

Place: Hathi Khana.Nature of acquisition: Permanent.

In pursuance of Notification No.F.15(22)/54-L.S.G dated the 16th July, 1958, issued under the orders of the Chief Commissioner, Delhi, 1772.08 square yards of land was notified for acquisition for the Resettlement of Displaced Persons by the Government at the public expense at Hathi Khana. It was superseded by Corrigendum Notification of the even number dated the 11th May, 1959, describing the area as 902.08 square yards. A/6 shop site, 870 square yards, was left out because its adjustment is to be made by book value as it is owned by the Delhi Development Authority.

TRUE AREA.

As given in the Corrigendum, 902.08 square yards of land is under acquisition which has been found to be correct, by actual measurement at the spot by P.W.D. and has been admitted as such by the person interested in his objections received on the 12th December, 1958. Therefore, the area of 902.08 square yards under acquisition is taken as correct.

COMPENSATION :-

Shri Mohd Umar General Attorney for Mushtaq Ahmed Multani through his written objection and claim dated nil received in this office on the 12th December, 1958 demanded Rs.1,00,000/- for the super-structures and further added that the notice regarding the acquisition of plot Nos. 1, 2 & 3 might be cancelled or in the alternative the plots alongwith the super-structures should also be acquired. In his another written claim dated the 28th August, 1958, he demanded total compensation as under :-

(i) Market value of the land	Rs.1,35,300.00
(ii) Value of superstructures.	1,00,000.00
(iii) Damages for use and occupation.	61,200.00
(iv) Interest at the rate of 6% on (i) above.	69,003.00
Total :-	<u>3,65,503.00</u>

(v) Compensation for compulsory acquisition at 15% of the total compensation.	<u>54,825.00</u>
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Grand Total :- Rs. 4,20,328.00

He laid down therein that he purchased it from the Delhi Improvement Trust on the following dates and rates :-

No.	Date of Purchase.	Price per Square yard.	Area of plot.	Total price paid including stamp duty.
1.	8.3.1945	Rs.45/-	302.08	Rs.12870/10/-
2.	6.3.1945	Rs.40/-	300.00	Rs.11187/-/-
3.	6.3.1945	Rs.42/-	300.00	Rs.11802/-/-

He mentioned therein that the land tax had been assessed at about Rs.91.50np per year, which was payable since the date of purchase. Although these plots were originally residential plots but shop-cum-flats had been permitted to be constructed thereon since 1948 and were, therefore, utilised by M.O.R. for that purpose in January, 1950. The value of the plots had registered a very sharp rise to 50% in 1946, to 400% after Independence and the market value on 7.7.1958 was not less than Rs.150/- per square yard. Besides the land he was also owner of the superstructures which came up without his consent or knowledge. The rental value of these plots was Rs.100/- per month and Rs.61,200/- from 1-1-1950 upto 3-7-1958. He made several other representations and served the Government with notice under Section 80 of the C.P.C.

The method of assessment of compensation in such cases is given in clause(e) of Sub-Section 1 of Section 7 of the Resettlement of Displaced persons(Land Acquisition) Act, 1948. Wherein, it has been laid down that "an arbitrator, in making

his award, shall have due regard to the Provisions of sub section(1) of Section 23 of the Land Acquisition Act, 1894( 1 of 1894) ;

Provided that the market value referred to in clause first of sub section(1) of section 23 of the said Act shall be deemed to be the market value of such land on the date of publication of the notice under section 3, or on the 1st day of September, 1939 in addition of 40% which ever is less.

Provided further that where such land has been held by the owner thereof under a purpose made before the 1st day of April, 1948, but after the 1st day of September, 1939, by a Registered document, or a decree for pre-emption between the aforesaid dates, the compensation shall be the price actually paid by the purchaser or the amount on payment of which may have acquired the land in the decree for pre-emption."

In the present case according to the written claim dated 28-8-1958 the land in question was purchased on 6-3-1945 ~~at~~ 8-3-1945. According to the report of the Naib Tehsildar Land Acquisition dated the 12th January, 1959, the land in question was purchased on the 29th March, 1944 of which the details are given below :-

<u>Plot No.</u>	<u>Date of purchase.</u>	<u>Consideration.</u>
1	29.3.1944	13,593/10/-
2	29.3.1944	12,000/-/-
3	29.3.1944	12,600/-/-
Total :-		38,193/10/-

The details about the transfer of these plots as given in the written claim dated 28.8.1958, have already been mentioned above. According to which the total amount comes to Rs.35,859/10/-. It falls under the IIInd proviso under sub-clause(e) of Sub-Section 1 of Section 7 of the

of the said Act and , therefore, in this case the price actually paid by the purchaser should be offered to him. The price of land of Rs.35,859/10/- will be offered to the person interested on the 18th instant.

SUPERSTRUCTURES.

Through his several written claims the person interested claimed compensation for the super-structures worth Rs.1,00,000/- set up by the Ministry of Rehabilitation. The position of the M.C.R. was only of tres-passer and the structures were set up without his consent or knowledge, those super-structures had in law become the property as the building must, under these circumstances, went with the land.//By no stretch of imagination such sort of claim is entertainable. He himself admitted that the structures were not set up by him. As the land is being acquired by the Ministry of Rehabilitation in a proper way it is not at all justifiable that the structures made on the land under acquisition by it should be calculated in the account of the person interested. This claim of the person interested is preposterous and is hereby ignored.

SEVERENCE:-

No claim for severence has been put up nor has it been made out.

INTEREST:-

Generally the interest on the amount of compensation accrues from the date of possession or the date of notification which ever is latter. In the present case possession was taken by the Ministry of Rehabilitation on the 15th October, 1953 of its own accord and not through the competent authority. I am not at all prepared to recognise such sort of possession on the offer especially when person interested has

vehemently protested against it. There is no provision in the said Act that any interest be paid ~~on~~ on the amount of compensation. The matter of unauthorised possession will be got settled by the person interested by Civil Court. Under the circumstances, no interest is allowed on the amount of compensation.

The person interested has claimed 15% for the compulsory nature of action. There is no provision in the said Act for such a sort of solatium. It is, therefore, not allowed to be added to the amount of compensation.

APPORTIONMENT.

According to the entries in the record on the file Shri Mohd Mushtaq Ahmad son of Mohd. Siddique Multani is the only person interested in the land under actuation to whom compensation money would be disbursed.

DATED THE 15th May, 1959.

*[Signature]*  
COMPETENT AUTHORITY,  
DELHI.

(1) Copy forwarded to Naib-Tehsildar I (Shri Amin Lal) for informing the person interested for the 18th instant, positively through a special messenger.

Accountant should prepare the statement and keep other papers ready on that day.

SAHNI'

*[Signature]*  
COMPETENT AUTHORITY  
DELHI.