

A W A R D N O.

13/83-84/22⁶₈₃

NAME OF THE VILLAGE : BURARI

NATURE OF ACQUISITION : PERMANENT

PURPOSE OF ACQUISITION: FOR CONSTRUCTION OF SALSAMPUR
AND IBRAHIMPUR MINOR.

X XXXXXXXXXXXX

These are the proceedings for determination of compensation u/s 11 of the Land Acquisition Act, 1894 regarding the acquisition of land in village Burari for the construction of Salsampur and Ibrahimpur Minor. The land measuring 30 bighas and 8 biswas situated in village Burari was notified u/s 4, 6 and 17 of the L.A. Act vide Delhi Administration notification No.F.7(4)/75-LAB(1)(2)(3) dated 3.2.1977.

In pursuance of the above notification issued under the L.A. Act, 1894, notices u/s 9 & 10 of the said Act were issued to all the interested persons. In response to these notices, the claims of the persons interested/claimants were received which are discussed hereafter under the heading 'Claims'.

MEASUREMENT

The land under acquisition was measured at the spot by the Land Acquisition staff. The correct area was found to be 30 bighas 03 biswas instead of 30 bighas 8 biswas as notified u/s 4, 6 and 17. The difference is due to the fact that Kh.No.38/186min, which was notified, does not come within the alignment of the scheme and as such, it is being left out of the award for the present. Kh.No.164/2 measuring 5 biswas comes within the scheme but it is not notified in the present notification. *The land belongs to the*
gown scheme
and is not to be included in the award.

CLASSIFICATION OF THE LAND

The details of khasra numbers in form 7-A have been prepared under para 55 of the Financial Commissioner's

order No. 28 which are as under:-

Khasra No.	Area
5//	
11/2	0-19
20/2	1.15
21/2	0-16
22/2	1-03
12//	
2/2	1-08
3/1/1	0-04
8/2/1	0-08
8/1/1/1	0-04
8/1/2/1	0-09
8/1/3/2	0-18
13/2	0-17
14/2	1-14
17/2	1-15
24/2	0-11
25/2	1-18
18//	
5/2	1-10
6/2	0-01
12//	
1/1	0-06
10/2	1-10
11/2	1-05
12/1	0-12
19/2	1-03
20/2	Less than Biswa
22/2	1-11
23/2	0-17
38//	
3/2	1-16
8/1/2	1-00
8/2/2	0-04

- 3 -

7/1/1

0-04

7/2/1

0-08

14/2

2-17

Total

30-03

CLAIMS

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

S.No.	Name of the claimant	Kh.No.	Claim	Remarks
1.	Rajender Singh s/o Parbhu Dayal	19/10/2, 11/2 12/1	Rs.10,000/- per bigha for land.	No evidence
2.	Raghu Nath Singh s/o Parbhu Dayal	18/6/2	-do-	-do-
3.	Dev Datt s/o Parbhu Dayal	18/5/2 19/1/1	-do-	-do-
4.	Parash Ram s/o Ram Chander	5/11/2	Rs.40,000/- per bigha for land. Compensation for crops @ Rs.10/- ten monds of wheat crop per bigha.	-do-
5.	Chander s/o Khushali	12/24/3 25/3	Rs.40,000/- per bigha for land. -do-	-do-
6.	Deep Chand s/o Mam Raj	12/17/2	-do-	-do-
7.	Ved Prakash s/o Jagmohan	5/22/2 12/2/2 3/1/1	Rs.40/- per sq.yd. for land. Ten monds of wheat crops per bigha.	-do-
8.	Ramesh s/o Parbhu	12/8/1/3/1 12/14/2	-do-	-do-
9.	Bal Raj s/o Parbhu	12/14/2	-do-	-do-
10.	Sheo Raj s/o Parbhu	12/8/1/3/1 12/19/2	-do-	-do-
11.	Jaswant s/o Jai Bhan	38/14/2	Rs.40000/- per bigha for land, value of crops and interest	-do-
12.	Raj Kumar s/o Rohtash Smt. Anguri d/o Nanak Chand Smt, Kalew ti d/o Nanak Chand	12/8/1/2/1	Rs.40000/- per bigha for land.	-do-
13.	Shyam Lal s/o Lurind Chand, Gopal Chand s/o Lurind Chand Swami Krishan Nand Goninda Nand	12/8/1/1/1	Rs.40000/- per bigha for land.	-do-

MARKET VALUE

The market value of the land under acquisition is to be determined keeping in view the situation, advantages, 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. The provisions of Delhi Land Reforms Act are also applicable to this land and thus the restrictions as contemplated under section 22 and 23 of the Delhi Land Reforms Act are applicable and land can only be used for agriculture, horticulture or animal husbandry etc.

The petitioners have claimed compensation ranging from Rs.10000/- to Rs.40000/- per bigha but have not produced any documentary evidence in support of their contention except copy of agreement dated 25.1.82 and copy of registered deed No.3985 dated 27.3.77. The agreement does not carry any force. Moreover, it was executed after the date of notification u/s 4 which is 18.2.77 in the present case. According to the registered deed No.3985 dated 27.3.77, land bearing Kh.No.606 measuring 1 bigha 1 biswas was sold for Rs.6000/- out of which a sum of Rs.2000/- was received in advance by the vendor from through the vendees and balance of Rs.4000/- ^{was paid} in the presence of Sub-Registrar. In case cost of land paid before the Sub-Registrar is taken into account, the average per bigha comes to Rs.3310/-. The land, which is subject matter of this registered deed, is situated in a better position, near the village and is far away from the land under acquisition. Moreover, the land involved in the registered deed is 1 bigha 1 biswa whereas in the present case 30 bighas 3 biswas of land is being acquired. It is matter of common knowledge that the smaller pieces of land fetch more price than big chunks of land. Keeping in view its situation and smaller pieces of land involved in the said registered deed, no

reliance can be placed on this ^{reality} ~~fact~~ transaction.

Efforts were made by the revenue staff to ascertain the details of sale deeds executed in this village but no sale deed is affected to have taken place in the vicinity of the date of notification u/s 4. As such, the help of awards announced in this village from time to time is to be taken. The following awards were announced in this village:-

S.No.	Award c.	Date of notification u/s 4	Price awarded per bigha.
1.	1749	18.4.1964	Rs.300/-
2.	48/70-71	24.4.1970	Rs.940/-
			Rs.375/-
3.	65/80-81	30.3.1979	Rs.2000/-
4.	16/81-82	13.1.1981	Rs.2250/-
5.	128/80-81	16.5.1979	Rs.2000/-

As stated above, the notification u/s 4 in the present case is ~~in~~ 13.2.77. The award at S.No.1 and 2 will not help in this case as the 1st award was announced about 7 years ago. Moreover, the award at S.No.3,4 and 5 relate to the date of notification u/s 4, which is much later than in the present case. The award at S.No.3 relates to the date of notification u/s 4 i.e. 30.3.79 whereas in the present case, it is 13.2.77. A sum of Rs.2000/- was ^{determined} ~~provided~~ in award No.65/30-81. In other words, the cost of land has been lesser during the year 1977 than 1979 in which a sum of Rs.2250/- per bigha was ^{determined} ~~provided~~ in award No.65/80-81. Keeping in view the dates between these two notifications u/s 4, it would be justified if the value of the land is assessed @ Rs.1800/- ^{in the month of} per bigha and award accordingly.

INTEREST

The possession of the land has been taken but the exact date of possession is not available from the record. The petitioners are entitled for the payment of interest.

TREES, WELLS & OTHER STRUCTURES

There is no tree, well and other structure on the land under acquisition.

SOLATIUM

15% solatium is payable on the market value so assessed.

APPORTIONMENT

Payment will be made on the basis of entries in the record of rights. In case there is any dispute, and the parties do not reach to amicable settlement, the matter will be referred to the court of Addl. District Judge, Delhi u/s 30-31 of the Land Acquisition Act.

LAND REVENUE

The land revenue worked out to Rs. 12/- shall be deducted from the Khatani w.e.f. taking over possession.

SUMMARY

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|---|---------------|
| 1. Compensation for the land measuring 30 bighas 3 biswas @ Rs. 1800/- per bigha. | Rs. 54,270.00 |
| 2. 15% solatium | Rs. 8,140.50 |

GRAND TOTAL Rs. 62,410.50

(Rupees Sixty ^{Two} Thousand Four Hundred Ten and paise Fifty only).

(D.B. KURBA)
LAND ACQUISITION COLLECTOR(N).
DEL. J. 22/6/83

*Forwarded in
your case &
for file
27/6/83*

*.....
order is given by the L.A. Act
in view of those persons who are not paid
line
27/6*