

AWARD NO. 26/79-8a

NAME OF THE VILLAGE	:	BUDHPUR BIJAPUR.
NATURE OF ACQUISITION	:	PERMANENT
PURPOSE OF ACQUISITION	:	Construction of Embankment in order to change alignment of Bawana Escape.

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act, 1894. The land is situated in Village Budhpur measuring 6 Bighas 13 Biswas was notified u/s 4 of the Land Acquisition Act vide Notification No.F.7(82)/78-L&B.Vol.II(1) dated 16.3.1979 for a Public Purpose namely for the Construction of Embankment in order to change alignment of Bawana Escape. Provision of sub section (1) of section 17 were also made applicable to this area and hence the interested persons were not given any opportunity to file their objection u/s 5-A. The Delhi Administration issued a declaration u/s 6 of the said Act vide notification No.F.7(82)/78-L&B .Vol.1 dated 16.3.79. In pursuance of aforesaid declaration u/s 6 , notices u/s 9 & 10 of the L.A. 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.'

MEASUREMENT

The area under acquisition as given in the declaration u/s 6 is 6 Bigha & 13 Biswas but at the time of measurement by the field staff it is found as 5 Bigha 13 Biswas. The deficiency of 1 Bigha is due to wrong calculation at the time of preparation of draft notification u/s 6 of the L.A.Act. because Kh.No. 378/2 has already been acquired vide notification No. F.7(82)/78-L&B.II dated 7.3.69. The Kh.No. 365 does not come in the alignment of permanent acquisition and Kh.No. 366 /2 comes 1 bigha in the alignment of permanent acquisition. Letter No. F.5/LAC(N)/NT/L.A./Budhpur/8079

Contd..2...

dated 23.10.79 has been sent to Deputy Secretary (Land & Building) for Corrigendum and denotification in respect of Kh.No. 366/2 and 365. In this way the area of 5 Bigha and 13 Biswas of this Village is being acquired at present.

CLASSIFICATION OF LAND

The details of Kh.Nos. in Form 7-A have been prepared under para 55 of the F.C. Order No. 28 which are as under:-

<u>Kh.No.</u>	<u>Area</u> <u>Big-Bis</u>	<u>Kind of land</u>
362/2/2 min	0-14	Abpash
3 63/2 min	1-00	-do-
✓ 366/2 min	1-00	-do-
367/2 min	1-01	-do-
369/2 min	1-00	-do-
372/2 min	0-18	-do-
Total:-	<u>5-13</u>	

The land owners have not raised any objection regarding the measurement and classification of the land. At present there is no other alternative left with me except to agree with the classification and measurement as proposed by the Field Staff(L.A.). On the basis of entries of Khasra Girdawari and other relevant records at the time of Publication of notification u/s 6 the classification of the land is as under:-

<u>Area</u>	<u>Kind of land</u>
5 Bighas 13 Biswas	Abpash

POSSESSION

The possession of the land under acquisition has already been taken and handed over to the acquiring department on 28.4.1979.

CLAIMS

The following persons have filed their claims in pursuance of notices issued to them u/s 9 & 10 of the L.A. Act:-

Contd...2...

S.No.	Name of the claimant	Compensation demanded	Remarks
1.	Sh. Narain Singh s/o Giani Ram	Claimed Rs.10,000/- per bigha for Kh.No. 364 and 365	Failed to produce any documentary evidence.
2.	Sh. Tika s/o Shibba	Claimed Rs.15,000/- per bigha for Kh.No. 362/2, 363/2, 366/2 & 367/2	-do-
3.	Ram Pat s/o Shibba	-do-	-do-
4.	Parkash Singh, Surat Singh ss/o Rati Ram	Claimed Rs. 20,000/- per bigha for the land and Rs.8000/- for well for Kh.No. 372/2/2 and 373/2/2	-do-

MARKET VALUE

The market value of the land is obviously to be assessed after keeping in view the situation, advantages and potentialities attached to the land on the date of notification u/s 4 of the Land Acquisition Act. The land use is also to play an important role in deciding the market value of the land. It has been seen that the provisions of Delhi Land Reforms Act are applicable and thus restrictions contemplated under sections 22 & 23 of Delhi Land Reforms Act are applicable and land can only be used for agriculture, horticulture or animal husbandary etc.

The record reveals that the entire area under acquisition involved in this Award is Abpash and is of the same quality. Thus the market value in respect of whole area can be assessed at the flat rate. An Award No. 2152 has already been announced comprising the same Kh.Nos. i.e. 362/2/1, 363/1, 366/1, 367/1, 369/1, 372/1. Thus this Award can reasonably be considered as a guide to determine the market value of the land involved in the present Award. It has been found that the market value has been assessed

Contd...4...

@ Rs. 600/- per bigha in Award No. 2152 and the date of notification in that case was 2.2.1968. As there is a considerable time gap between the notification u/s 4 involved in that Award and the present Award, an appreciation @ 6% p.a. has to be given. Calculating on this principle I think it fair and reasonable to assess the market value of the land involved in the present Award @ Rs. 1000/- per bigha.

OTHER COMPENSATION

There is no Well, Tree or structure on the land now under acquisition.

SOLATIU

15% solatium will be paid in addition to the compensation of the land for compulsory nature of acquisition.

APPORTIONMENT

The persons interested shall be paid compensation according to the latest entries in the revenue record of the land under acquisition. In case of any dispute the payment shall be made after any amicable settlement between the parties concerned failing which the matter shall be referred to the District Judge for adjudication.

LAND REVENUE

Land revenue for the land under acquisition is assessed at Rs. 1.17 Ps which will be deducted from the Khatauni w.e.f. the date of taking over possession i.e. 28.4.1979.

INTEREST

The possession of the land under acquisition has been taken over on 28.4.1979. Hence, the interested persons will be entitled to interest @ 6% p.a. from the

Contd...5....

: 5 :

date of taking over possession to the date of announcement of the Award.

The Award is summarised as under:-

1. Compensation for the land measuring 5 Bigha 13 Biswas @ Rs. 1000/- per Bigha	Rs. 5,650-00
---	--------------

2. 15 % Solatium	Rs. 847-50
------------------	------------

Total:-	Rs. 6,497-50
---------	--------------

3. Interest u/s 34 of L.A. Act from 28.4.79 to 13.11.79 (200 days)	Rs. 213-62
--	------------

G.Total:-	Rs. 6,711-12
-----------	--------------

(Rupees Six Thousand Seven Hundred Eleven and Paise Twelve only)

V.K. Jha
(V.K. JHA)
LAND ACQUISITION COLLECTOR (N)
DELHI

Announced today

on 13-11-79

V.K. Jha
(V.K. JHA)
LAC (N) Delhi