

AWARD NO.

7/86-87

NAME OF VILLAGE : KAROL BAGH

NATURE OF ACQUISITION : PERMANENT

PURPOSE OF ACQUISITION : FOR JOSHI MEMORIAL  
HOSPITAL.

These are the proceedings for determination of compensation u/s 11 of the Land Acquisition Act 1894 for the land measuring 4952 sq. yds. situated in Karol Bagh. The said land was notified u/s 4 of the L.A. Act vide notification No. F.7(51)/72-L&B dt. 9.5.83 for a public purpose namely for Joshi Memorial Hospital. The substance of notification was given due publicity and objections were invited from the interested persons. After considering objections u/s 5-A, the Delhi Administration issued a declaration u/s 6 of the L.A. Act, 1894 vide notification No. F.7(51)/72-L&B dt. 4.7.1983 for the acquisition of land measuring 4952 sq. yds.

In pursuance of the above notifications, notices u/s 9 & 10 of the L.A. Act were issued to all the interested persons and the claims are discussed here-in-after under the heading 'Claims & Evidence'.

**MEASUREMENT & TRUE AREA:** The Field staff of Land Acquisition carried out the measurements of this area under acquisition on the spot and found the same as under :-

<u>KHASRA NO.</u>	<u>PROPERTY NO.</u>	<u>AREA</u>	<u>KIND OF SHARE</u>
585/497	862min	197 sq. yds.	
198/31	847 min	742 sq. yds.	
199/31	846 min	356 sq. yds.	
403/29	875 min	1244 sq. yds.	
499/396	868 min	235 sq. yds.	
402/29	874 min	2178 sq. yds.	

**CLAIMS & EVIDENCE:** The following interested persons have filed their claims in response of notices u/s 9 & 10 of the Land Acquisition Act :-

S.NO. NAME OF CLAIMANTCOMPENSATION CLAIMED:

1. Smt. Tikko Devi, 109 Darya Ganj Delhi & others. They have claimed the payment of compensation & other matter etc. as the legal heirs of deceased Girdhari Lal Mehra s/o Sukhdev Dass Mehra for Kh. No. 499/396/Property No. 868 (New).
2. Smt. Tikko Devi & others The claimed compensation of Rs. 4,68,000/- (as value of plot) mg. 234/1/4 sq. yds. @ Rs. 2,000/- per sq. yd. and Rs. 34,456/- being the cost of construction besides damage, compulsory solatium for Khasra No. 499/396 mg. 234/1/4 sq. yd.
3. Sh. Gurbachan Singh s/o Tej Singh, 875-A East Park Road, Karol Bagh, N. Delhi. 1. He claimed for the property No. 875 mg. 1244 sq. yds. @ 10,000/- per sq. yd.

contd...2/-

S.NO. NAME OF CLAIMANT

COMPENSATION CLAIMED

3. 2. Value of Super Structures @ Rs. 200/- per sq.ft. i.e. 6000 X 200=12,00,000/-.  
3. 15% solatium & other Interests.  
4. Commercial Plot more or less equal to dis. plot at reasonable price.
4. Sh. Dharamveer Mehra & ors. ss/o Brij Lal Mehra r/o 109, Darya Ganj : Delhi. They claimed for property No. 868 Kh. No. 499/396 of 1/2 share for payment of compensation & other matters being legal heirs of Brij Lal Mehra.
5. Dharmveer Mehra (above) They claimed 1/2 share in Prop. No. 768 (old) 868 (New) mg. 234/1/4 sq. yds. out of Kh. No. 499/396. The claimants claimed compensation of Rs. 4,68,000/- as value of plot mg. 234/1/4 sq. yds. @ Rs. 2000/- Per sq. yd. & Rs. 34456/- compulsory solatium & interest.
6. Manmohan Singh r/o 875 X (Aportion) East Park Rd. Karol Bagh, N.DELHI-15. He claimed compensation for Kh. No. 403/29 Prop. No. 875 (1244 sq. yds.) & stated that Joshi Hospital is my tenant & I am the owner of 1/2 share and the compensation may be paid to me.
7. Smt. Sita Devi wd/o Gobind Ram & Others. They claimed @ Rs. 5,000/- per sq. yd. & the value of structures not less than Rs. 5,00,000/- and also prayed that the land & structure of the claimants be not acquired.  
As mentioned at Srl. No. 3.
8. Sh. Gurbachan Singh s/o Sh. Tej Singh.
9. -do- He only produced the documents regarding property No. 875/XVI vide this claim.
10. Thakur Kuldip Singh & others. A. They claimed suitable residential or commercial plot to each claimant nor far away from the claimants plot which is being acquired & not less than 500 sq. yds. in each case.  
B. Value of the land @ Rs. 6000/- per Sq. Yds.  
C. Rs. 1,53,193/- for super structures.  
D. 15% solatium alongwith interest as per law.
11. Thakur Kuldip Singh & ors. As above.

MARKET VALUE: The date of notification u/s 4 of the Land Acquisition Act in this case is 9.5.83. The fair market value is determined keeping in view the average price of property transactions in last three years from the date of notification u/s 4. These are given below:-

contd....3/-

Srl.No.	Year of the V.S.A.F.	Total area	Total price paid for the property	Average per sq. yds.
1.	1930 - 1931	203 sq.yds.	Rs. 1,0000/-	Rs.502/- per sq. yd.
2.	1931 - 1932	257 sq.yds.	Rs. 1,70,000/-	Rs. 664/-per sq.yd.
3.	1932-1933	463 sq.yds.	Rs. 1,94,375/-	Rs. 419/-per sq.yd.

One sale deed has been produced by one of the claimants executed on 4/9/32 of plot No. 2, Block No. 16 measuring 230 sq. yds. for Rs. 3,00000/-. I have personally inspected this building 16/2. This building is located just on the main Ayaz Sahai Road and right in the Western Ext. Area of Karol Bagh which is the most popular commercial area of Delhi. This building 16/2 is further located much away and almost at a distance of more than ~~2~~<sup>2 1/2</sup> of a Kilometer from the property involved in the award. In Delhi the very location of a building is the biggest criterion to determine its value and potential. The property involved in the award does not exist even near to the so called commercial area of Karol Bagh. Moreover the property 16/2 N.E.A. is completely built up and adjacent to the main market. First the property includes the value of structure which entails almost 70% of the total price. Secondly the area being very close to the main commercial market obviously fetches higher price. Thus this transaction value of 16/2 N.E.A. cannot be taken at par with the value of the land under acquisition which is surrounded by the residential area.

In this village an award No. 31/74-75 was made by the then IAC for the land mo. 3176 sq.yds. @ Rs.125/- per sq.yds. In this award, the notification u/s 4 & 6 were dt. 30.3.67 & 23.7.69 respectively. No orders enhancing compensation by the ADJ Delhi has been received so far in this office in respect of the said award. The land in this case is recorded in the ownership of Govt. as per revenue record. There also exists the super structures on the land which is being acquired under this award, for which the valuation has been assessed by the P.W.D. Delhi Admn. under the heading 'Structures'. Joshi Memorial Hospital is already running on the land under acquisition and some persons are recorded as pattedars as per revenue record.

Considering all the facts, stated above I award Rs.550/- per sq. yds. as the market value for the land under acquisition. The Value of award is reasonable in my view, considering relevant facts stated above.

**STRUCTURES:** The property Nos. 346min, 347min, 362min, 347min & 375 min are built up on the spot; for which the valuation has been assessed by the P.W.D. Delhi Admn. as per letter No. SWJJ/DA/SW I/140-73/349 dt. 1.6.35 from Sh. Ram Kumar, Surveyor of Works I, P.W.D. (DA) Zone II, N.Delhi. The details of which is as under:-

PROPERTY NO.	KH.NO.	YEAR WHEN CONSTRUCTED	TOTAL AMOUNT ASSESSED
375	1903/29	1930	Rs. 93,407/-
362	535/497	1935	Rs. 43,643/-

contd...2/-

368	499/396	1935	Rs. 36,406
347	193/31	1930	Rs. 50,585/-
346	199/31	1930	Rs. 21,753/-

TOTAL Rs. 2,50,799/-

The property No. 375 as mentioned above relates to Kharra No. 403/29 instead of Kh. No. 1903/29. The correct Kharra No. is 403/29 & 1903/29. The Property No. 374 is vacant on the site, the Kharra No. of which falls as 402/29 and hence the valuation has not been assessed.

WELLS & TUBEWELLS: There is no well & Tubewell on the land under acquisition.

TREES: There are some trees on the land under acquisition and the price of the trees has been assessed as detailed below:

Srl. No.	Kh. No.	Prop. No.	Name of Tree	Nos. of Trees	Weight Per ct.	Price per ct.
1-	402/29/374		Neem	3	7	Rs. 25
			Filkhan	1	10	Rs. 25
			Jamun	1	3	Rs. 25
			Peepal	1	1	Rs. 25
						Rs. 225
						TOTAL Rs. 525/-
2.	403/29/375		Iehswa	1	4	Rs. 25
			Sehtut	2	7	Rs. 25
			Safeda	1	2	Rs. 25/-
			Neem	2	5	Rs. 25
			Filkhan	1	5	Rs. 25
				7	22	Rs. 550/-
3.	199/31/346		Jamun	1	3	Rs. 25
			Jagal jabi	1	1	Rs. 25
				2	4	Rs. 100/-
4.	193/31/347		Sehtut	3	5	Rs. 25/-
				3	5	Rs. 25/-

GRAND TOTAL 13 52 Rs. 1300/-

SOLATIM: 30% solatium is payable on the market value so assessed as per amended L.A. Act 1934.

ADDL. AMOUNT U/S 23(1-A): Addl. amount u/s 23(1-A) of the L.A. Act 1934 will be paid @ Rs. 12% p.a. w.e.f. 9.5.1913 (the date of notification u/s 4) till the date of award.

APPORTIONMENT: The compensation will be paid on the basis of latest entries in the Revenue record. Since the claimants are lease holders of D.P.A./Delhi Improvement Trust and the Government is the recorded owner of the land under acquisition, the apportionment is referred to the court of A.D.J. : Delhi for proper adjudication under section 30-31 of the Land Acquisition Act. The amount of compensation so awarded shall be sent to the A.D.J. in this regard.

contd...5/-

363	492/396	1935	Rs. 36,406
347	193/31	1930	Rs. 50,585/-
346	199/31	1930	Rs. 21,753/-
TOTAL			Rs. 2,50,799/-

The property No. 375 as mentioned above relates to Khacra No. 403/29 instead of Kh. No. 1903/29. The correct Khacra No. is 403/29 & 1903/29. The Property No. 374 is vacant on the site, the Khacra No. of which falls as 402/29 and hence the valuation has not been assessed.

WELLS & TUBEWELLS: There is no well & Tubewell on the land under acquisition.

TREES: There are some trees on the land under acquisition and the price of the trees has been assessed as detailed below:

Srl. No.	Kh. No.	Pro. No.	Name of Tree	Nos. of Trees	Weight Per ct.	Price per ct.
1-	402/29/374		Neem	3	7	Rs. 25
			Pilkhan	1	10	Rs. 25
			Jamun	1	3	Rs. 25
			Peepal	1	1	Rs. 225
TOTAL						Rs. 525/-
2.	403/29/375		Lehsua	1	4	Rs. 25
			Sehtut	2	7	Rs. 25
			Safeda	1	2	Rs. 25/-
			Neem	2	5	Rs. 25
			Pilkhan	1	5	Rs. 25
TOTAL						Rs. 550/-
3.	199/31/346		Jamun	1	3	Rs. 25
			Jagal jabi	1	1	Rs. 25
TOTAL						Rs. 100/-
4.	193/31/347		Sehtut	3	5	Rs. 25/-
TOTAL						Rs. 125/-
GRAND TOTAL				13	52	Rs. 1300/-

SOLATIM: 30% solatium is payable on the market value so assessed as per amended L.A. Act 1934.

ADL. AMOUNT U/S 23(1-A): Adl. amount u/s 23(1-A) of the L.A. Act 1934 will be paid @ Rs. 12% p.a. w.e.f. 9.5.1913 (the date of notification u/s 4) till the date of Award.

APPORTIONMENT: The compensation will be paid on the basis of latest entries in the Revenue record. Since the claimants are lease holders of D.C.A./Delhi Improvement Trust and the Government is the recordal owner of the land under acquisition, the apportionment is referred to the court of A.D.J. : Delhi for proper adjudication under section 30-31 of the Land Acquisition Act. The amount of compensation so awarded shall be sent to the A.D.J. in this regard.

contd...5/-

POSSESSION: The Joshi Memorial Hospital is already running on the land under acquisition since 1970-71, therefore, the said hospital is paying rent to the Pattedars hence the interest is not payable to the persons interested/owners in this award.

SUMMARY OF THE AWARD:

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| 1. | Market value for the land mg.<br>4952 sq. yds. @ Rs.550/- per<br>sq. yd.   | Rs. 27,23,600.00 |
| 2. | Compensation of structures as<br>per report of valuation Deptt.<br>(PWD)   | Rs. 2,50,779.00  |
| 3. | 30% Solatium   | Rs. 8,92,313.70  |
| 4. | Compensation of trees  | Rs. 1,300.00     |
| 5. | Addl. Compensation as reqd.<br>u/s 23 (1-A) on the market value<br>of land 12% per annum w.e.f.<br>9.5.83 to 18.12.85 (2 years<br>225 days). | Rs. 8,55,135.78  |

GRAND TOTAL Rs. 47,23,128.48

(Rupees forty seven lacs twenty three thousand one hundred twenty eight & paise forty eight only).

*V Singh*

(VIJAY SINGH)  
LAND ACQUISITION COLLECTOR (DS)  
DELHI.

*20/11/85*  
*de*

*Announced in the  
presence of persons list  
attached in the open  
court.*

*V Singh*  
*20/11/85*