

O F F E R No. 57/1969-70

Name of the village:

BUDHPUR BIZAPUR

Nature of acquisition:

ACQUISITION TEMPORARY

Purpose of acquisition:

REMODELLING OF BAWANA ESCAPE

O F F E R

The land measuring 12 bighas situate in village Budhpur Bizapur Tehsil and Distt. Delhi is required for temporary occupation and use for a public purpose namely, for Remodelling of Bawana Escape. The Delhi Administration vide notification No.F.15(95)/67-L&H4 dated 19.12.69 directed the Land Acquisition Collector to procure the occupation and use of the said land under the provisions of section 35(1) of the Land Acquisition Act, 1894. In pursuance of notices required to be issued under the Act, the interested persons have submitted their claims which will be discussed under the head 'CLAIMS'.

MEASUREMENT

According to notification u/s 35(1) of the said Act the area to be acquired temporarily is 12 bighas but on the spot it has been found that earth has ^{been} dug out from an area measuring 11 bighas 12 Biswas. Hence area measuring 11 bighas 12 biswas is being acquired temporarily under this offer.

X OWNERSHIP

The details of Khasra Nos. which are now under temporary acquisition is as under:-

S.No.	Khasra No.	Area Big.Bis.	Kind of soil
1.	379 min	4 - 12	Ghair Abpash
2.	380 min	4 - 12	Abpash
3.	381 min	2 - 03	Abpash
	Total:	<u>11 - 12</u>	

The land owners have not raised any objection regarding the classification and measurement of land. At present there is no other alternative left with me except to agree with the classification and measurement as proposed by the Maib Tehsildar(LA) on the basis of entries of Khasra Girdawri and other relevant record at the time of publication of

...2/-

notification u/s 35(1) which is as under:-

Kind of land	Area sq. Bis
Ghair Abpash	4 - 12
Abpash	7 - 00
Total:	11 - 12

POSSESSION

The area is being acquired temporarily for public purpose namely, for Remodelling of Bawana Escape and the possession of this area remained ^{with} ~~under~~ the department concerned from 25.4.68 to 24.4.69 as intimated by the Assistant Eng. vide his letter No. AE/Alipur/12/70/90 dated 12.2.70 which is placed on the file.

CLAIMS

CLAIM

1. Sh. Bhagwan s/o Balla:
Demands compensation @
Rs. 1500/2000 per bigha,

Failed to produce any evidence in support of his claim. Hence the rent shall be fixed according to facts and figures collected from the revenue record.

REMARKS

RENT

As this village is governed under the Delhi Land Reforms Act, 1954, so no area is now under the cultivation of any tenant-at-will. Hence it is not possible to assess the rent on this basis. The other alternative in this case is that the interested persons can be paid @ 6% on the market value of the land per bigha, which is possible in this village.

The area now under acquisition is either Ghair Abpash or Abpash. ~~Assessing the quality of the area~~ Abpash & Ghair Abpash area is of the same quality but the difference is that Abpash has the irrigational facilities while the other is not having this facility. Hence whole of the area now under acquisition 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,

....3/-

for instance, the sale transactions in the village concerned, fearlessness 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 35(1) in this village.

Two Offer Nos. 1779 & 1780 for temporary acquisition of land were drawn under notifications issued U/s 35(1) 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 publication of present notification U/s 35(1). 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 2.2.68 land was acquired @ Rs.600/- & Rs.300/- per bigha for blocks No.I & II respectively. The area now under temporary acquisition is of the same quality of land placed in block No.I at that time. 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 land now under acquisition. I assess the same. After calculating the interest @ 6% on the market value i.e. Rs.600/- per bigha as mentioned above the rent comes to Rs.36/- per bigha for one year i.e. 25.4.68 to 24.4.69 for the land now under temporary acquisition. I assess the same.

The land has been acquired for taking out earth from it for Remodelling of Bawana Escape and the land will be rendered useless for cultivation just after its excavation and will also require levelling up before sowing any crop but at present the area and the khasra Nos. from which earth has been taken has not so far been intimated. So a supplementary offer will be drawn ~~afterxxxxxxx~~ on an

...4/-

application, if any, received from any interested person.

MODE OF PAYMENT: The interested persons shall be paid compensation according to the latest entries in the revenue record. In case of any dispute the payment will be made after any amicable settlement between the parties concerned failing which the matter shall be referred to the competent court for adjudication.

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

1. Compensation for rent of area measuring 11 bighas 12 biswas @ Rs.36/- per bigha.

Rs. 417.60P

TOTAL:

Rs. 417.60P

(Bishan Singh)
Land Acquisition Collector:(N):Delhi.

Forwarded to the Collector, Delhi, for information.

(Bishan Singh)
Land Acquisition Collector:(N):Delhi.

Filed.

LAC.

30.3.70