

Name of the property: A portion of House No.
XI/4599.
Darya Ganj, Delhi.

Purpose of acquisition: Construction of Road
connecting Elgin Road to
Ring Road.

Nature of Acquisition : Permanent.

I N T R O D U C T I O N .

The land measuring 92 sq.yds. of House No.XI/4599, Darya Ganj Delhi is to be acquired for the construction of a road connecting Elgin Road to Ring Road by the Government at the public expense for a public purpose as stated above. A notification under section 4 of the Land Acquisition Act was made vide notification No.F.1(46)/62-L&H dated 14.8.1964. The substance of the notification was given due publicity and objections were invited from the interested persons. No objection under section 5A of the Land Acquisition Act was received and a report to this effect was made to the Housing Commissioner vide this office letter No.LAB/Rev/23404 dated 7.12.1964. A declaration under section 6 of the Land Acquisition Act was made vide notification No.F1(46)/62-L&H dated 5.1.1965. 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.

'MEASUREMENT & OWNERSHIP'

According to the notification under section 6 of the Land Acquisition Act, the total area to be acquired was 82 sq.yds. From further verification made on the spot as required under section 8 of the Land Acquisition Act the total area to be acquired was found to be 92 sq.yds. The difference of 10 sq.yds. is due to clerical mistake. I, therefore, hold the area under acquisition to be correct at 92 sq.yds.

According to the sale certificate issued by the Managing Officer, Acquired Evacuee property, Shri Moti Ram Bhalla

s/o Khushi Ram Bhalla has been declared as the purchaser of the property under acquisition w.e.f. 30.3.1960.

Note: Shri Moti Ram Bhalla has filed a copy of the sale certificate. He will have to produce the original sale certificate and the existing municipal record, showing him to be the owner of the land under acquisition before any compensation is paid to him.

'CLAIMS AND EVIDENCE'

Shri Moti Ram Bhalla s/o Khushi Ram has filed the claim petition claiming the compensation for the land @ Rs.200/- per sq.yd., and Rs.11,386.96 paises for four rooms and three latrines. Thus he has demanded the total compensation of Rs.29,786.96 ps. He has filed an attested copy of the letter No.ASC/ Auction(Conf), /EP XI/4599/56/2952/ dated 4/9 year nil confirming the acceptance of the claimant's bid of Rs.1,30,000/- for the property bearing municipal No.6062/4593. The claimant has also filed an unofficial copy of the letter No.XIII/XIV/XVI/D dated 10.10.1960 purported to have been issued by the Ministry of Rehabilitation showing that the area sold to the claimant comprised 1700 sq.yds.

Note: At the time of site inspection Shri Moti Ram Bhalla has verbally informed that the structures for which he has claimed the compensation has been demolished by the Military Authorities during 1962. However at the site there is no trace of any such structure. Besides the date of notification under section 4 of the Land Acquisition Act 14.8.1964. It means that the so called structures were not existing on the date of notification under section 4. Hence the plea of the claimant which pertains to prior to the date of notification under section 4 cannot be taken into consideration at this stage.

' MARKET VALUE '

The property under acquisition is situated in Darya Ganj
Contd3

at the junction of the Elgin Road and the Ring Road. From the sale instances held from 1959 to 1963 pertaining to the localities surrounding the land under acquisition as gathered by the ~~file~~ ^{copy of the} from the Sub Registrar's Office the average cost of the land comes to Rs.146.12 ps per sq.yd. But the prices involved in the said transactions include the cost of structures also. Besides the said transactions have taken place in the thickly populated and commercial area of Darya Ganj, Jama Masjid etc. But the land under acquisition is situated faraway and is secluded from the Main Bazar and ^{thickly} populated area. Hence the value involved in those transactions cannot be held to be relevant for arriving at the correct market value of the land under acquisition. As discussed above from the ^{copy of the} sale certificate as produced by the claimant the purchase price of the land under acquisition is shown Rs.1,80,000/-. But there is no detail regarding the total area purchased, nor does it indicate whether the purchase price is the cost of the land alone or does it include the cost of any structure also. Moreover as the property was purchased in auction ^{from} by the Rehabilitation Department, the value involved in it cannot be taken into consideration for the purpose of arriving at the correct market value of the land under acquisition, because the property has been purchased in auction where bids are inflated and the amount is adjusted in claims. Considering the above factors I consider the rate of Rs.60/- per sq.yd. to be fair and reasonable market value for the land under acquisition and I award accordingly.

'OTHER COMPENSATIONS'

As discussed above there has been no structure existing on the land from the date of notification under section 4 i.e.14.3. 1964. As such there is no question of assessment of structure.

At the site the road has already found to be constructed on the land under acquisition much before the publication of the notification under section 4 of the Land Acquisition Act.

There is nothing on the record, nor the claimant has clarified as to when was the possession of the land under acquisition taken and by which authority.

As such no action cannot be taken at this stage regarding the possession.

'AFFIDAVIT'

As discussed above the claimant Moti Ram Shalla will have to produce the original documents showing him to be the owner of the land under acquisition before any compensation is paid to him.

'THE AWARD IS SUMMARISED BELOW'

Compensation for 92 sq.yds. of land @ Rs.60/- per sq.yd.	Rs.5,520.00
15% of the above as solatium for compulsory nature of acquisition.	Rs. 828.00
G. Total.....	<u>Rs.6,348.00</u>

The land is assessed to no land revenue.

(Zal Nowsherwanji)
Land Acquisition Collector,
Delhi Shahdara Circle,
D E L H I.
1. 5. 1965.

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

(Zal Nowsherwanji)
Land Acquisition Collector,
Delhi Shahdara Circle,
D E L H I.
1.5.1965

COLLECTOR, DELHI