

OFFER No.

44/1970-71

Name of the village:

BURARI

Nature of acquisition:

TEMPORARY

Purpose of acquisition:

MARGINAL EMBANKMENT BETWEEN WAZIRABAD BARRAGE & BAWANA ESCAPE ON THE RIGHT BANK OF JAMUNA

OFFER

These are proceedings for the temporary acquisition of land measuring 529 bighas 4 biswas situated in village ~~KALAMPUK~~ Burari for a public purpose viz. construction of Marginal Embankment between Wazirabad Barrage & Bawana Escape on the right bank of Jamuna, as notified vide Delhi Administration's notification No. F.7(7)/70-L&H(iv) dated 24.4.70 issued u/s 35(1) of the Land Acquisition Act, 1894 for a period of one year from the commencement of such occupation. Notices as required were therefore, issued to all the persons interested in the land to file their claims which are discussed hereafter under the heading 'CLAIMS'.

MEASUREMENT

The area under acquisition as given in notification u/s 35(1) is 529 bighas 4 biswas while at the time of actual measurement made by the field staff it was found as 489 bighas 6 biswas. The deficiency of 39 bighas 18 biswas is due to the following reasons:

- (i) wrong calculation at the time of preparation of draft notification u/s 35(1).
- (ii) kh. Nos. 1265, 2500/1294, 1296/1-2, 2586/1372, 2509/1392, 2648/1401, 3704/1531, 1763, 1619, 1772, 1822, 1848 which were notified u/s 35(1) are not covered under the present scheme. Hence the area of these kh. Nos. is not being acquired temporarily under the present offer.

At present area measuring 489 bighas 6 biswas is being acquired temporarily.

CLASSIFICATION OF LAND

The details of khasra Nos. under form 7-A have been prepared under para 55 of the Financial Commissioner's order No. 28 which are as under:-

S.No.	Khasra No.	Area Bigha-Biswas	Kind of soil
1.	1244/3	less than a biswa	Ghair Abpash

4.	1275/3	0 - 14	Abpash
5.	1266/3	12 - 19	Ghair Abpash
6.	1276/2	1 - 03	Abpash
7.	1278/2	1 - 18	-do-
8.	1277/2	0 - 18	-do-
9.	1280/2	8 - 07	-do-
10.	1279/2	3 - 02	-do-
11.	1281	3 - 03	Ghair Abpash
12.	2491/1282	1 - 11	-do-
	2492/1282		
13.	2493/1282	0 - 14	-do-
14.	2494/1282	0 - 06	-do-
15.	1283/3	5 - 05	-do-
16.	2495/1284/3	2 - 06	Ghair Abpash 1-03
			G.M. Garden 1-03
17.	2496/1284/3	1 - 06	Ghair Abpash
18.	2497/1284/2	2 - 19	-do-
19.	2498/1285/2	5 - 03	G.M. Bagh (Amrood)
20.	2499/1285/2	1 - 03	-do-
21.	1286 min	less than a biswa	Abpash
22.	1287 min	0 - 14	-do-
23.	1288 min	6 - 00	Ghair Abpash
24.	1289	7 - 05	-do-
25.	1290	3 - 06	Abpash
26.	1291	4 - 06	-do-
27.	1292	2 - 00	-do-
28.	1293/2	2 - 05	-do-
29.	2501/1294/3	0 - 08	-do-
30.	1295/3	1 - 05	-do-
31.	1297/3	1 - 16	-do-
32.	1324/2	12 - 06	-do-
33.	1323/3	8 - 08	-do-
34.	2644/1326/3	8 - 19	-do-
35.	1325 min	10 - 14	-do-
36.	2502/1328/3	0 - 14	-do-
37.	2503/1323/3	0 - 09	Ghair Abpash
38.	2504/1328/3	0 - 11	Abpash

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41.	1330 min	3 - 11	Abpash
42.	1334 min	0 - 11	-do-
43.	1335 min	1 - 15	-do-
44.	1336 min	0 - 07	-do-
45.	1338 min	6 - 12	-do-
46.	1339 min	2 - 17	-do-
47.	1340 min	0 - 10	Ghair Abpash
48.	1362 min	6 - 04	Abpash
49.	1364 min	0 - 18	-do-
50.	1365 min	0 - 02	G.M. Bagh (Amrood)
51.	1366 min	3 - 09	-do-
52.	1367	3 - 06	-do-
53.	1368/2	5 - 05	Abpash
54.	1369	4 - 01	G.M. Bagh (Amrood)
55.	2585/1370/2	3 - 14	Abpash
56.	1371/3	2 - 15	-do-
57.	2584/1370	3 - 14	-do-
58.	2587/1372/2	3 - 14	-do-
59.	2508/1392/3	0 - 06	Ghair Abpash
60.	2647/1393/2	2 - 11	-do-
61.	2646/1393/3	0 - 02	-do-
62.	1394	0 - 17	-do-
63.	1395	0 - 17	-do-
64.	1396 min	4 - 15	-do-
65.	1397	7 - 14	-do-
66.	1398/3	0 - 08	Abpash
67.	1399/2	2 - 01	Ghair Abpash
68.	1400/3	2 - 11	-do-
69.	2649/1401/2	0 - 04	-do-
70.	1406/3	1 - 01	-do-
71.	1407/2	2 - 02	-do-
72.	1408	4 - 01	Abpash
73.	1409	3 - 14	-do-
74.	1410 min	1 - 19	Ghair Abpash
75.	1411 min	0 - 02	-do-

76.	1414 min	10 - 05	Abpash.
77.	1415	11 - 06	-do-
78.	1416 min	4 - 07.	-do-
79.	1417 min	0 - 13	-do-
80.	1522	1 - 02.	Ghair Abpash
81.	1523 min	5 - 07	-do-
82.	1527 min	6 - 05	-do-
83.	1529 min	6 - 14.	-do-
84.	1530 min	3 - 08	-do-
85.	2703/1531	0 - 05.	-do-
86.	1544 min	3 - 14	-do-
87.	2594/2261/1545 /1-2 min	5 - 03	-do-
1544 88.	1545	7 - 00	-do-
89.	2263-64/1547/3	3 - 10.	-do-
90.	1581/1	2 - 14.	Abpash
91.	1582/3	0 - 01	-do-
92.	1582/3	0 - 01	-do-
93.	1589/2	17 - 12	-do-
94.	1590/3	5 - 09.	Ghair Abpash
95.	1595/2	2 - 16.	-do-
96.	1598/2	2 - 08	-do-
97.	1599/2	2 - 01	-do-
98.	1599	1 - 00	-do-
99.	1599	2 - 14.	-do-
100.	1600 min	6 - 13.	-do-
101.	1601 min	2 - 09.	-do-
102.	1602 min	2 - 14	-do-
103.	1603	6 - 03.	-do-
104.	1604	3 - 12	-do-
105.	1605	3 - 08.	Abpash
106.	1606/2	1 - 17	Ghair Abpash
107.	1607/12/3	4 - 08.	-do-
108.	1608/3	3 - 01	-do-
109.	1609/3	6 - 18.	-do-

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111.	1611	1 - 08	Chair Abpash
112.	1612	0 - 06	-do-
113.	1613	0 - 05	-do-
114.	1614 min	2 - 01	-do-
115.	1615	1 - 06	G.M. Tube-well 0-02 Jadid No.1 1-04
116.	1616 min	0 - 18	Abpash
117.	1620 min	0 - 12	Chair Abpash
118.	1621 min less than a biswa		Abpash
119.	1761 min	0 - 04	-do-
120.	1762 min	0 - 06	-do-
121.	1773 min	9 - 17	-do-
122.	1774	3 - 07	-do-
123.	1775/3	2 - 03	-do-
124.	1779/3	0 - 07	-do-
125.	1780/3	0 - 11	-do-
126.	1781/3	6 - 13	-do-
127.	1782 min	2 - 05	Chair Abpash
128.	1783 min	2 - 12	-do-
129.	1784 min	0 - 06	-do-
130.	1790 min	0 - 02	-do-
131.	1791 min	1 - 15	Abpash
132.	2607-8/1792 min	2 - 05	-do-
133.	2505/1793 min	1 - 08	Chair Abpash
134.	2506/1793 min less than biswa		-do-
135.	2447-48/1794	1 - 03	-do-
136.	1795	1 - 07	-do-
137.	2112/1796/2	3 - 00	Jadid No.1 1-00 G. Abpash 2-00
138.	2111/1796/1/3	1 - 04	Jadid No.1 1-00 G. Abpash 0-04
139.	1827/2	1 - 12	Chair Abpash
140.	1828/3	0 - 10	-do-
141.	1831/3	0 - 01	-do-
142.	1832/2	1 - 03	-do-
143.	1833/3	1 - 19	-do-

Long

145.	1835	0 - 11	Ghair Abpash
146.	1836 min	6 - 00	G. Abpash 3-03 Abpash 2-12
147.	1837	4 - 04	Ghair Abpash
148.	1838/2	2 - 04	-do-
149.	1839	4 - 01	-do-
150.	1840/2	4 - 14	-do-
151.	1841/1	4 - 15	-do-
152.	1842 min	5 - 06	-do-
153.	1843	3 - 06	Abpash
154.	1844	2 - 12	Ghair Abpash
155.	1845 min	0 - 12	-do-
Total:		489 - 06	

Some of the land owners raised objections regarding measurement of land. These objections were heard and the field staff was sent to the site with the directions to attend all such applicants and remove objections on the spot. Accordingly the field staff visited the spot and after hearing the applicants present there on the site and also inspecting the record removed the objections. I have carefully gone through the chief data submitted by the Maib Tehsildar(LA). I agree with the classification and measurement as proposed by him on the basis of entries of Khasra Girdawri and other relevant record. At the time of publication of notification u/s 35(1), the classification of land is as under:-

Kind of land	Area Big. Bis.
Abpash	225 - 10
Ghair Abpash	242 - 03
Jadid No.1	3 - 04
G.M. Bagh(Amrood)	18 - 07
G.M. Tube-well.	0 - 02
Total:	489 - 06

POSSESSION

The area is being acquired temporarily for public purpose viz. construction of Marginal Embankment between Wazirabad Barrage & Bawana Escape on the right bank of Jamuna. The possession of this area was taken by the department concerned.

25.6.70 and will remain under the occupation of that department for a period of one year i.e. upto 24.6.71 after which the temporary occupation will cease.

CLAIMS

<u>CLAIM</u>	<u>REMARKS</u>
1. <u>Smt. Dhano wd/o Lala Ram:</u> Demands compensation @ Rs. 1000/- per bigha for digging out the earth.	Has not given any evidence in support of her claim. While submitting the claim she made a statement that whatsoever proof she has, will be furnished before the A.D.J. in appeal
2. <u>Sh. Teka s/o Kure:</u> -do-	-do-
3. <u>Sh. Kalu s/o Dasa:</u> -do-	-do-
4. <u>Sh. Khacheru s/o Ghisa:</u> -do-	-do-
5. <u>Sh. Bansi s/o Nihal:</u> -do-	-do-
6. <u>Sh. Shanker s/o Rati Ram:</u> -do-	-do-
7. <u>Sh. Bishamber s/o Nain Singh:</u> -do-	-do-
8. <u>Sh. Ram Chander s/o Phulla:</u> -do-	-do-
9. <u>Sh. Kishan Sarup s/o Jai Ram:</u> -do-	-do-
10. <u>Sh. Parkash etc.</u> -do-	-do-
11. <u>Sh. Gordhan s/o Dalip:</u> -do-	-do-
12. <u>Sh. Khazan etc.</u> -do-	-do-
13. <u>Sh. Mange s/o Ramji Lal:</u> -do-	-do-
14. <u>Sh. Ami Chand s/o Ram Saran:</u> -do-	-do-
15. <u>Sh. Ram Dutt s/o Kishan Lal:</u>	

See file

- | | As at S.No.1 | As at S.No.1 |
|---|--------------|--------------|
| 16. <u>Sh. Ram Singh s/o Har Gopal:</u> | | |
| | -do- | -do- |
| 17. <u>Sh. Bhagwan Sahai s/o Fateh:</u> | | |
| | -do- | -do- |
| 18. <u>Sh. Ram Chander s/o Manak:</u> | | |
| | -do- | -do- |
| 19. <u>Sh. Chande etc.</u> | | |
| | -do- | -do- |
| 20. <u>Sh. Ram Chander s/o Durga:</u> | | |
| | -do- | -do- |
| 21. <u>Sh. Attar Singh etc.</u> | | |
| | -do- | -do- |
| 22. <u>Sh. Raghubir Singh s/o Siri Ram:</u> | | |
| | -do- | -do- |
| 23. <u>Sh. Ram Dutt s/o Jagdev etc.</u> | | |
| | -do- | -do- |
| ✓ 24. <u>Sh. Ramu s/o Nihal:</u> | | |
| | -do- | -do- |
| 25. <u>Sh. Baljit s/o Teka:</u> | | |
| | -do- | -do- |
| 26. <u>Sh. Inderaj s/o Fateh:</u> | | |
| | -do- | -do- |
| 27. <u>Sh. Bhaganta s/o Bhura:</u> | | |
| | -do- | -do- |
| 28. <u>Sh. Tokh Ram s/o Ram Chand etc.</u> | | |
| | -do- | -do- |
| 29. <u>Sh. Kishan Chand s/o Nihal:</u> | | |
| | -do- | -do- |
| 30. <u>Sh. Raghubir etc.</u> | | |
| | -do- | -do- |
| 31. <u>Sh. Nihala s/o Shiba</u> | | |
| | -do- | -do- |
| 32. <u>Sh. Chand Kiran etc.</u> | | |
| | -do- | -do- |
| 33. <u>Sh. Desa s/o Badam:</u> | | |

Am Jom

34. Sh. Kartar Singh etc.

As at S.No.1

As at S.No.1

35. Sh. Khazan s/o Mangat:

-do-

-do-

36. Sh. Mangat s/o Kishan Sahai:

-do-

-do-

37. Sh. Om Parkash etc.

-do-

-do-

38. Sh. Chhaju s/o Sohan etc.

-do-

-do-

39. Sh. Parkash etc.

-do-

-do-

40. Sh. Kharku s/o Kanhaya:

-do-

-do-

41. Sh. Mulla s/o Badam:

-do-

-do-

42. Sh. Kanshi Ram s/o Khazan:

Demands compensation @
Rs. 1800/- per bigha as rent
from the date of possession.

-do-

43. Sh. Om Parkash s/o Mohan Lal:

Demands rent for his land
without mentioning any rate.

-do-

44. Sh. Risal etc.

-do-

-do-

45. Sh. Kundan s/o Shiv Sahai:

As at S.No.1

-do-

46. Sh. Kure etc.

-do-

-do-

47. Sh. Dev Dutt s/o Bishamber:

-do-

-do-

48. Sh. Asa Ram s/o Chhote:

-do-

-do-

49. Sh. Jaswant Singh etc.

-do-

-do-

50. Sh. Karam Chand s/o Beg Raj:

-do-

-do-

51. Sh. Ram Niwas s/o Raghubir:

52. Sh. Chuni Lal etc.

As at S.No.1

As at S.No.1

53. Sh. Siri Miwas s/o Chandgi

-do-

-do-

54. Sh. Dale s/o Fateh:

-do-

-do-

55. Sh. Baljit etc.

-do-

-do-

56. Sh. Biraham Dutt etc.

-do-

-do-

57. Sh. Ram Chander etc.

Claimed compensation @
Rs. 2000/- per bigha for land &
Rs. 3000/- for tube-well.

-do-

58. Sh. Parbhu etc.

Claimed compensation @
Rs. 2500/- per acre.

-do-

59. Sh. Ram Kishan etc.

As at S.No.1

-do-

60. Sh. Maman s/o Gulab:

-do-

-do-

61. Sh. Pirthi s/o Badam:

-do-

-do-

62. Sh. Pyare s/o Ram Saran:

-do-

-do-

63. Sh. Ram Sarup s/o Maha Singh:

Claimed rent @ Rs. 800/-
per bigha.

-do-

64. Sh. Khacheru s/o Ramji Lal:

Claimed annual rent @
Rs. 4000/- per acre.

-do-

65. Sh. Des Raj etc.

As at S.No.1

-do-

66. Sh. Bhagwana etc.

-do-

-do-

67. Sh. Moola s/o Ram Chand:

-do-

-do-

68. Sh. Ram Dutt s/o Khacheru:
As at S.No.1 As at S.No.1
69. Sh. Lakhi s/o Ram Saran:
As at S.No.63 -do-
70. Sh. Mange s/o Mannu:
-do- -do-
71. Sh. Malkhan s/o Khacheru:
-Claimed annual rent @
Rs.5000/- per acre. -do-
72. Sh. Jag Ram s/o Maida Ram:
As at S.No.63 -do-
73. Sh. Mangatu s/o Ghisa:
As at S.No.1 -do-
74. Sh. Tiolkhi s/o Ram Saran:
As at S.No.63 -do-
75. Sh. Sheo Raj etc.
As at S.No.1 -do-
76. Smt. Surjo etc.
-do- -do-
77. Sh. Khacheru s/o Roop Chand:
-do- -do-
78. Sh. Parbhu Dayal s/o Dalip Singh:
-Claimed compensation @
Rs.2000/- per bigha. -do-
79. Sh. Ram Chander etc.
As at S.No.64 -do-
80. Sh. Hari Singh s/o Chhotu:
-Demands compensation @
Rs.35/- per sq.yard. -do-
81. Sh. Rajoo s/o Khazan Singh:
-Claimed compensation @
Rs.1500/- per bigha. -do-
82. Sh. Devi Chand s/o Rakka Mal:
-Claimed compensation @
Rs.750/- per bigha. -do-
83. Sh. Dev Dutt etc.
-Claimed compensation @
Rs.10/- per sq.yard. -do-
84. Sh. Dev Dutt etc.

85. Sh. Deen Chand s/o Mam Raj:

Claimed compensation @ As at S.No.1
Rs.4000/- per bigha & Rs.3000/-
per bigha for levelling.

86. Sh. Devi Chand s/o Rakha Mal:

Claimed compensation @ -do-
Rs.15/- per sq.yard.

87. Sh. Khem Chand s/o Budh Ram:

Claimed Rs.5,000/- per bigha for -do-
crops, Rs.4000/- for garden &
Rs.10000/- & Rs.7000/- as rent for
kh.Nos.1338,1339,1340 & 2584/1370,
2585/1370 respectively.

88. Sh. Mool Chand s/o Budh Ram:

Claimed Rs.2500/- per annum for -do-
crops, Rs.1000/- for levelling,
Rs.4000/- for garden & Rs.5000/-
for loss of crops in kh.Nos.1338
1339 & 1340.

89. Sh. Ram Kishan s/o Budh Ram:

Claimed compensation of Rs.5000/- -do-
per year & rent of kh.No.1413 as
Rs.10000/- & Rs.19000/- for kh.Nos.
1338 to 1340.

90. Sh. Udhey Raj s/o Mukhtiar Singh:

As at S.No.1 -do-

91. Smt. Malti Devi wd/o Ram Kishan:

-do- -do-

RENT

In order to assess the compensation of land for temporary occupation ~~of~~ the fair annual rental value of the village has to be ascertained. Section 35 of the Land Reforms Act, Delhi lays that apart from disable persons, no Bhumidar or Asami shall let for any period whatsoever any land comprising in their holdings. That being so it is not possible to ascertain the fair annual rental of the land leased out by the tenure-holder. Local enquiries reveal that no sub-letting has been made in this village.

The claimants have not produced any evidence which could have been helpful in fixing the annual rent in respect of land under acquisition temporarily.

The land under temporary acquisition, according to revenue record, comprises Abpash, Chair Abpash, Chairmunkin Bagh, Jadid No. I. The physical condition and the nature of soil of lands under Abpash, Chair Abpash & Chairmunkin Bagh is akin. Therefore, these three kinds of land have been classified under one block for which same rent will be payable.

Khasra Nos. 1615(1-04), 2112/1796/2(1-00) & 2111/1796/1/3 (1-00) total measuring 3 bighas 4 biswas are recorded as Jadid No. I. This land is unsuitable for cultivation and cannot be compared with the land classified in block No. I. It has, therefore, been taken as second block.

As per provisions u/s 23(1) of the Land Acquisition Act while calculating the amount of compensation to be awarded, the following main points have to be kept into consideration:

- (1) Market value of the land on the date of publication of notification u/s 35 sub-section 1.
- (2) The damage sustained by the standing crops or trees at the time of taking over the possession.
- (3) The damage sustained by reasons of severing such land from other land.
- (4) The damage sustained by reasons of acquisitioning injuriously affecting the other moveable or immoveable property.
- (5) If any consequences of acquisitioning of land the person interested is compelled to change his residence or place of business.
- (6) The damage resulting from diminution of profits of land between time of publication of notification u/s 35(1) and at the time of taking over the possession.

In addition to the above factors the following guide lines have also kept in view while assessing the compensation:

- (a) sale transactions in the village concerned.
- (b) nearness of the land to any pucca road.
- (c) rise and fall in prices due to demand of the land in the market.
- (d) market value of the land previously acquired in the village.

The land under temporary acquisition is situated at a far off distance from the pucca road. Hence this factor of nearness to any pucca road cannot be stated having any bearing.

As regards assessing the value on the basis of previous awards, no land has so far been acquired in this village, therefore, it does not help in this case.

The next main factor on the basis of which the market value can be calculated is on the basis of sale transactions which took place during five years preceding the date of publication of notification u/s 35(1) of the L.A. Act. In this connection I have examined the chief data submitted by the Waib Tehsildar. A number of sales have taken place in this village during five years preceding the date of publication of notification u/s 35(1). The yearwise break up of these sales is indicated below:

<u>Year</u>	<u>No. of sales</u>
1965-66	69
1966-67	25
1967-68	20
1968-69	15
1969-70	30

In order to arrive at the accurate prevailing market rate on the date of notification u/s 35(1) of the L.A. Act, as far as possible the sale transactions nearest to the material date of notification u/s 35(1) should be taken into consideration. The sale transactions which took place during the years 1965-66 to 1968-69, in the light of above, become quite old as compared to sale transactions which took place during the year 1969-70. As the number of sale transactions during the year 1969-70 i.e. the nearest to the date of publication of notification is quite sufficient to have a comparative study, I do not consider it necessary to discuss the individual transactions which have taken place during the years 1965 to 1968, and keep these discussions confined to the sales during the year 1969-70 only. In all 30 sale transactions have taken place during this year as per details shown in the following table:-

Ben Jm

S.No.	S.No. in O-4 regis- ter.	Date of sale	Kh.No.	Area Big.Bis.	Amount	Average per bigha
1.	304/69	30.7.69	991	5-18	5000/-	440-00
2.	405/69	25.7.69	1938min, 1948	15-0	1500/-	100-00
3.	406/69	11.8.69	1324	6-03	R.2500/-	386-00
4.	692/70	27.11.69	604 min	3-12	1000/-	278-00
5.	961/70	14.10.69	1896, 1539	3-07	1500/-	235-00
6.	962/70	27.2.70	1938, 1948min	15-00	2400/-	160-00
7.	785/70	10.2.70	554, 557	6-17	5000/-	565-00
8.	407	15.7.69	1707, 1685	27-10	2700/-	98-50
9.	830	23.2.70	1615	1-06	300/-	230-00
10.	1100	-	342	8-05	2800/-	339-00
11.	727/70	8.1.70	2434/892	0-11	3000/-	1650-00
12.	781	31.12.69	1180, 1191	0-10	1000/-	2000-00
13.	873/70	24.1.70	2434/892min	1-00	5000/-	5000-00
14.	1010/70	28.2.70	1061	0-05	1000/-	4000-00
15.	270/70	28.3.70	1061 min	0-03	1000/-	3333-33
16.	972/70	20.2.70	-do-	0-04	500/-	2500-00
17.	971	28.2.70	-do-	0-04	500/-	2500-00
18.	969/70	20.2.70	-do-	0-04	1000/-	5000-00
19.	966/70	28.2.70	-do-	0-02	500/-	5000-00
20.	963/70	28.3.70	-do-	0-05	800/-	3200-00
21.	1228/70	21.12.69	2434/892	0-10	2500/-	5000-00
22.	210/70	30.12.69	1061 min	0-08	1000/-	2500-00
23.	1275	-	1220 min	0-08	800/-	2000-00
24.	1166	-	1063 min	0-02	1800/-	4500-00
25.	405/69	25.7.69	1938min, 1948	15-0	1500/-	100-00
26.	565/69	24.4.69	282	10-16	5400/-	500-00
27.	592/69	-	139/1/2	4-00	2800/-	700-00
28.	1237/70	16.4.70	273/1	17-02	3550/-	500-00
29.	503	7.2.69	139/1/1	10-03	5670/-	558-62
30.	271/69	30.8.69	2642/1320 etc.	70-09	66000/-	936-80

On minute scrutiny these sale transactions detailed above, can broadly be divided into four categories:

- (1) Those in which the value per bigha is very low as compared to other sale in this year.
- (2) Sales in which area involved is very small and which are very close to pucca road and being generally purchased by the colonizers for habitation of new colonies.
- (3) Transactions in which the land is situated at a far off distance from the present land under acquisition.
- (4) Sale transactions which are nearest to the land proposed to be acquired temporarily,

1) The transactions mentioned at S.No.1 to 10 are not proper examplers since the land in these transactions either comprises shore land or lies in closer proximity to the river Jamuna and hence liable to its fluvial action. It, therefore, transpires that the land price paid in these transactions cannot form the basis of correct market value of the land under temporary acquisition.

2) Transactions shown from S.No.11 to 24 fall in the category of sales which are located very close to pucca road and where the area sold is very small. No doubt very high price of land has been indicated for these transactions but the area under those sales is very small and appears to have been sold or purchased by the parties for the purposes of construction of houses and habitation of new colonies. This is a well-known proposition that the land when sold out in the small pieces carries a high and lucrative price because of the purchasing capacity of the public at large. The land under temporary acquisition is a big chunk of land and therefore, sale price paid in these transactions cannot form the basis of assessing the market value of land proposed to be acquired temporarily.

3) The sales shown from S.No.25 to 29 pertain to the land which is situated at a far off distance from the land under temporary acquisition. Therefore, it would also be against the interest of justice to assess the market value of the land on the basis of these sale transactions.

4) The closer scrutiny of all the transactions reveal that by far the sale transaction at S.No.30 is the best guide

transaction an area measuring 70 bighas 9 biswas comprising khasra Nos. 2542/1320, 2543/1320, 1315, 1316, 1317, 1318, 1322, 1326 and 1327 was sold through a registered sale deed on 30.8.69 on a consideration of Rs. 33,000/- the incidence sale price being Rs. 936.80 per bigha. The part of land as covered in the sale transaction is now under acquisition and it has been held that sale of the same land is the best index for assessing the market value of land. I, therefore, rely on sale transaction at S.No. 30 and evaluate the market value of land placed in block No. I at the rate of Rs. 940/- per bigha.

Khasra No. 1615, 2112/1796/2 & 2111/1796/1/3 total measuring ~~xxx~~ 3 bighas 4 biswas are recorded as Jadid No. I which is unsuitable for cultivation. This land cannot be put to any advantageous use without sufficient investment of capital. Therefore, I am inclined to fix its price at 1/3rd of the value assessed for land placed in block No. I which works out to Rs. 315/- per bigha.

Allowing 6% interest as the fair annual rental of the land the compensation for the temporary occupation of land for one year is assessed at Rs. 56.40 ^{per bigha} for block No. I and Rs. 18.90 ^{per bigha} for block No. II.

COMPENSATION FOR CROPS :- At the time of taking over possession some crops were existing on some of the land. But the department concerned has informed this office that the owners of these crops have taken full benefit of these crops and no crop was destroyed by that department. Hence no compensation is payable for the crops standing at the time of taking over the possession.

APPORTIONMENT :- The interested persons will be paid rent compensation according to the existing entries in the revenue record. In case of any dispute the payment will be made after 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 land measuring 486 bighas 2 biswas of block No. I @ Rs. 56.40 per bigha.
2. Compensation for rent of land measuring 3 bighas 4 biswas of block No. II @ Rs. 18.90 per bigha.

Rs. 27,416-04

Rs. 80-48

TOTAL:

Rs. 27,476-52

K. N. Joshi

(K. N. Joshi)
Land Acquisition Collector: (N): Delhi.

Forwarded to the Collector, Delhi, for information-

K. N. Joshi

(K. N. Joshi)
Land Acquisition Collector: (N): Delhi.

Amman 4.8.70

C. Joshi

CG XI.70