

A W A R D No. 56/1969-70

Name of the village: BUDHPUR BIZAPUR
Nature of acquisition: PERMANENT
Purpose of acquisition: REMODELLING OF BAWANA ESCAPE

A W A R D

These are proceedings for determination of compensation U/s 11 of the Land Acquisition Act, 1894. The land measuring 2 bighas 10 biswas situate in village Budhpur Bizapur was put under notification u/s 4 of the said Act vide notification No.F.15(95)/67-L&H(1) dated 17.11.69 at the public expense for public purpose namely, for Remodelling of Bawana Escape. 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 ~~special~~ 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(95)/67-L&H(11) dated 17.11.69. In pursuance of the above 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'.

MEASUREMENT

The area under acquisition as given in the declaration u/s 6 is 2 bighas 10 biswas but it has been found as 2 bighas 17 biswas at the time of measurement made by the field staff. The increase of 7 biswas in the area is on account of the fact that the acquiring department has taken over the possession of land measuring 2 bighas 17 biswas. Hence the area measuring 2 bighas 17 biswas is being acquired under the present award.

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:-

contd...2/-

S.No.	Khasra No.	Area Big.Bis.	Kind of soil
1.	372/2/1	0 - 12	Ghair Abpash
2.	373/2/1	1 - 17	-do-
3.	383/1	0 - 08	-do-
	Total:	<u>2 - 17</u>	

POSSESSION

The possession of the area now under acquisition has already been taken over/by the department concerned as intimated vide their letter No. AE/Alipur/12/7/91 dated 12.2.70 but the interest shall be calculated from the date of publication of notification u/s 4 i.e. 27.11.69.

CLAIMS:

CLAIM	REMARKS
1. <u>Sh. Partar Singh s/o Pati Ram:</u> Demands compensation @ Rs. 8000/- per bigha.	Failed to produce any evidence in support of his claim. Hence the compensation shall be fixed according to facts and figures collected from the revenue record.
2. <u>Sh. Surat Singh s/o Rati Ram:</u> Demands compensation @ Rs. 1500/2000 per bigha.	-do-

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 whole of the area now under acquisition is Ghair Abpash and is of the same quality and can be 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.

No sale took place during five years preceding the date of publication of notification u/s 4 in this village.

Two offers No.1779 to 1780 for temporary acquisition of land were drawn under notification u/s ^{351/A} 4 issued on 11.12.64 & 7.10.64 respectively and the rent was calculated in both these cases after taking into account the price of land as Rs.1000/- per bigha without giving any reason. Moreover these two offers were drawn more than five years prior to the ^{present} publication of notification u/s 4. Hence it is not justified to take into account the price of land which was calculated at that time.

Vide award No.2152 drawn under notification u/s 4 issued on 2.2.63 land was acquired @ Rs.600/- ^{& Rs.200/-} per bigha for blocks No.I & II respectively. The area now under acquisition is of the same quality of land placed in block No.I at that time. Moreover portions of some khasra Nos. which were acquired under that award are also being acquired at present. Keeping this fact in view it can safely be said that the price of land now under acquisition can easily be fixed on the above mentioned base.

In view of the above discussion I think that Rs.600/- per bigha is the fair and reasonable price of the land now under acquisition. I assess the same.

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

APPORTIONMENT:- The interested persons will be paid compensation according to the latest entries of the revenue record of the land now 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 competent court for adjudication.

LAND REVENUE DEDUCTION: Khalsa amount of reduction from the land revenue dues on account of the land acquired works out to Rs.0.57P. 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:- As mentioned above the possession of land now under acquisition has already been taken over by the department concerned on 25.4.69 as intimated by Assistant Engineer vide his letter No A.C./Alipur/12/7/91 dated 12.2.70 but the notification u/s 4 for its acquisition was issued on 17.11.69 and published in the Gazette on 27.11.69 and the payment of compensation is likely to be made on 30.3.70. Hence the interested persons will have interest @ 6% from 27.11.69 to 29.3.70.

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:-

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|---|-------------|
| 1. Compensation for land measuring 2 bighas 17 biswas @ Rs.600/- per bigha. | Rs. 1710.00 |
| 2. 15% for compulsory acquisition | Rs. 256.50 |
| 3. Interest @ 6% per annum w.e.f. 27.11.69 to 29.3.70 | Rs. 34.29 |

Total: Rs. 2000.79

(Bishan Singh)
Land Acquisition Collector (II)
Delhi

Forwarded to the Collector, Delhi, for information

(Bishan Singh)
Land Acquisition Collector (II)
Delhi

Filed

LAC

30/3/70