at the Market Value of the land under acquisition.

Besides, there are five sale transactions of the last five years as collected by the Field Staff from the Sub Registrar Office.

in the Darya Ganj Area as follows:-

Name of the year	Area in sq.yds.	Total sale price.	Average per sq.yd.
1957	6240.46	Rs. 5,21,596.13	Rs. 83.74
1958	3453.90	Rs. 3,82,593.00	Rs. 110.77
1959	3533.01	Rs. 3,81,993.00	Rs. 108.12
1960	3732.75	Rs. 2,27,605.60	Rs. 60.98
1961	<u>439.00</u> 17398.62	<u>Rs. 51,414.00</u> Rs. 15,66,201.79	<u>Rs. 117.12</u> Rs. 90.02

It may be mentioned here that all the above sale transactions have taken place in Darya Ganj area which is far better locality than the area under acquisition. Besides the price involved in these transactions covers the cost of the buildings structures as well as the open space. Hence these transactions are also not relevant for arriving at the Market Value of the land under acquisition.

In this regard it is seen that the rateable value of the property under acquisition as assessed by Municipal Corporation of Delhi for the year 1963-64 is Rs. 11880. After deducting taxes charged Rs. 1485/- and 10% as repairing charges the capitalized value of the property works out below Rs. 2,00,000 (Two Lakhs). It is ^{further} seen that in Award No. 1723 in which the date of notification is 6.5.1960, the rate of Rs. 80/- per sq. yd. was assessed by my predecessor Shri Nand Kishore. The land under the said award is at a distance of more than one furlong from the land under acquisition. Moreover it is smaller in size (being 207 sq. yds) than the area under acquisition. As such the price of that land being ^{proportionately} higher than the price of the land under acquisition, ^{and} it cannot be assessed for the land under acquisition.

Two sale transactions have taken place in the year 1957 adjacent to the land under acquisition in the Pataudi House Trust, the details of which are as given below:-

¹ Mutation No.	² Date of Registration.	³ Name of the Seller.	⁴ Name of the purchaser.	⁵ Area	⁶ Total sale price.	⁷ Average per sq. yd.
782	1.3.1957	Pataudi House Trust.	Sh. Sunder Singh.	276.91 sq. yd.	Rs. 16891.50	Rs. 61/-
--	22.3.1957	" "	Rukmani	276.91	Rs. 16891.50	Rs. 61/-

...8..

The property involved in these sale transactions is only an open space and there is no structure on it. On my inspection of the site and locality, I am convinced that the price of Rs.60/- per sq.yd. as covered in the above said two transactions, ^{is reasonable.} But as state therein since the area involved in the sale transactions is unbuilt ^{and is} one is in vacant possession of the owners, I propose that the rate of Rs.60/- per sq.yd. will be assessed to the vacant land measuring 2093 sq.yd. Since there are structures and the tenants on the remaining area of 1807 sq.yds., the Government will have to spend some amount for the removal of these structures and the resettlement of the tenants. Hence I award Rs.40/- per sq.yd. for this land.

'OTHER COMPENSATIONS'

In addition to the price of the land, the land owners will get compensation for the structures constructed by them. The price of the structures has been assessed by the C.P.W.D. at Rs.5388/- vide their letter No.12(54)/DSII/6793⁹⁴² dated 27.7.1964. I have inspected the site and I found that the price assessed by the C.P.W.D. for the structures is quite reasonable and I award Rs.5388/- for the structures.

Compensation for trees: There are few trees on the land under acquisition. The Naib Tehsildar (Land Acquisition) has assessed Rs.72/- for these trees.

Compensation for the Well: There is one well on the land under acquisition which has also been assessed by the Naib Tehsildar (LA) at Rs.500/-.

I inspected the site and I found that the prices assessed for the trees and the well by the Naib Tehsildar(LA) are quite reasonable and I award accordingly.

'APPORTIONMENT'

The compensation for the land at Rs.60/- and Rs.40/- per sq.yd. respectively as discussed above will be paid to the land owners. Since no gift deed has been presented by the owners, the compensation will be paid to both of them. According to the note as stated above ^{the} against/claimant at Sl.No.14, Shri Waris Ali, the amount of Rs.11150/- will be paid with the consent of the land owners and the tenants.

If it is disputed the amount will be sent to the Additional District Judge for adjudication. As discussed above there are 39 tenants on the land under acquisition who demand the alternative accommodation. The Municipal Corporation of Delhi will have to make necessary arrangements for providing the suitable alternative accommodation to these tenants and therefore no compensation has been awarded to them.

'THE AWARD IS SUMMARISED AS BELOW'

Compensation for 2093 sq.yds. of land @ Rs.60/- per sq.yd.	Rs.1,25,580.00
Compensation for 1807 sq.yds. of land @ Rs.40/- per sq.yd.	Rs. 72,280.00
Compensation for the structure.	Rs. 5,388.00
Compensation for the well.	Rs. 500.00 <u>Rs.2,03,748.00</u>
15% of the above as solatium for compulsory nature of acquisition.	Rs. 30,562.20 NP <u>Rs.2,34,310.20 NP</u>
Compensation for trees.	Rs. 72.00 <u>Rs.2,34,382.20 NP</u>
G. Total	

The land is assessed to no land Revenue, therefore no deduction is necessary from the Revenue Roll.

[Signature]
(Zal Nowsherwanji)
Land Acquisition Collector,
Delhi Shahdara Circle,
D E L H I.
24.10.1964

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

[Signature]
(Zal Nowsherwanji)
Land Acquisition Collector,
Delhi Shahdara Circle,
D E L H I.
24.10.1964

Seen.
[Signature]
A.M.(L.A.)
with Powers of Collector, Delhi

30.10.64
COLLECTOR, DELHI

537

Demand letter may be issued immediately
- 25-11-64
H.C. (D.H.)
2/11/64
H.C. clerk.

Demand letter in payment file is
added for approval please.
- 25-11-64

111
5/11/64

Please prepare Tag the
Memorandum - A Statement

- 25-11-64

8 Nov 1964

The funds have been received.
Now the Award will be
announced on 21.9.65
All concerned be informed.

- 21.9.65

شماره ۵۳۷
تاریخ ۲۱/۹/۶۵
موضوع: اعلام برنده شدن در مسابقه

Laurel & Spirit collection
Delhi

Mohammed M
Adnan
Council
Chairman

۲۱/۹/۶۵