

AWARD No.

18/19/9

Name of the village:

BANKNER

Nature of acquisition:

PERMANENT

Purpose of acquisition:

FOR SETTING UP A GOVERNMENT HIGHER
SECONDARY SCHOOLA W A R D

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act. The land measuring 2 bigha 5 biswas situate in village Bankner was put under notification u/s 4 of the Land Acquisition Act, 1894, vide notification No. F.1(43)/63-L&H dated 21.2.67 at the public expense for a public purpose namely, for setting up a government higher secondary school. After observing all other formalities, declaration u/s 6 of said Act for the acquisition of above mentioned area was issued vide notification No. F.1(34)/65-L&H dated 19.9.67. In pursuance of declaration u/s 6, notices u/s 9 & 10 of the said Act were issued to all the persons interested in the land now under acquisition. The claims filed by the claimants are discussed hereafter under the heading 'CLAIMS'.

1. MEASUREMENT

The area under acquisition as given in the notification is 2 bighas 5 biswas but khasra No. 37/20/5 measuring 8 biswas is under the ownership of custodian which cannot be acquired and will be adjusted by Book Transfer. Hence the remaining area measuring 1 bigha 17 biswas is being acquired at present.

2. CLASSIFICATION OF LAND

The details of khasra Nos. in form 7-A have been prepared under para 55 of the Financial Commissioner's order No. 28 which are as under:-

S.No.	Khasra No. Rect. No.	Killa No.	Area Big. Bis.	Kind of land
1.	37	11/2/1	0 - 02	G.M. Gitwar
2.		11/2/2	0 - 02	-do-
3.		11/3	0 - 02	-do-
4.		19/1	0 - 16	-do-
5.		20/1	0 - 02	-do-
6.		20/2	0 - 02	-do-
7.		20/3	0 - 04	-do-
8.		20/4	0 - 04	-do-
9.		20/4/1	0 - 03	G.M. Rasta
Total:			1 - 17	

contd...2/-

The land owners have not raised any objection regarding the measurement and classification of land. At present there is no other alternative left with me except to agree with the classification and measurement as proposed by the Naib Tehsildar(LA) on the basis of entries of Khasra Girdawri and other relevant record At the time of publication of notification u/s 4 the classification is as under:-

Kind of land	Area Big.Bis.
Ghairmunkin	1- 17

3. POSSESSION

The possession of this area has not so far been taken by the concerned department.

4. CLAIMS

1. Gaon Sabha through
Sh. Sunder Lal, Pardhan:

CLAIM	REMARKS
Claims compensation for khasra Nos.11/2,11/2/2, 11/3,19/1,20/1,20/2,20/3, 20/4,20/5,20/4/1 of Rect. No.37	Except kh.Nos.37/11/2/1, 37/20/4/1,all other kh.Nos. do not stand in the name of Gaon Sabha. Kh.No.37/20/5 will be acquired by book transfer as it is owned by custodian.

2. Sh. Sher Singh etc.

Claim Rs.20000/- as compensation of land & boundary wall.

Failed to produce any evidence in support of their claim. Hence the compensation shall be fixed according to facts and figures collected from the revenue record.

3. Sh. Ram Sarup s/o Ganeshhi:

Claims Rs. 3000/- as compensation for land & boundary wall.

-do-

4. Sh. Sis Ram s/o Pirthi:

As at S.No.3

-do-

5. Sh. Hari Ram s/o Pirthi:

As at S.No.3

-do-

6. Sh. Chandagi s/o Mauji:

Claims Rs.4000/- as compensation for land and boundary wall.

-do-

7. Sh. Dhana s/o Mauji:

As at S.No.6
Tara

-do-

8. Sh. Ram Chand s/o Kanhaya:

Claims Rs.4000/- for land & Rs.2000/- for boundary wall.

-do-

contd...3/-

9. Sh. Rati Ram etc.

As at S.No.8

As at S.No.3

10. Smt. Chhoto etc.

* Demands compensation @
Rs.30/- per sq.yd. on behalf
of deceased Tara Chand being
his legal heirs.

-do-

5. MARKET-VALUE:

The area of this village is governed by the Delhi Land Reforms Act, 1954, and cannot be used for purposes other than agriculture without the prior sanction of the prescribed authority.

The area now under acquisition is of the same quality and most of it is facing on the road and ~~is connects~~ the remaining area is also very close to the pucca road and is connected by a path. Hence whole of area can be placed in one block and assessed at flat rate.

In calculating the amount of compensation to be awarded, certain points as mentioned u/s 23(1) of the L.A. Act are to be kept in view. In order to determine the market value, many other factors enter into reckoning which are also necessary, for instance, the sale transactions, in the village concerned, nearness of the land to any pucca road, rise and fall in prices due to demand of it in the market and the market value of the land acquired previously in the village concerned.

Land had already been acquired in this village vide the following awards. Date of notification u/s 4 and the price awarded at that time is also given against each award in the statement below:

S.No.	Award No.	Date of notification under section 4	Price fixed per bigha
1.	1177	30.11.55	Block No.I Rs.2000/- Block No.II Rs.1000/-
2.	1216	30.11.55	Block 'A' Rs.2000/- Block 'B' Rs.1000/-

These awards were drawn under notification issued about 12 years back. It is a fact that no interested person went for enhancement. Moreover land had already been sold in the vicinity of the area now under acquisition so it does not look nice to fix the price of land per bigha on the basis of prices fixed while drawing these awards.

contd...4/-

Land in the vicinity of the area now under acquisition had already been sold under the following mutations:-

S.No.	Mutation No.	Date of regn.	Khasra No.	Area big.bis	Price	Average price per bigha.
1.	3458	17.5.83	37/14/1 etc	42-2 ³ / ₁₀	10000/-	237-53
2)	3518	31.2.64	44/1/5	0-09	1000/-	2222-22
3)	3502	15.2.65	35/10	0-11	2750/-	5000-00
4)	3509	12.2.65	35/1-36/5/1	0-07	1750/-	5400-00

Land sold vide mutation mentioned at S.No.1 is situated in this village as well as in village Lampur. The land bearing Kh.No.14/1 of Nect.No.37 sold vide mutation No.3458 is near the present site but the price viz., 237-53 per bigha does not represent the correct position and may be due to the inferior quality of other land of village Lampur. The land sold vide registered deeds dated 15.2.65 and 12.2.65 for Rs. 5000/- and Rs. 5400/- per bigha mentioned at S.Nos. 3 and 4 in the above statement is very valuable due to its close location to the Marala Town. These plots are near the Hospital Building in Marala and may be considered as extension of that Town. These plots are also at a great distance from the land now under acquisition which is on the other end of the village. The land sold vide registered deed dated 31.2.64 mentioned at S.No.2 is, however, comparatively nearer to the land under acquisition. True price of any land can be ascertained from the latest and the nearest possible sale of any land of the same quality. Hence the price fetched by sale transactions mentioned at S.Nos 3 and 4 cannot be taken into consideration. As stated above land mentioned at S.No. 2 in the above list is the nearest to the land now under acquisition and is also of the same quality. The price of this land per bigha at that time was Rs. 2222-22 and can be made a base for fixing the price of land now under acquisition. It is also a fact that notification for the acquisition of the present land was issued about 21 years after the date of execution of above sale deed i.e. dated 31.2.64. Obviously the price of land has also not gone down during this period. After giving a margin for rising trend in the agricultural products for the period in between the publication of notification and the date of sale transaction, the price of land now under acquisition can easily be fixed.

Contd.....5/

Keeping the above discussion in view I think that Rs. 2500/- per bigha is the fair and reasonable price for the land now under acquisition. I assess the same.

TREES:WELLS & OTHER STRUCTURES:

TREES:- There is no tree over the land now under acquisition.

WELLS:- There is no well over the land now under acquisition.

OTHER STRUCTURES:- There are boundary walls upto the height of 4-5 feet in khasra Nos. 37/11/2/2, 37/20/4, 37/20/1, 37/20/2 & 37/19/1. It is a fact that only mud has been used for the construction of these boundary walls and the material can easily be removed. The Naib Tehsildar (TA) has proposed the value of these walls as Rs. 75/-, Rs. 250/-, Rs. 125/-, Rs. 125/- & Rs. 150/- respectively. The interested persons have not supplied any details regarding these walls. Under these circumstances I have no alternative except to agree with the proposed value of these boundary walls. I, therefore, assess Rs. 75/-, Rs. 250/-, Rs. 125/-, Rs. 125/- & Rs. 150/- for boundary walls in khasra Nos. 37/11/2/2, 37/20/4, 37/20/1, 37/20/2 & 37/19/1 respectively. As already mentioned above the material can be removed easily. There is a general tendency with the interested persons to remove the material even after assessment. Sometimes the interested persons are also inclined for the removal of the material. To safeguard the interest of the persons concerned it seems proper that they should be allowed to remove the material within a certain period after giving in writing that they will not demand any compensation for their structures but some compensation will have to be given to meet the expenses for removing the material. Keeping the interest of persons concerned in view they are entitled to remove the material within 15 days from the announcement of the award after following the procedure mentioned above and will get Rs. 8/-, Rs. 28/-, Rs. 14/-, Rs. 14/-, & Rs. 18/- for boundary walls situated in khasra Nos. 37/11/2/2, 37/20/4, 37/20/1, 37/20/2 & 37/19/1 respectively.

MAUFI AND JAGIR:- There is no Maufi and Jagir over the land now under acquisition.

contd...6/-

APPORTIONMENT- The interested persons shall be paid compensation according to the latest entries in the revenue record of the land now under acquisition. If any objection regarding making payment is received from any interested person, then it will be made after any amicable settlement between the parties concerned failing which the matter shall be referred to the competent court for adjudication.

LAND REVENUE DEDUCTION:- Khalsa amount of reduction from the land revenue dues on account of the land acquired worked out to Re.0-84P. There will be deduction of this amount from the Khalsa Rent Roll of the village w.e.f. taking over the possession of the land now under acquisition.

INTEREST:- No interest shall be paid at present because the possession of the area has not so far been taken by the department concerned.

The aforesaid land will vest absolutely in the Government free from all encumbrances from taking over the possession.

Subject to a-bove remarks, the award is summarised as under

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|---|--------------|
| 1. Compensation for land measuring 1 bigha 17 biswas @ Rs.2500/- per bigha. | Rs. 4,625-00 |
| 2. Compensation for structures. | Rs. 725-00 |
| 3. 15% for compulsory acquisition. | Rs. 802-50 |

TOTAL: Rs. 6,152-50

(Bishan Singh)
Land Acquisition Collector:(N):
Delhi.

Forwarded to the Collector, Delhi, for information.

Fild.
(Bishan Singh)
Land Acquisition Collector:(N):
Delhi.

9/7/69

