

A W A R D No.

1749

Name of the village:

Burari.

Nature of acquisition:

Permanent.

INTRODUCTION:

The land situate in village Burari is needed by the Government at the public expense for a public purpose namely ^{for the Planned Development of Delhi} ~~for the Planned Development of Delhi~~ ^(Drainage Scheme). A notification under section 4 of the Land Acquisition Act, 1894 was made vide notification No.F.15(13)/64-LSG dated 18.4.1964. The substance of the notification was given due publicity and objections were invited from the interested persons. Objections were heard and a report was ^{Sent} to the Delhi Administration along with the objections in original. A declaration under section 6 of the Land Acquisition Act, 1894 was made vide notification No.F.15(31)/64-LSG dated 14.5.1964. Considering the emergent nature of acquisition, an order No.F.15(31)/64-LSG dated 14.5.1964 was also published in the Government Gazette for taking possession of the land under acquisition as required under section 17(1) of the Land Acquisition Act, 1894. Notice under section 9(1) of the Land Acquisition Act was given due publicity and notices under section 9(3) and 10(1) of the Land Acquisition Act were served upon the known interested persons. Almost all the interested persons have responded to the notices.

'MEASUREMENT AND OWNERSHIP':

According to the notification under section 6, the total area to be acquired was 6 bighas and 14 biswas. But on the verification at the site, the actual area under acquisition comes to 6 bighas and 13 biswas. The difference of one biswas is negligible. Hence I hold the area under acquisition to be true at 6 bighas and 13 biswas. The Land Reforms Act has been made applicable to this village and bhoomidari has been declared accordingly. Hence according to the Land Reforms Act Statement No.4, the bhoomidari of the Land under acquisition is given below.

S.No.	Name of the Bhoomidar.	Khasra No.	Area	Kind of land.	Claim Made.
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1	Danesh Kumar s/o Daya Swarup-1/2, Mahesh Kumar Ramesh Kumar, ss/o Shanti swarup in equal shares 1/2(out of 20-00), Lala s/o Laja, Jagram & Ganga ss/o Nanwa in equal shares (out of 20-13), Gaon Sabha (14-13).	2135/1999/1	2-00	Sailab	Rs.8/- per sq.yd.
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Note:- The Pradhan of Gaon Sabha has refused to receive the notice file and stated that he was not competent to the claim.

2	Roopa, Jangali ss/o Santa in equal shares 1/2, Shiv charan, Kartar Singh, ss/o Girwar in equal shares 1/4, Chander Paul -1/4 out of (15-14), Gokul s/o Prithi (out of 4-10), Gaon Sabha out of (11-03).	2383/2134/1998/1	0 - 08	Sailab	Rs.8/- per sq.yd.
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3	Mansa s/o Lekha (18-03), Lekhi s/o Randhir(3-00), Gaon Sabha (8-10).	2382/2134/1998/1	1 - 02	Sailab	Rs.8/- per sq.yd.
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4	Chunni, Ram Dass s/o Chinta in equal shares 1/4. Tek Chand, Jaipal, Jai bir ss/o Balram in equal shares 1/4, Ram pal, Sukh-bir and Mahabir ss/o Lotus in equal shares 1/4, Rattan s/o Nand Ram -1/4, out of (15-00), Shmt. Chhuwari wd/o Khacharoo, Krishan Swarup, Bhramajit & Jaswant Singh ss/o Jai Ram in equal shares out of (7-00), Gaon Sabha (3-01).	2139/2000/1	0 - 17	Sailab	
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The claim has been made by Sarvshri Harkesh, Brahmajit, and Jaswant Singh, at Rs.8/- per sq.yd.

5	Raghubir, Ram Singh ss/o yad Ram out of (17-14), Gaon Sabha (3-15).	2141/2009/1	0 - 12		
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Note: Sarvshri Raghubir, Ram Singh ss/o Yad Ram were declared as bhoomidars but in the year 1958, the co-sharer Shri Raghubir sold the whole khasra No.2141/2009/1 to Sarvshri Fateh Singh, Badle, Kirpal Singh and Richhapal ss/o Khacharoo in equal shares 1/3, Shri Ram & Jutar ss/o Jaswant 2/3. The said purchasers have filed their claims

6. Balram s/o Kalu, 2429/2145/2010/1 0 - 03
 Gaini Ram s/o Jandu,
 Bihari s/o Amin. Rs.8/- per sq.yd
 for the land.
7. Udhey Raj s/o Mukhatiar 1975/1 0 - 01
 Singh alais Chhote. Rs.5/- per sq.yd
 for the land.
8. Gokul Chand s/o Prithi 2381/1984 & 1 - 05
 (2-02), Jagram s/o 2380/1984/1
 Nahwa, (1-17).

Note: An area measuring 1 bigha 5 biswas is being acquired out of the area comprising khasra Nos. 2381/1984 & 2380/1984/1. But as the tatimas are not available in the Revenue Record, therefore both the khasra Nos. have been mentioned. The claim has been made by Sarvshri Gokul & Harkesh s/o Shri Ram at Rs.7/- per sq.yd. for the land.

9. Shiv Lal, Ram Chand, 1985/1 0 - 05
 Bule ss/o Hukami 3/4,
 Dharam Singh s/o Waidar
 Singh 1/4 out of (3-01),
 Gaon Sabha (1-02).

Note: (1) According to the revenue record khasra No. 2430/2145/2010 is less than one biswa. But Sarvshri Om Prakash, Dev Karan, Shmt. Parshandi, Raju, Suraj, Shiv Raj, Ishwar Singh have claimed compensation at Rs.5/- per sq.yd. As the area under this khasra No. is less than one biswa, therefore they are not entitled to any compensation.

In all the above Sh. Nos, The G.S. have not made any claim.

Total area 6 - 13)

CLAIMS AND EVIDENCE.

The claims made by various persons have already been discussed under the head 'Measurement and Ownership'. In support of their ^{claims, etc.} bhoomidan have produced the following evidences.

- (1) A copy of the Registered Sale Deed No. 6261 dated 11.6.62 in which Shri Karam Chand etc. are the vendors and Kesho Dass etc. are the vendee. The land under acquisition comprises according to this registered sale deed 13 10 bighas and 14 bis. comprising khasra No. 1126 which was sold for a sum of Rs. 10700/- yielding an average of Rs. 1000/- per bigha.

- (2) A copy of the Registered sale deed No. 2736 dated 20.12.1962

was sold for a sum of Rs.400/- yielding an average of Rs.2000/- per bigha.

(3) One Jamabandi sheet of 1947-1948 on which the entries regarding the following mutations have been taken.

Mutation No.	Date of Mutation	Area	Name of the vendor.	Name of the vendee.	Average Total sale price.
2095	1-2-1964	1 - 03	Malkhan Jandu	Rs.1375/-	Rs.1200/-
2096	1-2-1964	1 - 00	" "	Rs.1000/-	Rs.1000/-

The above said sale transactions have taken place in the old abadi of village Burari, which is towards Delhi side, Joginder Park.

The land under acquisition is situated in the new abadi of Jagatpur Colony (Burari) and near the bank of Jammuna where development for the purpose of residence and colonization is not possible. Hence the rates of land involved in the above said transactions cannot be the true indication of the Market value for the land under acquisition.

'MARKET VALUE'

The land under acquisition is situated in the New abadi of Jagatpur colony, near the bank of Jammuna, which can only be used for agricultural purposes. The Field Staff has collected the following extract of sale transactions for the period of last 5 years before the date of notification under section 4 i.e. from 16.4.59 to 17.4.1964.

Name of the year.	Area	Total sale price.	Average per bigha.
1959-60	7 - 04	Rs.1700/-	Rs.236/-
1960-61	47 - 19	Rs.17698/-	Rs.354/-
1961-62	38 - 08	Rs.10,050/-	Rs.265/-
1962-63	178 - 15	Rs.1,14,366.79/-	Rs.639/-
1963-64	--	--	--
	272 - 06	Rs.1,43,814.79	Rs.528/-

(Residential plots are also included)

In addition to the above sale transactions, two more transactions have taken place. The land involved in these transactions is quite adjacent to the land under acquisition.

Mutation No.	Date of registration.	Khasra No.	Area	Total sale	Average per
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1	2	3	4	5	6
2015	22.4.1960	2139/2000 & 2140/2000	18 - 03	Rs.3000/-	Rs.167/-

This area is included in the scheme itself.

In addition to the above sale instances, a number of other sale instances have also taken place between the years 1959 to 1962. These sale instances are involved in mutations No.2006, 2029, 2054, 2094, 2060, 2038, 2097, 2117, 2138 & 2190 comprising the total area of 29 bighas and 14 biswas, sold for a sum of Rs.32,500/- yielding an average of Rs.250/- per bigha. Out of the above said transactions, the last transaction which took place on 11.10.1962 bearing khasra no.1417, measuring an area of 10 bighas and 2 biswas sold for a sum of Rs.3000/- (Mutation No.2117) yielding an average of Rs.300/- per bigha. As stated above the average value of mutation No.2015 comes to Rs.167/- per bigha. The land involved in this mutation comes in the scheme itself. This mutation pertains to the year 1960. But the market value of the land has no doubt been increasing year by year. The average of the above transactions as worked out is Rs.250/- per bigha. As stated above the last transaction pertains to the year 1962. As such these factors have to be considered for arriving at the market value of the land under acquisition. In view of these facts and considering the present trend of the prices of the land I consider a rate of Rs.300/- per bigha to be reasonable value of the land under acquisition and award accordingly, although the land under acquisition is somewhat inferior to the land involved in the last transaction of 1962.

'OTHER COMPENSATIONS:'

There is neither any structure nor any tree on the land under acquisition.

'APPORTIONMENT'

The compensation in respect of khasra Nos.2136/1991/1, 2383/2134/1998/1, 2382/2134/1998/1, 2139/2000/1, 2141/2009/1, 1985/1, 2381/1984 and 2380/1984 cannot be paid to anybody because according to the land Reforms, the bhoomidars have been declared on parts of land. As such unless bhoomidars...

Despite the fact that the section 17 was made applicable, the possession of the land has not been taken and hence the question of payment of interest does not arise.

THE AWARD IS SUMMARISED AS BELOW

Compensation for 6 bighas and
13 biswas of land @ Rs.300/- per
bigha.

Rs.1995.00

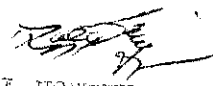
15% of the solatium for compulsory
nature of acquisition.

Rs. 299.25

G. Total ...

Rs.2294.25

The land is assessed to a land Revenue of Rs.2.85 NP
which will be deducted from the Revenue Roll from Kharif 1965.


(ZAIL NOWSHERWANJI)
LAND ACQUISITION COLLECTOR,
DELHI SHANDRA CIRCLE,
DELHI.

12.11.1964

Submitted to the District Collector, Delhi for information
and filing.


(ZAIL NOWSHERWANJI)
LAND ACQUISITION COLLECTOR,
DELHI SHANDRA CIRCLE, DELHI,
DELHI.

12.11.1964

Seen.
Reshinder Singh
Collector

under the Land Acquisition Act, 1 of 1894.
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