

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Original Application No. 922/2024**

IN THE MATTER OF:

Residents Welfare Society Shyam Kunj

. . . Applicant

Versus

Govt. of NCT of Delhi & Ors.

. . . Respondents

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FILED BY:

NEW DELHI

DATED: 01.03.2025

(JYOTI MENDIRATTA)

Advocate for the GNCT of Delhi

H-34, Jangpura Extension,

(Lower Ground Floor),

New Delhi-110014

MOBILE NO.+91 9811136141

**BEFORE THE NATIONAL GREEN TRIBUNAL
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Versus
Government of NCT of Delhi & Ors. Respondent(s)

On behalf of Irrigation and Flood control Department, GNCTD, respondent, most respectfully it is submitted before the Hon'ble Tribunal that:

1. As per the records available, some portion of the land which is situated in Village Goela Kurd was acquired vide Award No 1991 Dt: 29.08.1967 for a lift irrigation Scheme for public purpose. The Copy of Award appended as **Annexure-A**
2. Due to some technical reasons, the above scheme was dropped and the same was conveyed vide Additional Secretary, Department of Agriculture, GOI, letter No : F.6(10)/68-DL/Dt 27.08.1969. Consequently, it was decided to release the land to its owner subject to condition that amount of compensation paid to the land owner is refunded back to the land Acquisition Collector. This decision was conveyed by the Secretary (L & B) vide his letter No: 7(29)/81-L&B/12539 Dt: 27.03.1987.
3. In 1987, the process of handing over of land back to land owners was kept under hold due to a proposal intended to revive the above lift irrigation scheme as "Goela Lift Irrigation Scheme". But, during the feasibility of execution of the above scheme, heavy encroachment in some villages viz Khera, Paprawat and Dindarpur, was noticed, making the removal difficult.

4. Finally, the Goela Lift Irrigation ~~Scheme~~ ³⁸⁷ was also dropped in the year 1988 and conveyed vide Under Secretary (LA) Delhi Administration vide his letter No. F.7(29)/81/-L&B/28984. The same was conveyed to the concerned land owners vide notice no: CEF/SW/T-7/KESI/Phase-III/87-88/8292 Dt: 25.04.1989.
5. In pursuit, it was decided that the land would be released only to the actual owner or legal heirs of the ex -owner of the land according to their shares in above referred Award No 1991 Dt: 29.08.1967. The procedure followed involves the actual owner or legal heirs of the ex -owner deposits the compensation amount, interest and development charges. A reconveyance deed is then executed between the Executive Engineer, CD-VIII of I & FC Dept who is dealt with this matter and Actual owner/ legal heir as per Award No 1991 Dt: 29.08.1967, and same is conveyed to the Revenue Department (Tahsildar, Kapashera) for release of land only to the Actual owner/ legal heir according to the share only after verification of the records.
6. The land parcel in Khasra-38 was not acquired in the aforesaid Award No 1991 Dt: 29.08.1967 hence, the same is not in possession of respondent nor respondent is the land owning agency of said land parcel.

JN *lh* *29/2/25*

(J. Narender Sagar)
Executive Engineer, CD-I,
Irrigation and Flood Control Department,
Govt. of NCT Delhi.

J. NARENDER SAGAR
Executive Engineer
Civil Division-I
I&FC Deptt., GNCTD
Basaidarapur Office Complex
New Delhi-110027

AWARD NO. 1991
 NAME OF VILLAGE GOELA KHURD
 NATURE OF ACQUISITION PERMANENT
 PURPOSE OF ACQUISITION LIFT IRRIGATION SCHEME
 IN NAJAFGARH BLOCK.

26/c

54 bighas 18 biswas of land of village Goela Khurd alongwith the land of another village notified Under Section 4 of the Land Acquisition Act, 1894 vide notification No. F.15(29)/63-LSG dated the 14th April, 1964 by the Chief Commissioner, Delhi ^{for acquisition which} is likely to be required to be taken by the Government at the public expense for a public purpose, namely, for lift irrigation scheme in Najafgarh Block. Due publicity to the notification was given and interested ^{Persons} were required to file their objections u/s. 5A(1) within 30 days from the date of the ^{of notification 1/5/64} issued after giving full opportunity to the interested persons, the Land Acquisition Collector submitted his report u/s. 5.A(2). Thereupon the Chief Commissioner, Delhi issued a declaration u/s. 6 vide notification No. F.15(29)/64-LSG(1) dated 1-7-65 and under the provisions of Section 7 directed ~~the~~ Collector of Delhi to take order for the acquisition of the above said land. In exercise of the powers conferred by Sub-Section (1) of Section 17 of the above said Act, he vide notification No. F.15(29)/64-LSG(ii) dated 1-7-65 further directed the Land Acquisition Collector to take possession of the land on the expiration of 15 days from the publication of notice under Sub Section (1) of Section 9 of the above said Act. ~~The~~ ^{the} notices u/s. 9(i)-(ii) & 10(1) after due publicity of ^{the} notification were served upon the interested persons who in ^{ion} response to these notices filed their claims, which will ^{on} be discussed at the appropriate place.

MEASUREMENT

Measurement of khasra numbers mentioned in notification u/s. 6 was taken by the field staff on the spot. On measurement it was found that the area and kind

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of soil mentioned below against each number falls in the scheme:

Khasra No.	Area Bigha.	Biswa.	Kind of soil.	Khasra No.	Area Bigha	Biswa	Kind of soil.				
45/1	0	- 17	Chahi	66/1	1	- 03	Selab				
52/1	0	- 04	Selab	67/1	1	- 07	-do-				
53/1	1	- 16	-do-	68/1	0	- 12	Chahi				
54/1	0	- 01	-do-	82/1	4	- 16	B. Jadim				
59/1	1	- 06	-do-	168/1	4	- 06	Chahi				
60/1	1	- 13	-do-	184/1	0	- 03	G.M. Rosta				
61/1	0	- 07	-do-	192/1	3	- 05	Chahi				
63/1	0	- 12	-do-	198/1/1	0	- 07	-do-				
64/1	0	- 06	-do-	198/2/1	1	- 16	-do-				
65/1	0	- 07	-do-	199/1	1	- 15	-do-				
200/1	1	- 06	Chahi	222/1	1	- 15	-do-				
204/1	2	- 03	-do-	223/1	0	- 03	G.M. Rosta				
211/1	1	- 19	-do-	230/1	4	- 05	Chahi				
234/212/1	1	- 07	Rosli	232/1	7	- 04	B. Jadim				
214/1	1	- 07	Chahi	219/1	1	- 10	Chahi				
221/1	1	- 15	Chahi	82/2	0	- 02	B. Andim				
Total:				17 - 06				34 - 06			

Rosli Bigha	Biswa	Chahi Bigha	Biswa	Selab B.	Bis.	B. Jadim B.	Bis.	G.M. Rosta B.	Bis.
1	- 7	28	- 15	9	- 02	12	- 02	0	- 06

Besides the above area of notified Khasra numbers, Khasra No. 46/1 measuring 15 biswas Selab land falls within the scheme but has not been mentioned in the above said notification which is due to nonavailability in circle *Reola Khan Pur* of filed book and Mussavi of this village relating to consolidation of holdings year 1938, and interpretation that it was a part of Khasra No. 66. The position became clear when the site was inspected and measurement was taken at the spot. The acquisition proceedings cannot be completed without taking this khasra number into the scheme. The acquiring Department

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has also dug the canal through the Khasra number. Notices under section 9(2) have been issued to the owners of this land who have no objection against the/land in question acquisition of Khasra No. 46/1. By including this Khasra No. 46/1 the total area under the scheme, however, is 52 bighas ⁵² 7 biswas instead of 54 bighas 18 biswas already notified. Decrease is due to incorrect measurement ^{calcul} taken at the time of preparing notification u/s. 4 & 6. The detail of 52 bighas 7 biswas is as under:-

Rosli	Chahi	Selab	B. Jadim	G.M. Rosta
3. Bis.	B. Bis.	B. Bis.	B. Bis.	B. Bis.
1 - 07	28 - 15	9-17	12 - 02	0 - 06

OWNERSHIP

The ~~xxxx~~ ownership tenancy, Khasra Nos and classification of soil is as under:-

S.No.	Name of bhumidar	Name of occupant	Khasra No.	Area B. Bis.	Kind of soil
1	2	3	4	5	6
1.	Ram Rikh s/o Ganeshi, Jat, r/o V. Goela Khurd.	Self	221/1	1-15	Chahi
2.	Mansa Ram s/o Shri Ram, Jat, r/o V. Goela Khurd.	Self	199/1 52/1	1-15 0-04	Chahi Selab
3.	Ram Chander adopted son of Amin Lal, Jat, r/o V. Goel Khurd.	Self	192/1 198/2/1	1-19 3-2 1-16 4-18	Chahi -do- Chahi
4.	Arjan Singh s/o Tet Ram, Jat, r/o V. Goela Khurd.	Self	168/1	4-06	Chahi
5.	Prabhu s/o Jawahra Chhote s/o Des Ram Jat r/o V. Gool Khurd both in equal shares.	Self	45/1 222/1	0-17 1-15 2-17	Chahi Chahi Chahi.
6.	Charan Singh s/o Ramji Lal Jat r/o V. Goela Khurd.	Self	220/1	4-05	Chahi.
7.	Dharam Singh s/o Bhargal, Parbhu s/o Wantha Jat r/o Goela Khurd both in equal shares.	Self	234/212/1	1-07	Rosli.
8.	Parbhu s/o Wantha Jat r/o Goela Khurd.	Self	214/1	1-07	Chahi.

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9. Mehar Singh, Mukam Chand ss/o Siri Chand in equal shares one half. Jai Ram s/o Puran one half. Jat r/o V. Goela Khurd.	Self	211/1	1-17	Chahi.
10. Jage Ram, Rizak Ram ss/o Ramji Lal Jat r/o V. Goela Khurd. both in equal shares.	Self	53/1	1-15	Salab
11. Inder Singh Adpt.s/o Ram Singh Jat r/o Goela Khurd.	Self	219/1 54/1	1-10 <u>0-21</u> 1-11	Chahi Salab
12. Sis Ram, Pehlad Singh ss/o Pat Ram Jat r/o V. Goela Khurd both in equal shares.	Self	57/1	1-13	Salab
13. Chander s/o Parbhu one half. Pearey Lal Harke, Richhmal, Dulj Chand, Balbir Singh ss/o Sho Ram in equal shares one half. Jat r/o V. Goela Khurd.	Self	57/1 58/1	1-06 <u>0-12</u> 1-18	Salab Chahi
14. Rattan Singh, Partap Singh ss/o Ram Sarup in equal shares one half. Banwari, Ragbir, Jai Warain ss/o Kanahia in equal shares one half. Jat r/o V. Goela Khurd.	Self	207/1	1-06	Chahi.
15. Deep Chand s/o Bharto Jat r/o V. Goela Khurd.	Self	57/1 274/1	1-07 <u>2-03</u> 3-10	Salab Chahi
15. Lal Chand s/o Molar Jar r/o V. Goela Khurd.	Self	53/1	1-03	Salab
17. Baldev, Khabi ss/o Ram Nath Jat r/o V. Goela Khurd both in equal shares.	Self	63/1	0-12	Salab.
18. Sis Ram, Pehlad Singh ss/o Pat Ram in equal shares r/o V. Goela Khurd.	Self	54/1	0-06	Salab
19. Mansa Ram s/o Hari-Ram Jat r/o V. Goela Khurd	Self	198/1X1	0-07	Chahi.
20. Charan Singh s/o Ramji Lal Jat r/o V. Goela Khurd.	Self	51/1	0-07	Salab.
21. Chandji s/o Dani Jat r/o V. Goela Khurd.	Hari Chand Sukh Lal ss/o Gardhan Jat r/o V. Goela Khurd.	65/1	0-07	Salab.
22. Gaon Sabha	Self	82/1 82/2 232/1 174/1 223/1	4-16 1-02 7-04 0-05 <u>0-23</u> 12-08	Banjar Wadin - do- - do- G.V. Rasta - do-

Contd.....

22/c

23. Banwari, Raghbir Singh Jai Narain s/o Kanahai in equal shares Jat r/o Goela Khurd. Self 43/1 0-15 Salab.

G.Total 52-7 ✓
52-7

Rosli(1-07) Ghahi (28-15); Salab (9-17); B. Jadin(12.02)
G.N. Rasta (0-06)

Claims and Evidence

The following interested persons in response to notices u/s 9(1) 10(1) have filed their claims as under:-

S.No. Name of claimant Kn.No. Rate of claim claimed. Other particulars per bigha.

1. Ram Rish s/o Ganeshi 231/1 5000/6000 per bigha. He states that land is very valuable and useful on which depends livelihood. As the holdings are small no sale transaction had taken place in the village. possession may be taken after harvest of standing crops. Otherwise compensation for them also be paid.

2. Mansa s/o Shri Ram. 198/1- As at 199/1 S.No. 1 52/1 As at S.No. 1.

3. Ram Chander adopted s/o Amin Lal- 198- - do - 192 - do -

4. Arjan Singh 138/1 measuring 5000/- to 6000/- 5 big. 6bis per bigha. 1) He says that the land is of a very high quality. 2) Its situation, productive capacity and quality is superb. 3) The market price of the adjoining villages is also 5000/- per bigha. 4) Remaining land on the other side of the acquired area will become absolutely of no value because water of tube well cannot reach there. 5) Sunk tube well by taking taccavi loan of 5000/- 5 or 3 months ago. 6) Taccavi loan may not be realised as land is acquired. 7) Compensation for standing wheat crop to be paid.

5. Farbh s/o Jaraahar 45/1 45 at S.No. 1. 222/1 1. as at S.No. 1. 222/1

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21/c

through Bishan
Siri s/o Parbhu.

6. Charan Singh s/o
Ramji Lal.

7. Dharam Singh s/o
Bhagmal and Parbhu
s/o Nanhe.

U.B: Scrutiny of "Titanium No." was made and area measured. It was found to be 234/212/1

8. Parbhu Dayal s/o
Nanhe through his
son Raghbir Singh.

U-B: The area was re-measured. It was found to be 1 bit. 07 bis. instead of 1 bit. 08 bis.

9. Maher Singh, Hukam
Chand s/o Siri Chand
Jai Ram s/o Puran.

10. Jage Ram, Rizak
Ram s/o Ramji Lal

11. Inder Singh adpt
s/o Ram Singh.

12. Chander Shan s/o
Parbhu, Pearey Lal
Harke, Richpal Singh
Dali Chand, Balbir
Singh ss/o Sheo Ram.

13. Rattan Singh, Partap
Singh ss/o Ram Sarup
Bharari Lal, Raghbir
Singh, Jai Harain ss/o
Karanhia.

14. Deen Chand s/o
Eharato Singh.

15. Khubi s/o Ram Nath

16. Chandgi s/o Dani
through Hari Chand.

17. Gaon Sabha through
Bishan Siri
Pradhan.

and that they have taken loan for tube well and the well is working.

As at S.No. 1 As at S.No. 1 He has claimed compensation for tube well.

- do- As at S.No. 1. He has claimed compensation for tube well. He raised objection against measurement. It

As at S.No. 1 As at S.No. 1. There is tube well for which road may be given. Measurement of the area mentioned in Notice is wrong. He has raised objection against measurement.

As at S.No. 1 As at S.No. 1. They sank tube well by taking loan from the Government. The amount of loan be paid as well.

As at S.No. 1 As at S.No. 1.

As at S.No. 1 As at S.No. 1.

As at S.No. 1 As at S.No. 1. There is well.

As at S.No. 1 As at S.No. 1.

As at S.No. 1 As at S.No. 1.

As at S.No. 1 As at S.No. 1.

- do- - do-

- do-

He has stated that 700/000 bi has purchased land is in the past there about 300/400 animals were. Road about 1 to 20 feet wide be provided.

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The land under acquisition was notified u/s 1 on the 14th April, 1964. No sale transaction have taken place during the preceding five years from 1960 to 1964. No acquisition of land also took place during the said period in this village.

At a distance of about one and half furlong from the land under acquisition, an award No. 1878 in respect of village Dindarpur was announced on 17.5.65 where in the flat rate for the land notified u/s 4 on 22.4.64 was given at Rs. 500/- per bigga. Thus after giving full consideration to the sale transaction, mutation, awards and situation, I award Rs. ⁵⁰⁰/~~400~~ per bigga for Rosli, Chahi and Banjar Qadim and Rs. ⁴⁰⁰/~~400~~ per bigga for Dehab.

COMPENSATION FOR WELL AND TREES :

There is no well on the land under acquisition. The following trees are standing in Khasra Nos mentioned below:-

Kh.No.	Name of tree	Approximate weight in quintals.	Rate	Compensation
200/1	Kikar	Less than one qtl.	@ Rs. 3/- qtl.	Rs. 2/-
82/1	Miq	15 qtl	- do -	Rs. 45/-
	Kikar	7 qtls.	- do -	Rs. 21/-
			Total	Rs. 68/-

INTEREST

Physical possession of the land under acquisition along with crops was handed over to the Acquiring Department on the 2th Feb. 1965. Interest is payable from this date upto the date of payment.

COMPENSATION FOR CROPS

At the time of handing over possession on 2.2.65 following crops were standing in Kh.Nos mentioned below:-

S.No.	Kind of crop	Kh.No.	Area	Labour cost	Compensation
1.	Gram	✓ 63/1	0-12	@ Rs. 3 per plough	4/-
		✓ 64/1	0-06	in Salab	
		67/1	1-07	Two plough	
		68/1	0-12		
		192/1	3-12		
		✓ 45/1	0-26		
			0-5		
	Wheat	168/1	4-06	@ Rs. 3/- per plough	7/-
		193/2/1	1-16	for 2 plough	
		199/1	1-15	@ Rs. 3/- for	

62/50

Handwritten notes and signatures in the bottom left corner, including the name 'Wheat' and some illegible scribbles.

19/c

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19. Bahari Lal, Rajbir 200/1
Sardar, Lal ...
Banawa ... through Lal
Bairain.

AS at S.No.1

- 1) This land is of very high quality.
- 2) Its situation, fertility and productive capacity is very nice.
- 3) The market value of the land in the neighbourhood is willing to be sold for not less than 5 to 6 thousand rupees.
- 4) It is irrigated by well. The remaining portion of the land under acquisition will become fertile as water will not reach there. The cost of well is Rs. 20000.
- 5) It would suffer irreparable injury.
- 6) There is a bar in the land under acquisition.
- 7) Compensation for wheat crop and tree to be given.

The interested persons were given full opportunity to give evidence in support of their claim. They filed a copy of Registered sale deed No. 2021 executed on 3.2.62 whereby one Sh. Juma s/o Mir Khan r/o V. Roshan Pura sold one bigha of land out of his Ch.No.420 measuring 1 bigha 15 bis at V. Roshan Pura. for Rs. 2000/- to Sh. Nawal Bihara s/o Bijay Ram of V. Chhawala. Filing it they have stated that no sale transaction has been effected in their village because there are pretty land holders and as such they cannot submit proof in respect of the land in their village and are submitting a copy of the above sale deed relating to V. Roshan Pura which in quality is inferior to theirs. They have made their land fertile by sinking well and tube wells and giving manure to it. They should be paid higher rates

MARKET VALUE :

The land under acquisition is at a distance of about 18 miles from Delhi and is between Najaf Garh drain and Najaf Garh. Chhawala-Delhi Road. Khasra Nos. 45/1, 46/1, 52/1, 53/1, 54/1, 59/1, 67/1, 61/1, 63/1, 64/1, 65/1, 63/1, 67/1, 68/1 are low lying, while the remaining area is at a higher level. The Dehar is effected by flood otherwise yield

The land which is at a higher level gives higher yield, because it comprises of Ghahi and Bosli and Banjar Jadin, which adjoins the road to Goala K.

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200/1	1-06		
214/1	1-07	35/-	7/-
204/1	2-03		
211/1	1-19		
234/212/1	1-07		
219/1	1-10		
220/1	4-05		2,868-00
	<u>21-14</u>		
63/1	1-01	3/-	6/-
		for 4	
		plough	
		12/-	18-00
Total			<u>29-00</u>
			<u>949-40</u>

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1162

APPORTIONMENT:

The compensation will be paid to the interested persons according to their ^{shares} entered in the Revenue Record. Compensation of Kh.No.35/1 will be kept disputed till the dispute is removed.

The land under acquisition is assessed to Rs. 15.40 which will be deducted from the Khalsa Roll of village from Rabi 1953.

The award is summarised as under:-

Price of 40 bigha 15 bis land @ Rs. 500 per bigha.	Rs. 20375-00
Price of 11 bigha 6 bis land @ Rs. 400/- per bigha.	Rs. 4500-00
15% for compulsory acquisition.	Rs. 3734-25
Compensation for damages crops	Rs. 040-40
Compensation for trees	Rs. 68-00
Interest @ 6% per annum for the period 9.2.63 to 8.5.67	Rs. 2223-50
	<u>Rs. 31870-15</u>

(Rupees thirty one thousand eight hundred seventy and paise fifteen only)

Sham Karan
27.6.67

(SHAM KARAN)
LAND ACQUISITION COLLECTOR (P)
DELHI.

Forwarded to Deputy Commissioner (Collector of District) for information and filling the award.

Note: Compensation for 6 bis. has not been assessed because it is a G.1. Rasta.

(SHAM KARAN)
LAND ACQUISITION COLLECTOR (P)
DELHI.

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Award will be announced on 27-8 (G)
at 10-30 am. I see where the
in listed persons

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Announced today in the presence of
in listed persons

29/8