

NAME OF VILLAGE : BAWANA
NATURE OF ACQUISITION : PERMANENT
PURPOSE OF ACQUISITION : FOR BUS STAND & APPROACH ROAD

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act, 1894 regarding acquisition of land in village Bawana at public expense for a public purpose, namely for Bus Stand and its approach Road. Notification u/s 4 for the acquisition of land measuring 1 Bigha 05 Biswas situated in village Bawana was issued by the Delhi Administration vide No. F.7(36)/73-L&B(i) dated 21.8.1974. As this land was immediately required for Bus Stand and Approach Road, another notification under sub-section(i) of section 17 of the said Act was also issued by the Delhi Administration vide No. F.7(36)/73-L&B(iii) dated 21.8.1974 along with a declaration u/s 6 for the above mentioned area vide No. F.7(36)/73-L&B(ii) dated 21.8.1974. In pursuance of this declaration notices were issued to the persons interested u/s 9(1) & 10(1).

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:-

<u>Rect. No.</u>	<u>Killa No.</u>	<u>Area</u>	<u>Kind of Land</u>
105	4/1	0-03	G.M. Depot & Rasta
	5/1	1-02	G.M. Plots
		1-05	

No claim was filed by Bhumidhar/Owner or persons interested in pursuance of Notices issued u/s 9(1) & 10(1) of the Land Acquisition Act, 1894. Therefore, in order to determine the market value of the land under acquisition relevant sale transactions and awards of the same village are to be taken into account.

MARKET VALUE

The land under acquisition is governed by Delhi Land Reform Act, 1954 according to which no land can be used for purpose other than agricultural purposes without the permission

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of the prescribed authority.

In determining the market value of the land many factors enter into reckoning for instance size & shape of the land, its situation, the tenure, the uses to which it is put, its potential value and rise and fall in the demand of the land. The best evidence to arrive at market value is the sale transaction pertaining to the adjacent land nearest to the material date.

The site of village Baw na has been examined where following sale transaction were found to be executed nearest the date of notification:-

Sr.No.	Mutation No.	Date of registration	Kh.Nos.	Total Area	Amount	Average per bigha
1.	94	25.4.1969	104/6/6	0-02	Rs. 300/-	Rs. 3000/-
2.	101	25.10.69	104/6/24	0-02	Rs. 300/-	Rs. 3000/-
3.	140	22.1.70	104/6/22	0-02	Rs. 400/-	Rs. 4000/-
4.	150	6.6.70	79/14 min 17	2-08 4-66 7-04	Rs. 8000/-	Rs. 1111/-
5.	151	31.3.70	104/6/20	0-02	Rs. 500/-	Rs. 5,000/-
6.	182	13.4.71	104/14,15/3	0-02	Rs. 400/-	Rs. 4,000/-
7.	189	13.4.71	104/14, 15/1	0-02	Rs. 400/-	Rs. 4,000/-
8.	200	24.8.71	104/14, 15/16	0-02	Rs. 500/-	Rs. 5,000/-
9.	213	20.12.68	104/6/20	0-02	Rs. 700/-	Rs. 7000/-
10.	218	18.11.71	104/6/9	0-02	Rs. 500/-	Rs. 5,000/-
11.	185	17.12.71	132/11 etc.	38-09	Rs. 16000/-	Rs. 429/-
12.	196	24.8.71	187/13 195/4	4-12 4-16 9-08	Rs. 9,000/-	Rs. 957-45
13.	248	24.8.71	132/19 of 1/2 share	2-08	Rs. 5,000/-	Rs. 2083-00

A perusal of the above sale transactions reveal that Sr.Nos. 1 to 3 & 5 to 10 though close to the land under acquisition has been sold out in shape of plots. It would, therefore, not be fair to take into account these sale transactions for calculating the market value of the Kh.Nos. which are under acquisition. The Kh.Nos. cited at Sr.No. 11 to 13 have not been sold in the shape of plots but they are

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situated at quite considerable distance from the present land under consideration. Therefore, these sale transactions would also not serve our purpose.

It may be noted from the above sale deed table that land measuring 7 Bighas 4 Biswas was sold vide registered sale deed dated 6.6.70. This land is situated at a distance of about 4 furlongs from the land under acquisition and is at its back side. The spot inspection has revealed that the potentiality of the land in two cases is same. I, therefore, come to the conclusion that it would be possible to calculate the market value of the land under acquisition on the basis of this sale transaction. Examination of the sale deed reveals that Rs. 8000/- was paid for whole of the land out of which Rs. 4000/- was paid before the Registrar and remaining Rs. 4000/- had been paid in advance. In absence of any substantial evidence it would not be possible to agree that half of the amount was paid in advance. I, therefore, take into account only that amount which was paid before the Registrar to be the actual amount involved in the discussed sale transaction. The value of the land as involved in the sale transaction thus comes out to Rs. 555.50 per Bigha.

Keeping in view the above mentioned facts, the difference between the date of registration of the above discussed land and the date of notification of the land under acquisition and situation of the two lands I deem it fair and equitable to fix the market value of the land under acquisition as Rs. ^{700/-}~~700/-~~ per Bigha and fix the same accordingly.

APPORTIONMENT

Interested persons will be paid compensation according to the latest entries in the revenue record. In such cases where the dispute arises about the entitlement of the land it will be sent to the Court of A.D.J., Delhi u/s 30, 31 of the Land Acquisition Act.

SOLATIU

The interested persons will be paid 15 % solatium

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For compulsory acquisition of land.

POSSESSION

The possession of the land now under acquisition has been taken over & handed over to the acquiring department on 1.8.1975.

INTEREST

The interested persons will be paid interest @ 6 % p.a. from the date of taking over possession to the date of announcement of the award which is likely to be 30.3.1976.

LAND REVENUE

Khasra amount of deduction from the land revenue dues on account of the land acquired works out to Rs. 0-57. There will be deduction of this amount from the Khatani of the village w.e.f. taking over possession of the land under acquisition.

The award is summarised as under:-

SUMMARY

Compensation for the land measuring 1 Bigha 5 Biswas @ Rs. 700/- per Bigha	Rs. 875-00
15 % solatium for compulsory acquisition	Rs. 131-25
Interest w/s 28 @ 6 % p.a. w.e.f. 1.8.75 to 12.8.76 (1 year & 18 days)	Rs. 65-36

Total:-

Rs. 1069-61

(One thousand Sixty Nine & Paise Sixty One only)

RDS *13/8/76*
(R. D. SRIVASTAVA)
LAND ACQUISITION COLLECTOR (NARELA)
DELHI

*Announced today in open court.
Notice were issued to the parties
concerned to come today but none of
them turned up. To be informed
about the announcement by notice*

RDS
13/8/76