

A w a r d No.

46/72-73

Name of village : Burari.

Nature of acquisition : Permanent.

Purpose of acquisition : Marginal Embankment between Wazirabad Barrage and 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 01 biswas situated in village Burari was notified u/s 4, 6 and 17 of the Land Acquisition Act vide notification No.F.7(7)/70-L&H(1), (ii) and (iii) dated the 9th June, 1971 respectively read with corrigendum dated 11.4.1972 for a public purpose namely for Marginal Embankment between Wazirabad Barrage and Bawana Escape.

In pursuance of the aforesaid notification notices u/s 9 & 10 of the Land Acquisition Act were issued to all the persons interested in the land. In response to the notices the interested persons filed their claims which have been discussed hereafter at the proper place.

Measurement:

The available area at the spot for acquisition is 2 bighas 01 biswa.

Ownership:

The details of khasra numbers, ownership, tenancy, area and classification of soil are as under:

S.No.	Name of owner	Name of occupant	Kh.No.	Area	kind of soil
1.	Giani s/o Ram Chand.	Self	1575/1	0-05	Abpash
2.	Karam Chand s/o Jag Ram, Ram Chand s/o Kanahia Lal in equal shares.	Datt s/o Khacheru.	1607/2/2	1-16	Abpash

Total land under acquisition

2-01 Abpash

contd.....2

Claims and evidence

The following interested persons in response to notices u/s 9 & 10 have filed their claims:

1. Giani s/o Ram Chand He has claimed Rs.20,000/- per bigha for khasra No.1575.
2. Ram Datt s/o Khacheru He has claimed Rs.20,000/- per bigha.
3. Shanker s/o Rati Ram He states that the land under the scheme out of khasra No.1607 did not belong to him. It was in the possession of Ram Datt s/o Khacheru.
4. Karam Chand s/o Jag Ram He states that the land bearing khasra No.1607 falling under the scheme was not cultivated by him nor he was in possession. It was in the possession of Ram Datt s/o Khacheru to whom payment should be made.

In support of their claims sarvashri Giani and Ram Datt have filed a copy of registered sale deed No.4148 executed on 5-6-1970 through which 15 biswas of land in khasra No.2434/892 situated in village Burari had been sold for a consideration of Rs.5000/- and the rate per bigha comes to Rs.6666.66.

Market Value:

The market value of the land under acquisition has to be fixed with reference to the price prevailing at the date of notification u/s 4 of the Land Acquisition Act with all its advantages and with all its potentialities. The claimants have not adduced any corroborative evidence in support of their claim.

Efforts were made at this end to find out the parallel sale deeds in the village nearest to the material date so as to evaluate the market value of the land. The following statement shows the sale transactions made during the year 1970-71.

S.No.	Sale deed No.	Date of Regn.	Khasra No.	Area	Consideration amount.	Average per bigha
1.	4655	2.7.70	667,795	6-16	Rs.6000/-	Rs.882.35
2.	5130	20.7.70	2491/1282 2492/1282	1-15	Rs.3000/-	Rs.1714.29
3.	7819	4.11.70	172 min.	4-11	Rs.4500/-	Rs.980.00

These sale transactions relate to agricultural land but are away from the land under acquisition. The other sales which have taken place during 1971 relate to residential plots which have fetched high price compared to the price of agricultural land. The land of these residential plots is also better situated because some of them are close to the abadi and others are on the road leading to the village. As such these transactions have to be discarded. Before looking into the sale transactions of agricultural land mentioned in the statement it will not be out of place to see whether any award has been made in the village. One award No.43/1970-71 has been made. The date of preliminary notification is 24-4-1970. The Land Acquisition Collector awarded a flat rate of Rs.940/- per bigha kham. Nearest to the material date and also to the preliminary notification of award No.43/1970-71 are the sales at serial No. 3 & 4. The sale transaction at S.No.4 is only one furlong from the road. The land involved in sale transaction at serial No.3 is situated neither close to the abadi nor the road. The average per bigha of sale transaction at serial No.4 is a little on the high side as compared to the price awarded in award No.43/1970-71 and the other at serial No.3 is neither high nor low. The land relating to sale at S.No.2 is situated close to the road and out of all the sales it has fetched higher price. During the years 1970 and 1971 this is the only sale relating to agricultural land that has fetched that much. A single transaction does not reflect the true market value of the land when the price fetched by the other sales is Rs.1212 and below. About the sale at serial No.4, it has already been mentioned earlier that it is only one furlong from the road. As such, this also does not represent the true market value. The only sale that could help in evaluating the market value is the sale at serial No.3. In the result, I award a flat rate of Rs.1000/- per bigha kham.

Trees:

There are no trees in the land under acquisition.

Interest:

The Acquiring Department took physical possession of the land prior to the date of notification u/s 4. The interested persons are, therefore, entitled to interest @ 6% per annum from the date of notification u/s 4, which in this case is 9.6.1971.

Solatium:

15% solatium shall be paid as required by the Act.

Mode of payment:

Compensation of the land under acquisition will be paid to the bhumidars according to their shares entered in the latest revenue record of the village.

Khasra No.1607/2/2 belongs to Karam Chand and Ram Chand bhumidars. Ram Datt s/o Khacheru who is in possession of it claims its compensation. The compensation shall remain disputed.

Abatement of land revenue:

The land under acquisition is assessed to 0.59P as land revenue. The same shall be deducted from the land Revenue Roll of this village from kharif, 1971.

Summary:

The award is summarised as under:

Compensation for 2 bighas 01 biswa of land @ Rs.1000/- per bigha kham.	=	Rs.2050.00
15% solatium	=	Rs.307.50
Interest @ 6% per annum for the period from 9-6-71 to 21.9.72 fix (1.1/5 years).	=	Rs.169.74 Rs.2527.24

(Rupees two thousand five hundred twenty seven and twenty four only).

Announced and signed

(Sham Karan)
Land Acquisition Collector(P)