

A W A R D NO.

76/83-84

NAME OF THE VILLAGE : BAQIA BAD
NATURE OF ACQUISITION : PERMANENT
PURPOSE OF ACQUISITION : FORWARD BUND UPSTREAM
OF WAZIRABAD BARRAGE.

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These are the proceedings u/s 11 of the Land Acquisition Act, 1894 for determination of compensation in respect of land measuring 54 bighas 12 biswas in Village Baqiabad. The land is required for forward bund upstream of Wazirabad Barrage. It is notified u/ss 4, 6 & 17 of the Land Acquisition Act vide notification No. F.7(40)/75-L&B (i)(ii) & (iii) dated 30.9.1976. Total notified area is 59 bighas 6 biswas. Since it was a case of emergency as such section 17 of the Act was also operative in this case and a notification No. F.7(40)/75-L&B dated 30.9.1976 was issued and possession of the land was taken on 15-12-77.

Notices u/s 9 & 10 of the L.A. Act were issued to the persons interested for filing their claims. Claims filed in the case have been placed on record and will be discussed later under the heading "Claims & Evidence."

CORRECT AREA & MEASUREMENT

The Land Acquisition field staff carried out necessary measurement on the spot alongwith the field staff of the acquiring department as per the requirement of the Law.

As per the demarcation given and measurement carried out of the Area required for the scheme the land was found to be 54 bighas 12 biswas as against 59.06 notified originally.

Out of the notified area of 59.06 bighas two Khasra numbers namely 112(2-4) and 121/1(0-3) measuring 2 bighas 7 biswas are shown as ^kMaliat i.e Government property as such question of their acquisition does not arise and can be taken by Book transfer from the Ministry concerned. Thus the net area which is to be acquired comes to 54 bighas 12 biswas only, details of which are given below:- Acqui-

sition proceedings are therefore confined to this area:-

<u>Kh.No.</u>	<u>Area</u>	<u>Kind of soil</u>
27/2	0-5	Gair Abpash
28/2	0-13	-do-
29/2	0-2	-do-
30/2	3-15	-do-
32/2	1-4	-do-
34/2	2-6	-do-
39/2	0-17 0-17	Gair Abpash
40/2	0-12	-do-
41/1	0-12	-do-
42/1	1-6	-do-
44/2	0-15	-do-
45	1-7	-do-
46/2	0-4	-do-
48/2	3-6	-do-
73/1	0-8	-do-
74	1-6	-do-
75/2	4-16	-do-
76/1	1-19	-do-- 19
77/1	0-5	-do-
83/1	0-2	-do-
93/2	0-4	-do-
94/1	2-18	-do-
97	1-10	-do-
98	2-2	-do-
99/1	0-12-	-do-
100	0-6	-do-
101/1	0-5	-do-
102/1	1-18	-do-
103/1	2-6	-do-
109/1	0-9	-do-
110/1	0-10	-do-
111/2	0-5	-do-
113/1	0-10	-do-

Contd..

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114/1	1-14	Gair Abpash
115/1	0-11	-do-
116/1	Less than bi swa	-do-
181/1	1-13	-do-
182/1	2-3	-do-
183/2	1-16	-do-
184/2	2-16	-do-
186/2	2-13	-do-
187/1	1-11	-do-

OWNERSHIP & OCCUPANCY

S.No.	Name of the owner	Name of the occupant	Kh.No.	Area	Kind of soil
1.	Khirku, Mahender ss/o Changa 1/2 share Smt. Autoo wd/o Sohalu one share r/o Jagatpur	Self	83 min	0-2	Gair Abpash
2.	Duli Ram s/o Bholu r/o Baqia Bad	Self	34 46	2-6 0-4	-do- -do-
3.	Dhudda s/o Bhanu r/o Sabhapur	Self	32 41 76 181	1-4 0-12 1-19 1-13	-do- -do- -do- -do-
4.	Chunni, Ram Dass, ss/o (Qabiz Khasra Girdawari 1975-76) Smt. Bhartoo, Smt. Ram Dayi d/o Chinta Ram equal four share, Tek Chand, Jai Pal & Jai bir ss/o Smt. Jassi Kasturi, Anguri & Suresh Kumari d/o Balram equal seven share		101	0-11	-do-
5.	Bhim Singh, Shri Chand & Tikka ss/o Daulat equal share r/o Sabhapur	Self	39	0-17	G. Abpash
6.	Baldhai s/o Ratiya r/o Jagatpur	Qabiz Rabbi 1976	28	0-13	-do-
7.	Baldhai s/o Ratiya Ranbir s/o Dault equal share r/o Jagatpur	Mamraj Qabiz	103	2-6	-do-
8.	Ram Karan s/o Nathu r/o Jagatpur	Rijjku Attru Qabiz	40	0-12	-do-
9.	Ram Chmader s/o Harbal 1/2 share Lakkhi s/o Jnhuttar 1/2 share r/o Sabhapur	Self	30 44 48	3-15 0-15 3-6	-do- -do- -do-
10.	Roop Chand, Jai bir Singh, Bhagirath & Charan Singh ss/o Mam Raj equal share r/o Sabhapur	Self	93 97 115	0-4 1-10 0-11	-do- -do- -do-

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11. Dhudha s/o Manu r/o Sabhapur	Self	77 182	0-5 2-3	Gair Abpash -do-
12. Yadu Ram, Ram Singh, Bihari, Bhikan & Surjan ss/o Arjun equal share 1/2 share, Tirkha s/o Hoa Ram, Parsadi s/o Dalip equal 1/2 share r/o Baqia Bad	Self	183 186	1-16 2-13	-do- -do-
13. Pema s/o Ranbir r/o Jagatpur	Hoshiar Singh s/o Mathura Qabiz	27	0-5	-do-
14. Duli Chand s/o Nakki Khem Chand s/o Shiv. Lal caste Harijan (Chamar)		94 109 110 111	2-18 0-9 0-10 0-6	=do- -do- -do- -do-
15. Lakkha s/o Pirthvi 1/2 share caste Gujjar r/o Birj Lal= Anant Ram, Man Sukh ss/o Ami Chand equal share 1/4 share, Pehlad-Raghubir ss/o Lekha equal share 1/4 share Gokal, Mathura s/o Pirthvi 1/2 share rate 1/2 share		187	1-11	-do-
16. Bhula-Bhappal Singh-Richpal Singh-Brampal Singh ss/o Med Singh equal share r/o Sabhapur		29 45 74 75 98	0-2 1-7 1-6 4-16 2-2	Gdo- -do- -do- -do- -do-
17. Yad Ram s/o Mathura r/o Sabhapur		42 102	1-6 1-18	-do- -do-
18. Mam Raj s/o Mathura r/o Sabhapur		113 114	0-10 1-14	-do- -do-
19. Mam Raj, Yad Ram ss/o Mathura r/o Sabha Pur, equal share		83 min	0-2	-do-
20. Chinta Ram-Bal Ram ss/o Sh. Lootas		99	0-13	-do-
21. Ram Phal-Bhikan ss/o Lakhpatt r/o Sabhapur		100	0-6	-do-

CLAIMS & EVIDENCE

S.No.	Name of the claimant	Kh.No.	Area	Rate claimed	Evidence
1.	Smt. Auto w/o Solu r/o Vakiabad	83	2-17	Rs. 15000/- per bigha	Nil
2.	Lekha s/o Pirthi Vill. Jagatpur	187	5-7	-do-	-do-
3.	Sh. Ant Ram s/o Ami Chand r/o Vill. Jagatpur	187	5-7	-do-	-do-
4.	Sh. Baldhai s/o Sh. Ratia r/o Vill. Jagatpur	28 min 103 min	0-14 2-10	Rs. 10,000/- per bigha	-do-

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5. Sh. Yad Ram s/o Sh. Mathra r/o Sabhapur	42 102 83	2-4 8-2 5-8	Rs. 15,000/- per bigha	Nil Gair Abpash
6. Sh. Bhim Singh s/o Sh. Daulat r/o Vill. Sabhapur	39	1-12	-do-	-do-
7. Sh. Sri Chand s/o Sh. Daulat r/o Vill. Sabhapur	39	1-12	-do-	-do-
8. Sh. Mehar Chand s/o Sh. Sunehari r/o Vill. Jagatpur	183. 186	9-2 5-7	-do-	-do-
9. Sh. Tek Ram s/o Sh. Sunehari r/o Vill. Jagatpur	184	11-9	-do-	-do-
10. Sh. Godhu s/o Sh. Sunehari r/o Vill. Jagatpur	184	11-9	-do-	-do-
11. Sh. Faqira s/o Sh. Duli Chand Sh. Jagmal s/o Sh. Khim Chand r/o Biharipur	94 min 109 min 110 min 111 min	-do-	-do-	-do-
12. Sh. Bhopal Singh, Sh. Bhule-Richpal Singh, Brampal Singh s/o Sh. Med r/o Sabhapur	29 min 45 min 73 min 74 min 78	-do-	-do-	-do-
13. Sh. Budha s/o Sh. Manu r/o Vill. Sabhapur	32 min 41 min 70 min 91 min 77 182	-do-	-do-	-do-
14. Sh. Tofa s/o Sh. Daulat r/o Vill. Sabhapur	36	1-12	-do-	-do-
15. Lakhi s/o Jhuta Badu-Budu Ram-Ram Chand- Balu-Jagi ss/o Ram Chander r/o Sabhapur	30 min 44 min 48 min	-do-	-do-	-do-
16. Sh. Duli s/o Sh. Badlu r/o Sabhapur	34 min 46 min	-do-	-do-	-do-
17. Sri Pal s/o Har Karan r/o Vill. Jagatpur	184	11-9	-do-	-do-
18. Kalu s/o Harkaran r/o Vill. Jagatpur.	184	11-9	-do-	-do-
19. Sh. Piru s/o Sh. Surjan r/o Vill. Vakiabad	184	11-9	-do-	-do-
20. Sh. Daya Ram s/o Sh. Girdhari r/o Vill. Jagatpur	184	11-9	-do-	-do-

21.	Sh. Shiv Charan s/o Sh. Girdhari r/o Vill. Vakiabad	184	11-9	Rs. 15000/- per bigha	Nil
22.	Sh. Bega s/o Sh. Ratnu r/o Vill. Vakiabad	184	11-9	-do-	-do-
23.	Sh. Tega s/o Sh. Ratnu r/o Vill. Vakiabad	184	11-9	-do-	-do-
24.	Sh. Raghuvir s/o Sh. Lekha r/o Vill. Jagat- pur	187	5-7	-do-	-do-
25.	Sh. Prahalad s/o Sh. Lekha r/o Vill. Jagat- pur	187	5-7	-do-	-do-
26.	Sh. Khirnu s/o Sh. Changa r/o Vill. Jagatpur	83	2-17	-do-	-do-
27.	Sh. Bhikken s/o Sh. Lakhpatt r/o Jagatpur	100	0-6	-do-	-do-
28.	Sh. Ram Phal s/o Sh. Lakhpatt r/o Vill. Jagatpur	100	0-6	-do-	-do-
29.	Sh. Rattan Singh s/o Sh. Nand Lal r/o Vill. Jagatpur	-	-	-do-	-do-
30.	Suresh Kumari d/o Bal Ram r/o Vill. Jagatpur	-	-	-do-	-do-
31.	Smt. Angoori d/o Sh. Bal Ram r/o Vill. Jagatpur	-	-	-do-	-do-
32.	Smt. Kasturi d/o Sh. Bal Ram r/o Vill. Jagatpur	-	-	-do-	-do-
33.	Sh. Tek Chand s/o Sh. Bal Ram r/o Vill. Jagatpur	-	-	-do-	-do-
34.	Sh. Jai Pal s/o Sh. Bal Ram r/o Vill. Jagatpur	-	-	-do-	-do-
35.	Sh. Jai Veer s/o Sh. Bal Ram r/o Vill. Jagatpur	-	-	-do-	-do-
36.	Sh. Chuni s/o Sh. Chinta Ram r/o Vill. Jagatpur	-	-	-do-	-do-
37.	Sh. Ram Dass s/o Sh. Chinta Ram r/o Vill. Jagatpur	-	-	-do-	-do-
38.	Sh. Ram Dai d/o Sh. Chinta Ram r/o Vill. Jagatpur	-	-	-do-	-do-

39. ~~Sh. Ram Dai d/o~~
~~Sh. Chinta Ram r/o~~
~~Vill. Jagatpur~~

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39.	Smt. Jayanti d/o Sh. Bal Ram r/o Vill. Jagatpur	-	-	Rs. 15,000/- per bigha	Nil
40.	Sh. Roop Chand Sh. Bhagirath Singh Sh. Jalvir Singh & Sh. Charan Singh all r/o Vill. Sabhapur	93 min 97 min 115 min 116 min	-	Rs. 20,000/- per bigha	-do-
41.	Sh. Mam Raj r/o Vill Sabhapur	113 min 114 min 83	-	Rs. 20,000/- per bigha	Nil
42.	Sh. Gokul s/o Sh. Prithi r/o Vill. Jagatpur	187	5-7	-do-	-do-
43.	Sh. Peth s/o Sh. Kundan r/o Vill. Vakiabad	184	-	Rs. 15,000/- per bigha	-do-
44.	Sh. Mahinder s/o Sh. Changa r/o Vill. Jagatpur	83	2-17	-do-	-do-

MARKET VALUE

The market value of the land is to be determined with reference to the price prevailing at the time of date of preliminary notification u/s 4 of the L.A. Act which in this case is 30.9.76. While assessing the market price, various factors, like size, shape, situation, its tenure, the use to which it is put, its potentiality and also the rise and fall in the demand of the land are to be taken into consideration. The best and proper guidance in this behalf can be taken from the genuine sale transactions took place about the time of preliminary notification either in respect of the land under acquisition or part thereof or the sale of the land parallel in circumstances to the land under acquisition. Apart from this help can also be derived from Awards already drawn and announced in this area or the judicial adjudications. Accordingly, the Revenue field staff searched for the same.

No sale transactions and Awards have been effected in the area are reported and the consideration is to be kept on the claims filed by the claimants. The claimants have claimed fantastically high rate which varies from Rs. 10,000/- to Rs. 20,000/- per bigha but no supporting evidence has been produced. For comparison and consideration reliance can

also be kept on sale transactions effected in nearby Villages. Now, Beharipur Village is nearer to Bakhiabad and therefore for this purpose some details of sale deeds collected by the Revenue Field Staff which are quoted as evidence are given below:-

Date	Village	Kh.No.	Area sq.yds	Regd.No.	Amt.	Average per bigha
26.5.72	Beharipur	457	200	762	Rs. 2000/-	Rs. 10,000/-
29.4.72	-do-	437	300	6231	Rs. 1000/-	Rs. 3,330/-
7.5.73	-do-	-	84	605	Rs. 800/-	Rs. 9,500/-
23.5.74	-do-	-	250	1151	Rs. 2000/-	Rs. 8,000/-
23.5.74	-do-	-	166	152	Rs. 1200/-	Rs. 7,230/-
					1000''	Rs. 7000/- Rs. 38,060/-

Average Rs. 7612/- per bigha.

20.3.75	-do-	461	120	207	Rs. 3000/-	Rs. 25,000/-
20.3.75	-do-	461	120	208	Rs. 3000/-	Rs. 25,000/-
22.11.75	-do-	464	250	941	Rs. 6200/-	Rs. 24,800/-
					490	Rs. 12,200/- Rs. 74,800/-

Average per bigha Rs. 24,933-00 Ps.

From the table it will be seen that the transactions are in regard to small plots and rates are very high. All the transactions are however prior to the date of preliminary notification. In the present case acquisition is of big size plots as compared to that of areas quoted in the above table and cannot be put on the same footing.

Apart from this an Award No. _____ has been announced in respect of land acquired in Village Beharipur and the rate of Rs. 3500/- per bigha has been awarded. In this case the date of preliminary notification is 26.8.67 and the market value has been assessed on the basis of prices prevailing on or the nearer date of the notification. In the instant case the preliminary notification under section 4 was issued nearby under section 4 was issued nearby after 9 years the date of issue being 30.9.76. Notifications under sections 6 & 17 of the L.A. Act were also issued simultaneously. During this period there was rise in the prices of land as the demand for land has been increasing due to increase in the

population. Before the raising of the Bund all the villages along River Jumna were open to flood and the residents of these villages had to suffer a lot on this account. Now after the construction of the Bund all the villages have come in safer zone. The Bund has been constructed on the acquired land and thus its utility has increased. Secondly it was all agricultural land. Rising trend in the prices is evident from the tables given above. Average price according to the sale transactions indicated upto May 1974 comes to Rs. 7612/- per bigha whereas in 1975 it was 24,933.00. Taking all these facts and figures into consideration I am of the opinion that the market value @ Rs. 6,000/- will be reasonable and justified and for the land under acquisition and therefore, I assess the same i.e. Rs. 6,000/- per bigha for the entire land. Since section 17 was also applicable in this case, possession of the land was taken on 15.12.77.

OTHER COMPENSATION

There are no structure, Well and tree on the land under acquisition at the time of taking over possession.

SOLATUM

15% solatium is permissible under the provisions of the acquisition and shall also be payable over and above the market value of the land towards compulsory nature of acquisition.

INTEREST

This is to be payable @ 6% from the date of taking over possession to the date of payment of compensation.

APPORTIONMENT

Payment will be made according to the latest entries in the revenue record. In case of dispute which is not settled within a reasonable time between the parties the amount of compensation will be remitted to the Court of ADJ u/s 30-31 of the Land Acquisition Act for adjudication.

LAND REVENUE

The land under acquisition is assessed to Rs. 19.98 Ps as land revenue which will be deducted from the khalsa rent roll.

SUMMARY

- | | |
|---|-----------------|
| 1. Compensation for the land measuring 54 big. 12 bis. @ Rs. 6000/- per bigha | Rs. 3,27,600-00 |
| 2. 15 % Solatium | Rs. 49,140-00 |
| 3. Interest u/s 28 from 15.12.77 to 16.8.83 (5 years 245 days) | Rs. 1,28,194-82 |

Total:-

Rs. 5,04,934-82

(Rs. Five Lac Four Thousands Nine Hundred Thirty Four & Paisa Eighty Two only)

R. C. Chugh
12/12/83
(R.C. CHUGH)
LAND ACQUISITION COLLECTOR(MSW)
DELHI.

*Announced today
and kept on record.*

R. C. Chugh
12/12/83
LAC