

AWARD No.

1777

Name of the property:

Pataudi House, Darya Ganj,
Delhi.

Nature of acquisition:

Permanent.

INTRODUCTION:

The land measuring 1562.2 sq.yds. situated at Pataudi House, Darya Ganj, Delhi is needed by the Government at the public expense for a public purpose, namely for the Government School. At the outset a notification under section 4 of the Land Acquisition Act was made vide notification No.F.15(305)/61-LSG dated 14.8.1962 in which it was stated that the land is likely to be required by the Government at the expense of the Municipal Corporation for a public purpose, namely for the Municipal School and the approximate area to be acquired was shown as 156.2 sq.yds. Later-on vide ~~vide~~ the corrigendum issued by the Delhi Administration, Delhi vide notification of even Number dated 10.6.1963 it was clarified that the land was required for a public purpose, namely for the Government School, and the area was shown as 1562.2 sq.yds. The substance of the notification was given due publicity and objections were invited from the interested persons. However no objection under section 5-A was received and hence a declaration under section 6 of the Land Acquisition Act was made vide notification of even number dated 3.12.1963. The boundaries of the land under acquisition are as follows:-

North:	Main Kothi, Pataudi House.
South:	Kuchan Dukhni Rai.
East :	Open land and buildings of Pataudi House.
West :	Proposed 10' wide road and quarters of Pataudi House.

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 1562.20sq.yds. From further verifications made on the spot under section 8 of the Land Acquisition Act, it was found that according to the layout plan of the acquiring department, the actual area under ~~section~~ acquisition comes to 1562.22 sq.yd i.e.(74' X 190'). The difference of 0.02 sq.yds. is negligible. Therefore I hold the area under acquisition to be true at 1562.22 sq.yds. The Potaudi House Trust has constructed six plots, the site plan of which has been prepared by the Naib Tensilkar(LA) on 25.1.1965. Out of these six plots, in the plot No.1, there exists a part of the factory of Shri Jagan Nath of the Battery Separators Co; to the extent of 24' X 18' i.e. 48 sq.yds. Hence after deducting the area of 48 sq.yds. the award of the remaining area of 1514.22 sq.yds is being drawn.

Because of the absence of the Municipal No. of the property under acquisition, no record regarding the ownership of the plot was available from the Municipal Corporation of Delhi. However on the basis of the claims submitted by the interested persons and according to the spot inspection, the names of the occupants and the tenants are as given below:-

Sl.No.	Name of the occupant of the tenant.	Plot No.	Area.
1.	Potaudi House Trust.	1,2,5 & 6min	1008.40 Sqyds.
2.	Rammani Devi w/o Shri Ram Chander.	3	276.91 sq.yds.
3.	Sr. Sunder Singh s/o Kalyan Singh.	4	276.91 sq.yds.
			<u>1562.22 sq.yds.</u>

Note: Shri Jagan Nath has taken an area of 104 sq.yds.

in the plot No.1 from the Potaudi House Trust
at the monthly rent of Rs.75/-.

In plot Nos. 5 and 6 one shri Babu Lal Balmiki
is in unauthorized possession of the area of
200 sq.yds.

'CLAIMS AND EVIDENCE'

Shri Gian Chand, Secretary Potaudi House Trust through Shri Ram Lubha, Advocate has claimed the compensation for the land at Rs.2,01,636/- @ Rs.200/- per sq.yd., and Rs.10,000/- as damages for severance for the land and Rs.20,000/- for damages for acquisition of injuriously affecting its other property. Thus the total compensation of Rs.2,31,636/= has been claimed.

Shmt. Rukmani Devi w/o Shri Ram Chander Gupta has stated in her claim petition that she had purchased the plot No.3, measuring 276.91 sq.yds. for Rs.16,891.50/= and she has claimed the compensation @ Rs.200/- per sq.yd. She has also claimed Rs.5,000/= as damages that has resulted from the diminution of the profits of the land.

Shri Sunder Singh s/o Kalyan Singh Sethi has also stated that he has purchased the plot No.4, measuring 271.91 sq.yds. for Rs.16,891.50 Np and thus he has claimed Rs.200/- per sq. yds. as compensation for the land and Rs.5,000/- as damages that has resulted from ~~from~~ the diminution of the profits of the land.

Shri Jagan Nath s/o Assa Nand, Proprietor India Battery Separators has in his claim petition, ^{stated} that he has taken on rent the land measuring 104 sq.yds. from the plot No.1 from the Potaudi House Trust. He has further stated that he has constructed a factory on it. He stated that on the portion of the land under acquisition he has his godown for the storage of Timber, and tanks for the chemical treatments and that he has constructed a sewage in this area. He has claimed the total compensation of Rs.2,10,000.00 Np.

Note: At my site inspection it was found that this claimant has installed the machinery on the area of "24' X 18' i.e. 48 sq.yds. On this area of 48 sq.yds., there is a sewage and the tank~~s~~ also which is a part of the factory and that the remaining area of 56 sq.yds was found to be vacant and therewas no godown etc.

Hence leaving aside the area of 48 sq.yds. from the plot No.1, the remaining area of 56 sq.yds. is being acquired. In this way the claimant will not suffer any loss as it will not affect the running of his factory. Besides, his claim regarding the loss of business etc., will not be considered. On the other hand if this area of 48 sq.yds. is also acquired, besides giving the compensation for the loss of business etc., the question of giving an alternative site will arise.

The occupant of the plot Nos. 5 & 6 min, Shri Babu Lal Balmiki has not filed any claim, although he was personally directed to do so when I inspected the site on 27.1.1965.

In evidence all the above claimants have jointly produced copies of the following documents.

Sl.No.	Nature of document.	Date of execution	Area in sq.yds.	Plot No.	Total sale price.	Average per sq.yd.
1	2	3	4	5	6	7
1.	Sale deed	2.3.57	276.91	4 (Under acq.)	Rs.16,891.50	Rs.61
2.	"	22.2.57	276.91	3 (Under acq.)	Rs.16,891.50/-	Rs.61
3.	Offer (by Shri G.S. Kashyap & sons)	31.3.62	--	--	Rs.6,000/-	

Note: As there is no mention of area in the above said offer and is also not a certified copy, therefore it cannot be taken into consideration.

4.	Offer (by India Battery-Separators, Co.)	--	--	--	Rs.100,
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Note; This offer also does not mention any area and therefore it is also irrelevant.

5.	Sale deed.	10.1.62	79.2	Municipal No.3794 to 3799, ward No.XI.	Rs.20,000/-
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Note: The above stated sale deed pertain to a structural area. The cost of the structure has been assessed at Rs.2300/- by Shri D.P. Bhatnagar, Retired Executive

Engineer, P.W.D. After deducting the price of the structure, average price of the land ~~sample~~ comes to Rs222/= per sq.yd.

6. Sale deed 11.9.64 214 sq.yds. Municipal No. Rs.37,800/-
3833. Rs.160/-
(Double storey building).

The above stated sale deed is after the date of notification under section, 4.

7. " 22.7.61 3034 sq.yds. 2/3619 Rs.20,000/-Rs.65/-

This plot is on the other side of the land under acquisition.

8. " 4.4.61 568 sq.yds. Municipal Nos. Rs.1,05,000/-
4033 to 4051
(charekhewalan,
Chawri Bazar,
Delhi).

The above stated sale deed does not have any relevancy with the area under acquisition.

9. " 13.6.61 -- Municipal Nos. Rs.81,000/-
1671 & 1672,
Ward No.11.

As no area has been mentioned in the above stated sale deed and it had been purchased on auction, therefore, it is not relevant for arriving at the market value of the area under acquisition.

10. " 27.5.61 36 sq.yds. Municipal No. Rs.23,000/-
3737 & 3738,
ward No.11.

This sale deed consists of structure and no value has been assessed for the structures and therefore this has no relevancy with the area under acquisition.

From the above documents produced by claimants, it will be seen that except the sale transactions at sl. No.1 and 2, the other transactions have taken place in the commercial area. Besides in some of the sale instances there are building structures on the plots. The owners have not produced any specific evidence regarding the valuation of the structure. Hence the value involved in these sale transactions cannot be held to be

relevant for arriving at the market value of the land under acquisition.

'MARKET VALUE'

The property under acquisition is situated in Darya Ganj and adjacent to Pataudi House and Kala Mahal which has been recently acquired under the award No.1743. The area of Kala Mahal is quite similar to the land of Pataudi House Trust. In the said award the compensation of the vacant area was fixed @ Rs.60/- per sq.yd. The above award pertains to the notification under section⁴ dated 30.8.1961, whereas the date of notification of the present award is 14.8.1962. Besides the situation of the land under acquisition is better than the area in award No.1743, Moreover the average value of the sale transactions of the sale deeds mentioned at sl. Nos.1 & 2 stated above pertain to the same area under acquisition and comes to Rs.61/= per sq.yd. These sale transactions pertain to the year 1957 and the notification under section 4 pertains to the year 1962, Thus the considering the bank interest @ 5% p.a. the interest for five years comes to Rs.25/- Thus considering all the factors I am convinced that the price of Rs.75/- per sq.yd. is quite reasonable and fair market value of the land under acquisition and award accordingly.

'OTHER COMPENSATIONS'

In addition to the price of the land, the land owners will also get the compensation for the structure constructed by them.

Compensation for Structure constructed by Shri Babu Lal Balmiki:

<u>Sl. No.</u>	<u>Plot No.</u>	<u>Nature of structure.</u>	<u>Price assessed</u>
1.	5 & 6	Chhapar	Rs.112.00
2.		Wall	Rs. 98.00
		Thala Khan	Rs. 67.00
			<u>Rs.277.00</u>

Compensation for trees:

There are small ~~plots~~ rose, motia, and anar plots on the land under acquisition in plot No.5 & 6, under the

possession of Shri Babu Lal Balmiki. Thus looking in to the ^{and efforts made} interest taken by Shri Babu Lal Balmiki in growing these plants, the compensation of Rs.50/= is allowed.

Compensation for wells:

Nil.

There is a hand pump in plot Nos.5 and 6 under the possession of Shri Babu Lal Balmiki. Shri Babu Lal Balmiki can remove the hand pump if he so likes.

The above stated values for the trees and structure have been assessed by the Naib Tehsildar (Land Acquisition). I have inspected the site and I found that the prices assessed by him are quite reasonable and award accordingly.

'APPORTIONMENT'

As no written evidence has been produced on behalf of Potaudi House Trust regarding the ownership, therefore the compensation will be paid after the verification from the Trust and other occupants.

As Shri Babu Lal Balmiki is in unauthorized possession of the land, therefore he is not entitled for the compensation of the land. However he will be entitled for the value of the structure and trees.

'THE AWARD IS SUMMARISED AS BELOW'

Compensation for 1514.22 sq.yds. of land @ Rs.75/= per sq.yd.	Rs.1,13,566.50 NP
Compensation for structure.	Rs. 277.00 NP Rs.1,13,843.50 NP
15% of the above as solatium for compulsory nature of acquisition.	Rs. 17,076.52 NP Rs.1,30,920.02 NP
Compensation for trees.	Rs. 50.00 NP
G. Total	Rs.1,30,970.02 NP

The land is assessed to no land revenue.

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

29.1.1965.

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Seen
in his high
A.D.M. (L.A.)
with Powers of Collector, Delhi

COLLECTOR, DELHI