

AWARD NO. 65/80-81

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NAME OF VILLAGE : BURARI
NATURE OF ACQUISITION : PERMANENT
PURPOSE OF ACQUISITION : Construction of Earthen Shanks & Studs along RME(Old) in the reach from Wazirabad Barrage to Bawana Escape.

These are proceedings for determination of compensation U/s 11 of the L.A. Act for the land measuring 104 Bighas 12 Biswas situ in revenue estate of Village Burari, Delhi for a public purpose namely for the construction of earthen shanks & studs along RME(Old) in the reach from Wazirabad Barrage to Bawana Escape. The aforesaid land was notified u/s 4 of the L.A. Act vide Delhi Administration notification No.F.7(7)/L&B(1) dated 30.3.1979 read with Delhi Administration notification made u/s 6 & 17 of the L.A. Act vide No.F.7(7)/79-L&B(ii) dated 30.3.79 & F.7(7)/79-L&B(iii) dated 30.3.79 respectively. Notices u/s 9 & 10 were issued to all interested persons and claims filed by them are discussed hereinafter under the heading "Claims".

Classification and Measurement of Land

*The land under acquisition was measured on the spot by Land Acquisition Field Staff and found available on the spot as under:

<u>Rectangle No.</u>	<u>Kh. Nos.</u>	<u>Area</u>
30 31	21 min	0-2
	11 min	1-14
	12 min	0-5
	17 min	0-14
	18 min	2-10
	19 min	2-13
	20 min	1-04
	23 min	0-09
	24 min	2-05
	25 min	2-03
	13 min	0-06
	14 min	2-08
	15 min	2-08
	16 min	0-01
32		

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2 Min	0-11
8 "	1-02
9 "	2-13
10 "	0-03
13 "	2-14
14 "	0-12
17 "	0-11
18 "	0-06

81

12 min	1-7
13 min	2-0
14 min	2-0
15 min	2-0
6 min	0-6
7 min	0-3
8 min	0-8
9 min	0-5

82

10 min	0-5
11 min	1-6

106

2 min	0-11
3 min	1-2
4 min	0-3
5 min	0-16
6 min	2-3
7 min	0-16
8 min	1-12
9 min	1-02

107

1 min	0-16
2 min	0-01
10 min	1-12

115

16 min	0-05
17/1-2	0-14
22 min	0-08
23 min	1-19
24 min	1-16
25 min	0-10

125

2 min	1-1
3 min	2-8
4 min	2-8
5 min	2-5

126

1 min	2-3
2 min	1-18
3 min	0-12

127

13 min	1-2
14 min	1-9
17 min	0-2
18 min	2-16
22 min	2-04

185
152

132	1 min	2-10
	2 min	1-10
	10 min	0-6
133	5 min	0-12
	6 min	1-16
	7 min	2-8
	8 min	2-8
	9 min	2-6
	10 min	1-8
	11 min	1-0
	12 min	0-2
134	6 min	0-4
	13 min	1-5
	14 min	2-8
	15 min	2-0
Total:-		104-12

CLAIMS

The following persons have filed their claims which are discussed as under:-

S.No.	Name of persons	Claims
1.	Sh. Ram Kishan s/o Budhu	Has claimed Rs. 1,41,350/- for his land
2.	Sh. Bihari s/o Aman	Has claimed Rs. 30,000/- per bigha for land, Rs. 2000/- P.R. for severance charges etc.
3.	Sh. Hari s/o Gokal	Has claimed Rs. 3,000/- per Bigha for his land.
4.	Smt. Ram Vati, Kanwar Vati, Raj Kumar, Rakesh Kumar.	Have claimed Rs. 30,000/- per bigha for their land, Rs. 5000/- per bigha for severance charges & Solatium.
5.	Sh. Ravi Dutt & Anil Chand	Has claimed Rs. 30,000/- Per Bigha for his land, Rs. 5000/- Per Bigha for severance charges & Solatium.
6.	Sh. Sher Singh s/o Murli	-do-
7.	Sh. Daya Nand, Onkar Singh, Narendra Kumar	Have claimed Rs. 30,000/- per bigha for their land, Rs. 5000/- per bigha for severance charges & Solatium & Rs. 25,000/- for standing crop.
8.	Mohar Kaur, Gonti, Jagwanti	Same as stated at S.No. 4.

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11. Sh. Kure s/o Ram Sahay
12. Sh. Ram Kishan s/o Nathu
13. Sh. Jai Bhagwan, Mange Ram, Subash & Ashok Kumar s/o Des Raj
14. Sh. Uday Raj Tyagi s/o Khushal
15. Sh. Raghu Nath s/o Bhoj Dutt
16. Sh. Kishan Chand s/o Nihal
17. Sh. Khazan s/o Ganeshi
18. Sh. Om Dutt, Inderaj & Uday Raj ss/o Gurdial
19. Sh. Pyare s/o Ram Saran
20. S/Sh. Dev Dutt, Jai Pal Singh Tyagi, J.N.S. Tyagi & Subash Chand ss/o Hari Chand.

Same as stated at S.No. 5

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Same as stated at S.No. 4.

Has claimed Rs. 3000/- per bigha for his land & Rs. 3000/- for water boring & other benefits as permissible.

Has claimed Rs. 15000/- P.M. for his land besides interest & Solatium.

Same as stated at S.No. 14 except regarding boring.

Has claimed compensation.

Have claimed Rs. 30,000/- per bigha for their land, Rs. 20,000/- for Tube-Well etc.

Has claimed Rs. 15000/- P.R. for his land etc.

Have claimed Rs. 50/- per sq. yds for their land, Rs. 25,000/- on account of uneconomic holdings, Rs. 20,000/- for loss damages etc Rs. 1000/- per tree, Rs. 5000/- for drains etc.

DOCUMENTARY EVIDENCE

Some of

The claimants have produced the following documents in support of their Claims:-

1. Photostat copy of agreement dated 19.2.1979.
2. Attested copy of Award No. 3/79-80 Village Jharoda Majra Burari.
3. Copy of Sale deed No. 12981 Vol. 2347 dated 29.6.1974.

MARKET VALUE

In order to determine the market value of the land the advantages and potentialities has to be taken into account. The use of land as prescribed by law has also to play an important role in determining the market value of the land. The area of this Village is governed by the provisions of...

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Market value is to be determined as on the date of notification u/s 4 i.e. 30.3.1979. The claimants have filed their claims demanding exorbitant value of the land. The evidence in support of their claims furnished is one agreement of sale ~~dated~~ dated 19.2.1979 in which Kh.No. 106/6 measuring 5 Bigha 10 Biswas was agreed for Rs. 55,000/- . This agreement do not carry the requisite force. A copy of sale deed dated 12.6.1974 has been furnished. As per the sale deed Kh.No. 403 (Old) measuring 4 Bigha was sold for Rs. 48,000/- . The land under this transaction is nearer the Village abadi and main passage to the Village. Hence this sale has no bearing in the present case. Award No. 3/79-80 dated, 16.5.79 of Village Jharoda Majra Burari has been referred in one of the claims. In this case compensation @ Rs. 7000/- per bigha was awarded and the material date was 1.11.1978. Since, this case pertains ^{to} the separate revenue estate and nearer to the urbanised area, Hence cannot be relied upon. In short evidence produced by the claimants is ^{not} helpful for these proceedings. _{on}

Three Awards have been announced in Village Burari but they cannot guide in the present case being very old. The latest Award No. 43/70-71 was made with material date as 24.4.1970.

Numerous sale transactions took place in the Village during past three years from the date of notification u/s 4. Most of them pertain to small pieces of land sold in the form of plots or for the purpose of carving out the plots. Since, unauthorised colonisation in this Village have been going on in large scale, some of the sale transactions involving bigger area are as under :-

S.No.	Mutation No.	Date & Regd. No.	Kh.No.	Area	Consideration money	Average per bigha
1	746	2227 28.9.76	135/3	4-16	Rs. 10,000/-	Rs. 2083-33

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865	<u>4027</u> 14.8.78	137/17/2 18 19/1/2	9-18	Rs. 9000/-	Rs. 919/-
866	<u>437</u> 31.1.78	137/15 14/1	5-6	Rs. 9000/-	Rs. 1695/-
894	<u>4192</u> 27.2.78	47/21/2 68/1 46/12/1 13/1 8	17-2	Rs. 64,000/-	Rs. 3325-60
895	<u>4209</u> 28.7.78	46/4/2 6/2 7 14 15	22-2	Rs. 8000/- Rs. 84750/-	Rs. 3750/-
896	<u>3946</u> 5/5/79	47/19 20 21/1 22/1 68/10	18-14	Rs. 70125/-	Rs. 3750/-

The sale transaction at Sr.No. 1,3 to 7 pertain to the land which is quite away from the land under acquisition. The land of these transactions also enjoy the benefit of nearness to the Village abadi, main approach road to the Village and had been subsequently a subject matter of unauthorised colonisation. Hence, these sale transactions do not represent the correct and true market value. Sale transaction at Sr.No. 2 pertain to an area of 2 Bigha in which Kh.No. 134/1/1 was sold for Rs. 4500/- per bigha on 11.8.77. The average sale price in this case comes to Rs. 2,250/- per bigha. The subject matter of this sale is situated towards the West of protection Barrage constructed as a safeguard for Floods. The land now being acquired is situated towards the East of this Bund Barrage and prone to floods almost every year. Revenue record shows that the land under present proceedings can yield only one crop in a year, as such its value must be less than the land of Sale Transaction at Sr.No. 2. Considering the point of situation and productivity of the land I am of the opinion that the land under acquisition be assessed @ Rs. 2000/- per Bigha and the

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3. 865	<u>4097</u> 14.8.78	137/17/2 18 19/1/2	9-18	Rs. 9000/-	Rs. 919/-
4. 866	<u>437</u> 31.1.78	137/13 14/1	5-6	Rs. 9000/-	Rs. 1695/-
5. 894	<u>4192</u> 27.2.78	47/21/2 68/1 46/12/1 13/1 8	17-2	Rs. 64,000/-	Rs. 3625-60
6. 895	<u>4209</u> 28.7.78	46/4/2 6/2 7 14 15	22-2	Rs. 8000/- Rs. 84750/-	Rs. 3750/-
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taking possession of the land, no trees, Well or other Structures were there on the land.

POSSESSION

Since, section 17 of the L.A. Act is invoked, the possession of the land was taken on 14.5.79 and handed over to Flood Control Department, Delhi Administration. In term of interest u/s 34 of the L.A. Act, interest is payable from 14.5.79 to 21.8.1980 @ 6 % p.a. on the market value so assessed.

SOLATIUM

15 % solatium will be paid over and above the market value of the land so assessed.

APPORTIONMENT

Village Burari is under consolidation. Compensation will be paid in accordance with the latest entries in the revenue record as well as clearance certificate from concerned Consolidation Officer. In case of dispute not amicably settled within time, compensation will be sent to the Court of ^W A.D.J. ^W ~~Land Acquisition~~ u/s 30-31 of the L.A. Act.

LAND REVENUE

Land revenue of the land under acquisition will be deducted from the Village Khatoni from the date of taking over possession i.e. 14.5.79 at the time of mutation.

SUMMARY OF THE AWARD

Compensation for the land measuring 104 Bigha 12 Biswas @ Rs. 2000/- per Bigha	Rs. 2,09,200-00
15 % Solatium	Rs. 31,380-00
Interest u/s 34 from 14.5.79 to 21.8.80 (1-year 100 days)	Rs. 18,389-54
GRAND TOTAL:-	Rs. 2,58,969-54

Rupees Two Lac Fifty Eight Thousand Nine Hundred Sixty Nine and Paise Fifty Four