

W.D. No.

892

Place: Serai Thoos.

Nature of acquisition: Permanent.

Acquisition file No. 1405.

2.3. acres of land was notified under section 4 of the Land Acquisition Act, 1894, vide Chief Commissioner, Delhi Notification No. 2(69)/50-LDG, dated the 4th October, 1950, for the construction of Municipal Staff quarters at Serai Thoos. Subsequently, declaration under section 6 of the Act was made by the same authority for the same purpose in respect of the same area vide Notification of even number dated the 18th October, 1955. The Notifications under sections 4 and 6 of the Act were published in the Government of India Gazette, dated the 14th October, 1950 and 24th October, 1955 respectively.

TRUE AREA:

The land under acquisition is bounded towards the East by House No. 3822 to 3833, towards the West by House Nos. 3755 to 3790, towards the North by the Grand Trunk Road and House Nos. 3808 to 3821 and towards the South by the Railway property. The person interested vide her written claim, dated the 31st August, 1956, together with Shri Raj Singh described the area under acquisition to the extent of 17,500 square yards. The erstwhile Delhi Municipal Committee (Now Delhi Municipal Corporation) vide its letter No. Eng. Cor. Land(4)/27/10560/LMB, dated the 4th January, 1958 described the area under acquisition as 1.85 acres or 8,954.00 sq. yds. There was discrepancy in the area shown in the Notifications under section 4 and 6 of the Act, claim put up by the person interested and the one described by the requiring department. The requiring department perhaps included the double storied building previously but afterwards vide their letter No. referred to above on the representation of the person interested it confirmed that this did not form part of the land under acquisition. Because of the considerable difference in the area the measurement was carried out at the spot by

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the field staff on the 14th October, 1958 in the presence of the parties and their survey-experts. According to the measurement at the spot the area works out to be 9,064 sq. yards, which was admitted by the parties to be correct and who put their signatures as a token of correctness thereof. I, therefore, accept the area of 9,064 sq.yards as correct.

COMPENSATION.

1. CLAIMS: Smt. Ram Kaur and her Executor, Attorney and Successor through the will made by late Shri Manoo Singh vide their written claim, dated the 31st August, 1956, laid down as follows:-

1. Value of the land at Rs.125/- per sq. yard for 12500 sq.yds.....15,62,500.00
 2. Value of the immovable property consisting of pucca buildings, compound wall, tin-sheds, 2 wells, pucca stone flooring throughout and for several other structures existing on the land sought to be acquired and trees. 6,36,500.00
 3. Damages sustained by the claimant by reason of acquisition injuriously affecting the recovery of arrears of rent by the claimants from the tenants of the land and property sought to be acquired. 15,200.00
 4. Loss of prospective profits from the value of the land. 3,12,500.00
 5. 15% statutory allowance on the above amount on account of compulsory acquisition. ...not specified but works out to be....Rs.3,79,005.00
- Total of the claim:-29,05,705.00

2. Shri Karam Chand for himself and his son Jagdish Chand claimed Rs.300/- for structures they put on the land, Rs.2,000/- for loss of Brit Jagrani (business) and alternative accommodation before eviction. No other tenant filed any claim in pursuance of the notices served on them. They, however made a joint representation to the Chief Commissioner Delhi for the cancellation of the acquisition proceedings.

A list of other tenants is given below:-

Sr.No.	House No.	Name of the tenant.
1.	3794	Sh.Munshi Ram.
2.	do.	Sh.Banarsi Dass.

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Sl. No.	House No.	Name of the tenant.
3.	3794	Sh. Met Ram.
4.	3795	Sh. Not Ram (since died Srt. Sukho mother present).
5.	3796	Sh. Gulab Singh.
6.	3797	Sh. Hathok.
7.	3798	Sh. Man Sukh Rai.
8.	"	Sh. Tukam Chand.
9.	"	Sh. Piarey Lal.
10.	"	Sh. Usham Chand.
11.	3798/5098)	
12.	3798/5099)	Sh. Balkishan Dass.
13.	3798	Sh. Pasheshwar Nath.
14.	3798/5101	Sh. Harish Chand Cashier, I.H.C.
15.	3798/5102	Sh. Satish Chand.
16.	and 5103	Sh. Satish Chand.
17.	3798	Sh. Ram Sarup Singh.
18.	3798	Sh. Sitara Singh.
19.	"	Sh. Pans Raj.
20.	"	Sh. Ram Kishan.
21.	"	Sh. Ram Tarshad.
22.	"	Sh. Balwant Singh.
23.	"	Sh. Jagoo.
24.	3798/5110	Sh. Jai Ram.
25.	3798	Sh. Suresh.
26.	"	Sh. Jag. Rup.
27.	"	Sh. Nami Singh.
28.	"	Sh. Parma Mand.
29.	"	Sh. Munshi.
30.	3798/5115	Sh. Babu Ram.
31.	"	"
32.	3798	Sh. Sampat Ram.
33.	3798	Sh. Ram Tarshad.
34.	"	Sh. Piarey Lal.
35.	3798/5120	Sh. Khedia Ram.
36.	3798/5121	Sh. Shankar Lal.
37.	3798/5122	do.
38.	3798/5123	Sh. Karam Chand.
39.	3798	Sh. Babu.
40.	3798	Sh. Shanker.
41.	"	Sh. Chhote Lal.
42.	"	Sh. John Lal.
43.	"	Sh. Chuni Lal.
44.	"	Sh. Findia.
45.	"	Sh. Phaggen.
46.	"	Sh. Lachman.
47.	"	Sh. Lachman.
48.	"	Sh. Phaggen.
49.	"	Sh. Gopi.
50.	"	Sh. Chander Ehan.
51.	3798	Sh. Findia as S.No.44.
52.	"	Sh. Lashkari.
53.	"	Sh. Chuni Lal as S.No.43.
54.	"	Sh. Divan Chand.
55.	"	Sh. Karam Chand.
56.	"	Sh. Ram Dia, Hazari Lal, Dalip Singh & Ram Sarup as/o Maryul.
57.	"	Chhote.
58.	"	Sh. Motu Singh.
59.	"	Sh. Babu.
60.	"	Sh. Hazari Lal and others.
61.	"	Sh. Ram Dia.
62.	3798/5151	Sh. Lachman.
63.	3798/512	Sh. Findia.
64.	3798	Sh. Daltu.
65.	3798	Sh. Sheo Chand.
66.	"	Sh. Babu Lal.
67.	"	Sh. Jagdish left, new Mangal is the tenant.
68.	"	

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Sl.No.	House No.	Name of the tenant.	
69.	3798	Sh. Binda Singh Ask Chand.	
70.	3798	name of the tenant was not given.	
71.	3798	Sh. Bikhari.	
72.	3798	Sh. Ganga Ram.	
73.	"	Sh. Kishna.	
74.	"	Sh. Bikhari.	
75.	3798/5163		
76.	and 5164	Sh. Mohan Lal.	
77.	3798	Sh. Jagan Devi.	
78.	3798/5166	Sh. Jagu.	
79.	3798/5167	Sh. Jagu.	
80.	3798	Sh. Buddhu.	
81.	"	Sh. Sonji Lal.	
82.	3798/5170, 5171	Sh. Manwa.	
83.	3798	Sh. Bhagwan.	
84.	"	Sh. Baba.	
85.	"	Sh. Sant Lal.	
86.	"	Sh. Ragoo.	
87.	3798/5175, 5176	Sh. Dal Chand.	
88.	3798	Sh. Kishori Lal.	
89.	3798	Sh. Khubi.	
90.	3798/5179, 5180	Sh. Bika Ram.	
91.	3798/5182, 81	Ram or Nanwas Ram.	
92.	3798	Sh. Phim Sen.	
93.	3798	Sh. Janki.	
94.	3798-99	Sh. Bhagan.	
95.	Sh. 3799	Sh. Hari Shankar.	
96.	"	Sh. Amar Singh.	
97.	3799	Sh. Kishori Lal.	
98.	3799	Sh. Mool Chand.	
99.	3799/5190		ter
	3800/5191	Sh. Faqir Chand.	
100.	3801	Sh. Panna Lal.	
101.	3802	Sh. Shri Ram.	
102.	3803	Sh. Mannu Ram.	
103.	3804	Sh. Kul Chand.	
104.	3805	Sh. Hari Shankar as Sl. No. 88.	he
105.	3806, 3807	Sh. Girdhari Lal.	
106.	3807	Sh. Tiarey Lal.	
107.	"	Sh. Sonji Dass.	
108.	"	Sh. Mohan Lal.	ence
109.	"	Sh. Babu s/o Ganesha Ram.	
110.	"	Sh. Shankar Singh.	me
111.	"	Sh. Hassa Lal.	
112.	"	Sh. Chet Ram.	er
113.	"	Sh. Hari Chand.	
114.	"	Sh. Mohan Lal.	
115.	"	Sh. Chandgi Ram.	
	"	Sh. Bucha Singh (left now Bhajan Singh is the tenant).	land,
117.	"	Sh. Moti Ram.	
118.	"	Sh. Lachmai Pershad.	
119.	"	Sh. Chandgi Ram s/o Vih l Chand.	es
120.	"	Sh. Chuni Lal.	
121.	"	Sh. Pillan.	he
122.	"	Sh. Rameshwar.	
123.	"	Sh. Ram Dayal.	
124.	"	Sh. Behari Lal.	
125.	3807/5243	an occupier, name could not be ascertained.	ted
126.	3807	Sh. Gori Ram.	
127.	"	Sh. Bhagwan.	
128.	3807/5246	Sh. S. R. Rayan.	
129.	3807	Sh. Parbhati Lal now Mangel Lal lives	ect of
130.	"	Sh. Radha Lal s/o Babu Lal.	
131.	"	Sh. Ram Math s/o Mohan Lal.	
132.	"	Sh. Brahm Dayal.	

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No Fruit and Vegetable
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Vegetable Market, Subzi Mandi, through which the then D.I.D. leased out the said plot perpetually from the 5th November, 1942 on payment by the lessee of Rs.20,637/10/- as premium plus Rs.517/- as yearly rent. Ex.8-2 is a certified copy of lease-deed for plot No.10 of the same scheme. Both the leases have since been resumed and the premium refunded to the lessees because of the plots being covered by widening of the D.I.D. Road. Ex.8-3 is the valuation ~~xxxxxx~~ estimate got prepared by the owner by his Architect Shri C. M. Cool, who valued the super-structure under acquisition including 2 wells and 28 trees at Rs.16,744/7/-.

3. CHIEF-D.M.A.

The Chib-Dehsildar, Land Acquisition, vide his report dated the 30th October, 1958 discussed the basis for assessment of compensation and the market value of the land under acquisition at length and proposed a rate of Rs.45/- per sq.yard for valuation of the land. He proposed Rs.40,341/- for the valuation of structures. He proposed Rs.2,000/- for 2 wells and Rs.900/- for 25 trees. He proposed no compensation for severance and other items.

4. DEPUTY COMMISSIONER, MUNICIPAL CORPORATION.

The Deputy Commissioner (4), Municipal Corporation of Delhi, Delhi, vide his written representation, dated the 1st July, 1958, wrote to say that the rate demanded by the person interested was excessive and the market value of the land under acquisition could hardly be more than Rs.25/- per sq.yard and that the area of land was 1.75 acres or 3,954 sq.yards, that the compensation of structures should be Rs.45,378/- according to the estimate forwarded with their letter No.Ldg-Cor/Land(4)26/15601, L&B, dated the 14th January, 1958, that the compensation for wells be assessed at not more than Rs.200/- and Rs.250/- for the trees, that the annual rental value of the entire building and the land under acquisition was Rs.14,640/-. Shri Attar Singh, Field Inspector, Municipal Corporation of Delhi, stated on the

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12th August, 1958 that the rate of Rs.125/- per sq.yard claimed by the person interested was very much excessive, that the copies of the lease-deeds were very old and of the year 1946 and there was a far off distance between the plots and the land under acquisition, that no doubt the land under acquisition was situated on the G.T.Road, which would be widened by 50 feet and at the time of preparing the lay-out plan the land had to be left for interior roads and other common purposes, that the land under acquisition was declared as slum area, where no construction can be made without permission or lay-out plan, that compensation would be given equal to 5 years rent according to section 15 of the Delhi Slum Clearance Act, 1956, that a piece of land was acquired at the rate of Rs.20.50 per sq.yard on the 29th December, 1953 on Roshanara Road, another piece of land was acquired @ Rs.30/- per sq.yard on the 11th February, 1955, situated near the Palace Cinema. These places were far ^{rate} better than the land under acquisition, of which the/could not be more than Rs.20/- to Rs.25/- per sq.yard, that the valuation be assessed according to the written representation filed by the Deputy Commissioner, Municipal Corporation of Delhi, Delhi.

FINAL & REASONABLE VALUE:

I inspected the land under acquisition on the 9th September, 1958. I also inspected the Fruit & Vegetable Market, Subzi Mandi and Mathi Khana Scheme on the 4th November, 1958. The land under acquisition is an urban property situated on the G.T.Road near the New Vegetable & Fruit Market, Subzi Mandi, which is a business centre. It has got special adaptability for building purposes and ~~it~~ has potential value for business and marketting place. ^{It is frontage} It is mostly occupied by the shops and its interior is apparently a slum area. No acquisition or Sale took place in its vicinity since long. The New Fruit & Vegetable Market is situated at a distance of 100 yards, but it ^{is more than a} ~~has a~~ match contd.... 8.

with the land under acquisition because of its situation in the central place where roads from 5 sides meet, while the land under acquisition is situated though on the main road but only on one. The evidence produced by the person interested is, therefore, not applicable to this case. On the other hand the two instances cited by the representative of the Delhi Municipal Corporation are also not applicable to this case because of their being situated at a far off place in different localities. As discussed in his report by the Naib-Schneider, there are other slum areas acquired for the execution of its slum clearance scheme by the then M.I.C. known as Hathi Khana Slum Clearance Scheme, Ara Kashan Slum Clearance Scheme and Ihata Kedara slum Clearance Scheme. Acquisition for the execution of the Delhi Ajmeri Gate Slum Clearance Scheme is still in progress. The particulars available in some such cases are given below:-

Name of the Scheme	No. of award.	Rate per sq. yd. allowed or held up by the High Court.	Relevant Date.
Hathi Khana Slum Clearance Scheme.	85/112	Rs.20/-	29.3.1938.
Ara Kashan Slum Clearance Scheme.	131/173	Rs.15/-	4.9.1937.
-do-	134/172	15/-	4.9.1937.
-do-	121/175 and 191	Rs.15/-	4.9.1937
-do-	135/172	Rs.20/-	4.9.1937
Ihata Kedara Slum Clearance Scheme.	167/235	12/8/-	17.6.1939.
Ajmeri Gate Slum Clearance Scheme.	1065/698 and 1066/1477	Rs.15/- Rs.15/-	19.3.1938.

no case has been decided by the High Court so far.

Except the Hathi Khana Scheme the other places are situated at a far off distance. The relevant date for acquiring land for the execution of that scheme was 29.3.1938, whereas it is 4-10-1950 in the present case. In that case the market value was awarded on the use of land it was put to on the relevant date, while in the present case the market value is to be assessed as it was at the time of the notification under section

4 of the Act.

According to the Municipal House Tax Assessment Register filed by the Delhi Municipal Corporation, Delhi the annual rental value of the property under acquisition comes to Rs.17,788/14/-. After deducting 1/6 on the whole area for road cess and other costs and taxes and ground rents the 20 years purchase of the place on the authority of the Secretary of State Versus Baij Nath Goenka 12 C.M.N. 200 comes to Rs.2,96,480.00 in round figures. According to the letting value of Rs.14,640/- supplied by the Delhi Municipal Corporation of the land under acquisition, the capitalized value of 20 years purchase comes to Rs.2,92,800.00, which gives a rate of Rs.32.00 per sq.yard (slightly more), besides the value of buildings, wells and trees, according to Krishan Dhan Vs. Secretary of State, 42-A.555=18. A.L.J. 695= 571 c.530. The representative of the Committee relied upon the rates of Rs.26.50 and Rs.30.00 per sq.yard. As compared with the lands cited as instances the land under acquisition is situated in a more advantageous position. The rates for the acquisition of land in the slum areas are not applicable to this case because of the dates of acquisition in those cases being very distant and because of their situation in less favourable position. Keeping in view the claim of the person interested, the evidence produced by her, the chief-data provided by the Naib-Tehsildar, land acquisition, the departmental representation and my observation of the spot I see no reason to differ from the proposal of the Naib-Tehsildar, Land Acquisition @ Rs.45/- per sq.yard, which I hereby adopt and award.

REMARKS:

The person interested claimed Rs.6,36,500/- as value of structures, the details of which have already been given. This includes the double storied building, which has ~~not~~ not been found to have been included in the Notifications and admitted by the requiring department. They have now reduced the above amount to Rs.5,16,744/7/- . In this connection the

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Handwritten signature/initials

department submitted two estimates one prepared by Shri S.P. Kohli on the 2nd May, 1956 of Rs.48,341/-, and another by the Assistant Engineer, Delhi Municipal Corporation (project), on the 10th December, 1957 of Rs.45,370/-. The person interested has not produced any authentic evidence to prove the estimate submitted by her nor did she rebut the estimate filed by the Delhi Municipal Corporation. Out of the two estimates filed by the requiring department the former estimate has no depreciation, whereas in the second one a heavy depreciation of 60% has been allowed. The estimates were prepared by the experts of the requiring department. The higher one of Rs.48,341/- is hereby adopted and awarded. This does not include the compensation for wells and trees.

WELLS:

There are 2 wells, which were inspected by me on the 9th September, 1958. These were found to be in average condition. These are made of stones with lime mortar and appear to be very old. This is a rocky area, in which the taccavi loan is ^{by quickly} advanced as Rs.2,500/-. Because of the wells being very old and taking the depreciation in value into account, the proposal made by the Naib-Tehsildar appears to be reasonable. The estimate prepared by the architect of the person interested is on very high side, while the department assessed these wells for not more than Rs.200/-. Under these circumstances I hereby assess each well at Rs.1,000/- and award accordingly.

TREES:

There are 14 Neem Trees, 6 Pipal trees and 3 Jand Trees in the land under acquisition. The person interested demanded compensation of Rs.13,550/-, which is too high, while the department proposed Rs.250/- as compensation for these trees, which is too low. All the trees contain about 600 pounds of fuel wood, which can fetch Rs.900/- easily as proposed by the Naib-Tehsildar, land acquisition. I, therefore adopt the same ~~assessment~~ and award accordingly.

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SEVERANCE:

The property is being taken entirely except a double storied building, about which the person interested herself requested for its being left out, therefore, no case of severance is made out. The question of damages alleged to be sustained by the claimant by reason of acquisition injuriously affecting the recovery of arrears of rent by her from the tenants of the land and the property sought to be acquired is not entertainable, under law. However, the claim for loss of prospective business from the value of land can be entertained but this has already been kept in view at the time of assessment of the land under acquisition.

SOLUTION.

15% to the amount of compensation will be added for the compulsory nature of acquisition under section 23(3) of the Act.

AFFORFECTIONMENT:

According to the registered will executed on the 6th January, 1918 by Shri Nanoo Singh the property devolved by ^{or} ~~the~~ Smt. Ram Kaur, his widow, after his death. She is the only sole owner of the land under acquisition. Hence the compensation will be payable to her subject to the claim of Shri Karam Chand to the extent of Rs. 300/- for the structure constructed by him with his son Shri Jogdish Chand. The amount of Rs. 300/- be with-held till the matter is settled amicably by the parties otherwise the amount shall have to be sent alongwith the reference under section 31(2) of the Act to the District Judge.

The award is summarised as below:-

Sl. No.	Kind of soil	Area	Rate per sq. yd.	Amount of compensation.
1.	Residential.	9,064 sq. yds.	Rs. 45/-	Rs. 4,07,880.00
2.	Compensation for structures.....			Rs. 48,341.00
3.	Compensation for 2 wells.			Rs. 2,000.00
4.	Compensation for 23 trees			Rs. 900.00
Total:-				Rs. 4,59,121.00
contd.....				12.

B/F. B. 4,59,121.00

Add 15% towards compulsory nature
of acquisition. B. 68,868.15

GRAND TOTAL: B. 5,27,989.15

DEDUCTION IN LAND REVENUE:

As the land under acquisition is situated within the urban area, therefore, it has not been assessed to land revenue and no question of the deduction of land revenue, therefore arises.

dt. 12.11.1958.

(Murali Singh)
Land Acquisition Collector, Delhi.

Submitted to the Deputy Commissioner (Delhi,
(Collector of the District) for information.

(Murali Singh)
Land Acquisition Collector, Delhi.
dt. 12.11.1958.

NOTED

By *inspector n/a pba.*

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