

A W A B D NO. 2163

Name of the village: BANKOLI

Nature of acquisition: PERMANENT

Purpose of acquisition: REMODELLING OF DRAIN NO. 6

A W A B D

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act. The Land measuring 41 bighas 7 biswas situated in village Bankoli was put under notification u/s 4 of the Land Acquisition Act, 1894, vide notification No. F.15(94)/67-LAH(1) dated 2.2.68 at the public expense for public purpose namely, for Remodelling of Drain No. 6. Provisions of sub-section (1) of section 17 of the said Act were also made applicable to this land and hence the interested persons were not given any opportunity to submit their objections u/s 5-A of the said Act. The Delhi Administration issued a declaration u/s 6 of the said Act for the acquisition of the above mentioned area vide notification No. F.15(94)/67-LAH(11) dated 2.2.68. In pursuance of the 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 u/s 6 is 41 bighas 7 biswas but at present it has been found to be 39 bighas 14 biswas. The shortage of 2 bighas 13 biswas is due to variation of khasra Nos. at the time of measurement. At present total area under acquisition thus comes to  $39\frac{14}{4}$  bighas.

#### 2. CLASSIFICATION OF LAND

The detail of khasra Nos. in form 7-A have been prepared under para 55 of the Financial Commissioner's order No. 1000/1967 as are under:-

S.No.	Khasra NO.	Area Bigha.Bis.	Kind of land
1.	277/14	0 - 13 /	Chair Abpash
2.	279/1	0 - 13 /	-do-

contd.....2

3.	293/1	1 - 00	Ghair Abpash
4.	294/1	1 - 02	-do-
5.	309/1	0 - 18	-do-
6.	310/1	0 - 18	-do-
7.	322/1	0 - 18	-do-
8.	324/1	2 - 09 /	-do-
9.	325/1	1 - 02	-do-
10.	335/1	1 - 01	-do-
11.	336/1	1 - 03	-do-
12.	337/1	1 - 01	-do-
13.	338/1	1 - 02	-do-
14.	347/1	0 - 12	-do-
15.	348/1	1 - 05	Abpash
16.	354/1	1 - 07	Ghair-Abpash
17.	356/1	1 - 02	-do-
18.	360/1	0 - 06	-do-
19.	361/1	0 - 16	-do-
20.	363/1	1 - 14	-do-
21.	364/1	0 - 15	-do-
22.	365/1	2 - 03	-do-
23.	371/1	2 - 06	-do-
24.	373/1	1 - 02	-do-
25.	374/1	1 - 02	-do-
26.	375/1	1 - 01	-do-
27.	376/1	1 - 02	-do-
28.	377/1	1 - 10	-do-
29.	378/1	1 - 02	-do-
30.	379/1	1 - 02	-do-
31.	380/1	0 - 08	-do-
32.	381/1	0 - 09	-do-
33.	951/1	0 - 18	-do-
34.	952/1	1 - 03	-do-
35.	953/1	1 - 01	-do-

36. 954/1 0 - 19 Ghair Abpash  
Total: 39 - 14

Shri Dalip Singh, Kishan Singh etc., Pateh Singh etc. & Partap Singh have raised the objection regarding the measurement of their land but the area which is being acquired has been found correct even at the time of measurement made by the field staff. At present there is no other alternative left with me except to agree with the classification and measurement as proposed by the Naib Tehsildar (NA) on the basis of entries of Khasra Girdawri and other relevant record at the time of publication of notification u/s 4 which is as under:-

Kind of land	Area Sq. Mts.
Abpash	1 - 05
Ghair Abpash	38 - 09
TOTAL:	39 - 14

### 3. POSSESSION

The possession of the area has been taken by the department concerned on 25.1.68.

### 4. CLAIMS

#### 1. Shri Inderjit etc.

##### CLAIM

Demands compensation @ Rs. 8000/- per bigha due to fertility of the land.

REMARKS  
Given his own statement to the effect that the evidence will be produced before the A.D.J., if need be, under the compensation shall be fixed according to facts and figures collected from the revenue record.

#### 2. Shri Bachunath Singh etc.

Demands compensation @ Rs. 10000/- per bigha & @ Rs. 4000/- per bigha for digging the earth.

-do-

#### 3. Sh. Subh Ram

Demands compensation @ Rs. 8000/- per bigha for land & @ Rs. 1000/- per bigha for digging out the earth.

-do-

#### 4. Shri. Karam Singh etc.

Demands compensation @ Rs. 5000/- per bigha.

-do-

contd...4/-



5. Sh. Tek Chand s/o Nathu:

Demands compensation @  
Rs. 20/- per sq. rd.

As at S.No. 1

6. Sh. Rhime etc.

Demands compensation  
Rs. 5000/- per bigha for  
permanent acquisition @  
Rs. 1000/- per bigha for  
digging out the earth  
and Rs. 2000/- per bigha  
as damages for dividing  
his land into pieces.

-do-

7. Sh. Teku s/o Jai Lal

Demands compensation  
Rs. 10000/- per bigha for  
permanent acquisition @  
Rs. 1000/- per bigha for  
digging out the earth.

-do-

Delip

8. Sh. Zile Singh

Demands compensation  
on behalf of Sh. Zile Singh  
etc. @ Rs. 10000/- per bigha,  
Rs. 2000/- per bigha for  
digging out the earth.

-do-

9. Sh. Jai Lal etc.

Demands compensation @  
Rs. 10,000/- per bigha &  
Rs. 5,000/- per bigha for  
digging out the earth.

-do-

Siri Chand

10. Sh. Dal Singh etc.

As at S.No. 9

-do-

11. Sh. Bishu Ram etc.

As at S.No. 9

-do-

12. Sh. Duli Chand

As at S.No. 9

-do-

13. Sh. Chhatrar Singh

As at S.No. 9

-do-

14. Sh. Kishan Singh etc.

As at S.No. 9

-do-

15. Sh. Fatch Singh etc.

As at S.No. 9

-do-

16. Sh. Partam Singh etc.

As at S.No. 9

-do-

contd... 5/-

MARKET - VALUE

✓ The land now under acquisition is governed by the Land Reforms Act, 1954, and cannot be used for purposes other than agriculture without the prior sanction of the prescribed authority.

Area measuring 1 bigha 5 biswas is Abpash and the remaining area is Ghair Abpash but the quality of whole of the area is the same and can easily be ~~put~~ 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, the size and shape of the land under acquisition, 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."

Before fixing the market value of the land as discussed above, it also seems necessary to have an idea of the yearwise average sale price of the land per bigha for 5 years preceding the date of publication of notification u/s 4 of the Land Acquisition Act, 1894, i.e. 16.1.68. The yearwise statement is as under:-

S.No.	Year	Area Bis.Bis.	Amount	Average price per bigha
1.	1963-64	3 - 04	Rs. 8,000/-	Rs. 2500-00
2.	1964-65 & 1965-66	-	N I	L -
3.	1966-67	18 - 04	Rs. 21,000/-	Rs. 1153-85
4.	1967-68	-	N I	L -
	Total:	21 - 08	Rs. 28,000/-	Rs. 1355-14

The above table shows that the average price per bigha during this period comes to Rs. 1355-14. During the year 1963-64 four transactions took place, three of which relate to wells and the fourth is of land which abuts on the G.T. Road. Hence it can safely be said that none of the transaction is of such a type which can be of any help for fixing the market value of the land now under acquisition. Similarly during the year

1966-67 only one transaction took place involving land measuring 18 bighas 4 biswas abutting on the G.T. Road for Rs. 21000/- vide registered deed dated 3.5.68. The sale price of this area can be of no help as far as the land now under acquisition is concerned.

Land has already been acquired in this village. The details of notification u/s 4 for the acquisition of land along with award No. under which the land was acquired is given below:-

S.No.	Award No.	Notification No. with date	Price fixed per bigha
1.	959	F.15(51)/59-LSG 13.2.59	Rs. 200/-
2.	1047	F.15(25)/60-LSG 22.2.60	Rs. 500/-

Land acquired vide award No. 959 is adjacent to the circular road while a notification u/s 4 for the acquisition of land vide award No. 1047 @ Rs. 500/- per bigha, though near the present site, was issued on 22.2.60 i.e. more than eight years back. Hence it is not justified to follow the price fixed at that time even though no reference u/s 19 was made to the A.D.J.

As mentioned above the area is being acquired for Remodelling of Drain No. 6 which also passed through the land of Ali a adjoining village. In this village land was previously acquired vide award No. 2089 drawn under notification u/s 4 bearing No. F.15(21)/66-L&H(1) dated 16.1.68, for construction of Hameed Drain @ Rs. 780/- & Rs. 250/- per bigha for Block Nos. I & II respectively. Now land is also being acquired ~~tax~~ in village Alipur for this very purpose i.e. Remodelling of Drain No. 6 and the price of it will have to be fixed after taking into account the price fixed while drawing award No. 2089. There is a gap of about a fortnight in between the publication of notification u/s 4 for this land and land acquired vide award No. 2089. Hence it seems quite proper to take award No. 2089 into account while fixing the price of land in this village as well.

Keeping all the above mentioned facts in view I that Rs. 800/- per bigha is the fair and reasonable price for the land now under acquisition. I assess the same.

TREES, WELLS & OTHER STRUCTURES:- There is no structure over the land now under acquisition.

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

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APPORTIONMENT:- The interested persons shall be paid compensation according to the latest entries in the revenue record of the land now under acquisition. The compensation amount of the area under the possession of other than recorded as owners shall be kept under dispute and shall be paid 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 due on account of land acquired out to Rs.14-50. 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:- The possession of area which is now under acquisition was taken by the department concerned on 25.4.68. Hence the interested persons are entitled to get the interest from the date of taking over the possession to the date of making payment. The payment is likely to be made on 19.6.68. The interested persons shall be paid interest @ 6% per annum as mentioned above i.e. from 25.4.68 to 19.6.68.

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

Subject to above remarks, the award is summarised as under:-

1. Compensation for land measuring 39 bighas 14 biswas @ Rs.800/- per bigha.	Rs. 31,760-00
2. <del>Sum</del> 15% for compulsory acquisition.	Rs. 4,764-00
3. Interest @ 6% per annum w.e.f. 25.4.68 to 19.6.68 (55 days)	Rs. 329-31
TOTAL:	Rs. 36,853-31

*Filed*

(Bishan Singh)

Land Acquisition Collector:(N):Delhi

Forwarded to the Collector, Delhi, for information

31/8/68

(Bishan Singh)

Land Acquisition Collector:(N):Delhi