

A W A R D No. 1771 /

Name of the property: Ram Nagar, New Delhi
(Qadam Sharif).
Nature of Acquisition: Permanent.

INTRODUCTION:

The land bearing Municipal Nos. 7533-7534-7535 measuring 1120 sq.yds. situated in ward No.XV (khasra No.164/8) is needed by the Government at the public expense for a public purpose namely for the construction of Government School. A notification under section 4 of the Land Acquisition Act was made vide notification No.F.15(122)/62-LSG dated 2.5.1963. The substance of the notification was given due publicity and objections were invited from the interested persons. No objection was however received. Hence a declaration under section 6 of the Land Acquisition Act was made vide notification of even Number dated 27.7.1963. 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 of the Land Acquisition Act, the total area to be acquired was 1120 sq.yds. From the further verification made on the spot under section 8 of the Land Acquisition Act, the total area to be acquired was found correct at 1120 sq.yds. Therefore, I hold the area under acquisition to be true at 1120 sq.yds.

According to the Revenue Record (Jamabandi record), the ownership of the said property stands in the name of Delhi Development Authority, and ^{the} Late Shri Assa Ram s/o Chuni Lal residents of Baghpat, District Meerut, is the Patedar (lessee) for 20 years. In the remarks column of the above said Jamabandi record, it is stated that with reference to file No.21(19)/711 dated 25.1.1956 the said lease was terminated by the

29.2.1956. There is a double storey building which is in occupation of the Director of Education, and a Government Girls School is running there. The said building under acquisition was requisitioned by the Collector (Requisition) vide his order No.17/RC dated 11.7.1955 for the Education Department and the same has since been under the occupation of the Education Department.

'CLAIMS AND EVIDENCE'

Sarvshri Panna Lal and Munna Lal ss/o Late Shri Chuni Lal and B/o Late Shri Assa Ram lessee and Sarvshri Sagar Chand, Hem Chand and Suresh Chand ss/o Late Shri Assa Ram-lessee, along with widow Shmt. Maina Wati- have jointly filed their claims, stating that Shri Assa Ram-lessee was the Karta of Hindu Undivided Family who had constructed the double storeyed building on the land. The claimants further stated that the market value of the building along with lease hold rights over the land in the year 1963 was not less than Rs.6,00,000/- (Rs. six lacs). Hence they demanded the compensation for the land plus Rs.6,00,000/- for the lease hold rights in the building plus solatium and interest as permissible under the law. They further requested that the compensation may be paid to all the claimants according to their respective shares.

On behalf of the Delhi Development Authority, Shri Balbir Singh, Engineer Member, through Shri C.M. Mathur Advocate claimed that the land in question was the Government owned Nazul land, and it was under the management and control of the Delhi Development Authority. It has also been claimed that the lease had expired on 31.12.1952, and no fresh lease was given to Late Shri Assa Ram or to any of his heirs. It was also suggested on behalf of Delhi Development Authority that the land under acquisition may not be acquired, but its possession be transferred through 'Book adjustment' as the land belongs to Government. It was further claimed by the Delhi Development Authority that the legal heirs of the deceased Shri Assa Ram the lessee, were

served with notices to hand over possession of the land to Delhi Development Authority by 30.6.1963, but they had failed to comply with such notices. Hence ~~there~~ their possession should be deemed as unauthorized and no compensation should be paid to them. It was further claimed on behalf of Delhi Development Authority that the two storeyed building existing on the land also belongs to Delhi Development Authority.

The aforesaid claimants however denying the allegations made by Delhi Development Authority in its claim have ascertained that the land and the building thereon was not under the management and control of the Delhi Development Authority and they claimed that the compensation of the land as well as the building should be paid to them.

Thus in this way both the parties are claiming for the compensation of the land and the building. In evidence the claimants have filed copies of deed of relinquishment and of the letter No.L.20(15)/58 dated 16.7.1961 issued by the Delhi Development Authority. On behalf of Delhi Development Authority a copy of the lease deed No.1522 dated 22.5.1933 was produced.

'MARKET VALUE'

As evident from the Jamabandi record, the land under acquisition belongs to the Government i.e. Delhi Development Authority. This land as such can be transferred to the Directorate of Education, Delhi through Book Adjustment. Hence there is no need for fixing any market value for the land under acquisition.

So far as the question of compensation for the structure is concerned, the Executive Engineer, Delhi Admn. Delhi State Division No.IV vide his letter No.63/Rent/11591-92 dated 26.10.1964 has evaluated its value for Rs.88,200/-.

I have inspected the ~~six~~ said building and I found that the value fixed by the Executive Engineer, Delhi State, P.W.D., Division No.IV is quite reasonable and I award accordingly.

According to the Jamabandi Record, the lease as stated
has been terminated on 29.2.1956, therefore, the question
of payment of compensation for the lease hold rights as demanded
by the claimants cannot arise.

(APPORTIONMENT)

Since there is a dispute between the claimants and
Delhi Development Authority. As discussed above about the owner-
ship of the building on the land under acquisition, the compensat-
ion of the structure amounts to Rs.88,200/- as valued by the
Executive Engineer, would be treated as disputed, and it will
be sent to the Additional District Judge for adjudication and
disbursement.

'THE AWARD IS SUMMARISED AS BELOW'

Compensation for 1120 sq.yds. of land.	Rs. - Nil -
Compensation for structure.	Rs.88,200.00 NP
15% of the above as solatium	Rs.13,230.00 NP
as compulsory nature of acquisition.	G.Total.. <u>Rs.93,430.00</u>

The land is assessed to no land revenue, therefore, no
deduction is necessary from the revenue roll.

(Zal Nowsherwanji)
Land Acquisition Collector,
Delhi Shahdara Circle,
DELHI.
27.1.1965.

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

(Zal Nowsherwanji)
Land Acquisition Collector,
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with Power of Collector, Delhi
COLLECTOR, DELHI