

AWARD NO.

14/95-96

1. Name of Village BAKIABAD
2. Nature of Acquisition Permanent
3. Purpose of Acquisition Construction of L.F. Bund at River Yamuna.
4. Name of Scheme P.D.D.

These are the proceedings for acquisition of land u/s 11(A) of the Land Acquisition Act and determination of compensation in village Bakiabad. The land was notified u/s 4 of the Land Acquisition Act, 1984 vide notification No. F.7(9)/82-L&B(i) dt. 19.10.93 and u/s 6 vide notification No. F.7(9)/82-L&B(ii) dt. 10.1.94. The purpose for acquisition was construction of Left Forward Bund at River Yamuna. In pursuance of the aforesaid notifications, the interested persons were issued notices u/s 9 & 10 of the L.A. Act. Fortunately, there is only one party in this case, who has filed his claim, which will be discussed at length under specific head of Claims & Evidences.

The aforesaid notifications have already been published in the official gazette, which inter-alia means that this has been given broad advertisement for the information of the general public.

Measurement & True Area :

The Revenue Staff alongwith the staff of Flood Control Deptt. visited the site under acquisition for measurement of the area, which was notified vide notifications dt. 10.1.94 u/s 6 of the L.A. Act. The area and the field numbers were found to be correct as disclosed by the Flood Control Deptt. since it is already utilised by them. The details of the area is as under:-

<u>Field Number</u>	<u>Area Notified</u>		<u>Correct Area</u>
	<u>Bigha</u>	<u>Biswa</u>	
191	06	15	6 Bigha 15 Biswa

Claims & Evidences :

The interested persons/bhumidhar has filed his claim on 11.4.94 in which besides other benefits, he has claimed Rs.1000/- per sq. yard as compensation of his land. At that time, he has not filed any supported document, but on 20.7.94, he filed the copy of Sale



Deed of village Beharipur, the adjoining village executed on 20.10.93 in support of his claim. This sale deed is in respect of the land measuring 1 bigha 06 biswa for which an amount of Rs.1,27,000/- has been paid.

Determination of Market Value :

The market value of the land under reference is to be determined with reference to the date of notification under section 4 of the Land Acquisition Act i.e. 19.10.93. I have considered the locality of the area and civic amenities provided, if any, as also the consideration of sale transaction of the contemporary period of the same village or in the vicinity. The policy of the Department fixing the market value of the land as in the year 1990 have also been taken into account. The land under acquisition falls within the marginal bund of River Yamuna for which the Government has announced the minimum prices of land, if acquired any, at Rs.1,50,000/- per acre as on April 1990. Besides other points, the position of the fertility of the land, uses and potential value have also been considered. The khasra girdawri of the year 1982 when the land was taken into possession by the Flood Control Deptt. shows that the land was fertile and so have some potential value. The figures as obtained from the Office of the Sub Registrar, Seelampur, Delhi for the year 1993-95 in respect of the adjoining villages is given hereunder since there is no sale deed available of village Bakiabad :-

Sl.No.	Nme of Village	Area		Total amount	Average per Bigha (Approx)
		Bigha	Biswa		
1.	Beharipur	2	00	1,96,000	98,000
2.	Sabhapur	1	10	1,50,000	1,00,000
3.	Sabhapur	1	10	1,50,000	1,00,000
4.	Sabhapur	1	10	48,000	32,000
5.	Sabhapur	1	02	66,000	58,000
6.	Sabhapur	1	00	60,000	60,000
7.	Beharipur	1	06	1,27,000	99,000
8.	Beharipur	2	14	6,21,000	2,50,000
		12	12		7,97,000

The average amount of sale transaction of above 8 sale deeds works out to Rs.60,000/- per bigha. The rate of the Government as fixed in the year 1990 was Rs.31,250/- per bigha of the locality of such type.

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In this way, I see the market sale prices on the basis of sale transactions of surrounding villages, which is found to be on the very high side of the prices fixed by the Government in the year 1990. There is no sale deed available of this particular village i.e. Bakiabad. Keeping in view these factors, I determine the rate of compensation @ Rs.31,260/- per bigha for the land under reference. Besides the market value, the applicants are entitled for other benefits such as solatium, interest and additional benefits as admissible under the rules.

#### Other compensation

The interested person is also entitled for solatium @ 30% on the market value as being determined hereunder.

#### Additional benefit

No additional benefit u/s 23 (1-A) of the L.A. Act is being paid in this case since the possession of the land has already been taken over well before the notification u/s 4 of the L.A. Act.

#### Interest u/s 34

The possession of the land has already been taken over by the Flood Control Deptt. since 7.7.82 i.e. too before the date of notification which took place in the year 1993. Since the possession has been taken over prior to the date of notification, the amended Land Acquisition Act, 1984 is not being invoked for purposes of granting interest and so it is beyond the purview of the amended Act. In fine, the interest is allowed to the interested person only with effect from the date of the notification u/s 4 of the L.A. Act @ 9% for the first year and @ 15% for the subsequent periods upto 31.12.95.

#### Apportionment

The compensation will be paid to the interested persons as per Revenue Record. Here in this case, the claimant is the only one person. However, in the event of any dispute likely to arise later on, the same will be decided mutually and if it is not possible, that will be referred to A.D.J. under section 30-31 of the Land Acquisition Act for decision.



Any other claim

No other claim has been raised by the interested, or any other persons in this case.

Summary of the Award

1.	Market value of land measuring 6 bigha 15 biswa @ Rs.31,250/- per bigha	2,10,937.50
2.	Solatum @ 30%	63,281.25
3.	Interest @ 9% from 19.10.93 to 18.10.94	24,679.69
	ii) Interest @ 15% from 19.10.94 to 31.12.95	49,246.68

3,48,145.12

(RUPEES THREE LACS FORTY EIGHT LACS ONE HUNDRED FORTY FIVE & PAISE 12 ONLY

(SAHIB SINGH RANA)  
LAND ACQUISITION COLLECTOR (DS)  
DELHI

*Submitted for appraisal*

*Sec. Revenue*

*Name present Award announce in open Court issue notices u/s 12(2)*

*den.*  
*9/1/98*