

OFFER NO. & 66/80-81

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

.....

These are proceedings for the temporary acquisition of land measuring 225 Bighas 15 Biswas situated in Village Burari for a public purpose i.e. Construction of Earthen Shanks & Studs along FME(Old) in the reach from Wazirabad Barrage to Bawana Escape as notified u/s 35 (1) of the L. A. Act, 1894 vide notification No. F.7(7)/79-L&B(5) dated 30.3.1979 for a period of one year from the commencement of such occupation. Notices as required were issued to all the persons interested therein to file their claims which are discussed hereafter under the heading "Claims."

Measurement & Classification of Land

The land under temporary acquisition was measured on the spot and area found available on the spot is as under:-

<u>Rectabls No.</u>	<u>Kh. No.</u>	<u>Area</u>
30	21 min	Big -Bis
	22 min	2-16
31		0-2
	10 min	0-7
	11 min	3-0
	12 min	2-17
	13 min	1-06
	16 min	1-06
	17 min	3-02
	18 min	2-6
	19 min	2-3
	20 min	2-16
	22 min	1-0
	23 min	2-11
	24 min	2-7
	25 min	2-13

6 min

1375

53

15 min	
16 min	2-8
17 min	2-11
18 min	1-16
4 min	0-6
5 min	0-5
6 min	2-9
	0-1

54

1 min	
2 min	1-11
3 min	2-1
7 min	0-11
8 min	0-8
9 min	3-1
10 min	2-3
12 min	2-9
13 min	2-8
14 min	2-2
17 min	2-6
18 min	0-1
	2-1

81

6 min	
7 min	2-16
8 min	2-16
9 min	2-16
12 min	1-16
13 min	1-11
14 min	2-11
15 min	2-11
	2-11

82

10 min	
11 min	2-0
	1-14

106

2 min	
3 min	1-18
4 min	3-1
5 min	2-1
6 min	2-16
7 min	3-1
8 min	2-3
9 min	2-16
	2-1

107

1 min	
2 min	2-14
10 min	0-5
	2-16

115

16 min	
17 min	0-5
1 & 2	1-11
18 min	
21 min	1-6
22 min	2-10
23 min	2-19
24 min	2-17
25 min	2-5
	1-1

116

1395

: 3 :

125

2 min	1-3
3 min	2-8
4 min	2-8
5 min	0-18
6 min	0-16
7 min	0-16
8 min	0-16
9 min	0-6

126

1 min	2-5
2 min	2-14
3 min	2-18

126

4 min	1-8
9 min	0-2
10 min	0-12

127

8 min	0-12
12 min	0-1
13 min	2-17
14 min	1-16
17 min	1-16
18 min	2-0
19/1 min	1-0
19/2 min	0-16
21 min	1-18
22 min	2-9
23/1 min	0-12
23/2 min	0-10
24 min	0-2

132

1 min	2-6
2 min	3-0
3 min	0-13
9 min	0-14
10 min	2-16

133

2 min	0-4
3 min	1-4
4 min	2-5
5 min	3-4
6 min	2-14
7 min	2-8
8 min	2-8

133

9 min	2-10
10 min	2-16
11 min	2-16
12 min	2-14
13 min	2-0
14 min	1-0
15 min	0-2

134

6 min	1-2
7 min	2-0

16 min 0-6
17 min 1-11
18 min 0-12
26 min 0-9

225-15

CLAIMS

The following persons have filed their claims as under:

S.No.	Name of Persons	Claim
1.	Sh. Udai Raj s/o Gurdial r/o Village Burari	Has claimed Rs. 30,000/- per Bigha for his land.
2.	Sh. Ravi Dutt s/o Ami Chand r/o Burari	-do-
3.	Sh. Om Dutt s/o Gurdial r/o Burari	Has claimed Rs. 30,000/- per Bigha plus damage of crops etc. & Tube Well.
4.	Sh. Kishan s/o Nihal r/o Burari	Has claimed Rs. 30,000/- per Bigha for land and damage of Mud, crop etc.
5.	Sh. Kudey s/o Ram Sahai r/o Burari	Has claimed Rs. 20,000/- per Bigha for land and Rs. 25,000/- for standing crops.
6.	Sh. Ram Sarup s/o Maha Sukh	Has claimed Rs. 30,000/- per Bigha for land & Rs. 2000/- per Bigha for damage of Tomato etc.
7.	Sh. Daya Nand, Onkar Singh & Narender Kumar ss/o Khem Chand	Have claimed Rs. 30,000/- per Bigha for land & Rs. 2000/- per Bigha for Bhindi crop & damages of Boring.
Remarks:- The claim is not signed by Sh. Daya Nand & Narender Kumar and no reliance can be placed on		
8.	Sh. Dev Dutt, Jai Pal Singh Tyagi, Sh. Jai Nand Singh Tyagi & Subhash Chand through Sh. J. N. S. Tyagi, Advocate r/o Burari	Have claimed Rs. 50/- per sq. yds for land. Rs. 2500/- per Bigha for standing crop. Rs. 25,000/- on account of un-economic holdings & Rs. 20,000/- on account of excavation of the earth. Rs. 1000/- for Trees etc.
9.	Sh. Mange Ram, Jai Bhagwan, Subhash Kumar & Ashok Kumar	Have claimed Rs. 10,000/- per Bigha for land & Rs. 1000/- for Boring etc.
10.	Sh. Murli s/o Kallu r/o Burari	Has claimed Rs. 10/- per sq. yds for his land.
11.	Sh. Udai Raj s/o Khusal r/o Burari	Has claimed Rs. 15,000/- P.R. for his land, Rs. 3000/- for loss of standing crop. Rs. 1500/- for

1435

13. Mool Chand s/o Tej Ram

Has claimed Rs. 10/- p. sq. yd for his land.

14. Smt. Khazani through her husband Sh. Sher Singh

Has required other land in lieu of this land proposed to be acquired.

15. Sh. Khazan s/o Ganeshi r/o Burari

Has claimed Rs. 10/- per sq. yd for his land.

16. Sh. Chajju Ram s/o Lakhji Ram r/o Burari

-do-

17. Sh. Har Sarup s/o Kanwal Singh r/o Burari

Has claimed Rs. 30,000/- P.R. for his land & damages etc.

18. Smt. Jayanti d/o Raghbir

Has claimed Rs. 50/- per sq. yd for land.

19. Smt. Gonti d/o -do-

-do-

20. Smt. Mohar Kaur d/o -do-

-do-

21. Sh. Deep Chand s/o Man Raj

Has claimed Rs. 45/- per sq. yd for his land.

22. Dule s/o Fatti

Has claimed Rs. 36/- per sq. yd for his land.

23. Raghubar s/o Lekha

Has claimed Rs. 30,000/- per bigha for his land.

24. Sh. Hari Singh s/o Gokal r/o Jagat Pur

Has claimed Rs. 30,000/- per Bigha for his land.

25. Perhlad s/o Lekha r/o Jagat Pur

-do-

26. Kabool s/o Surja r/o Jagat Pur

-do-

27. Dhan Singh s/o Sarja r/o Jagat Pur

-do-

28. Late ~~Sh~~ s/o Ram Saran r/o Burari

Has claimed Rs. 10/- per sq. yd for his land & loss of standing crop.

Contd...6.....

1459

6

RENT

Since, the land under acquisition is being acquired temporarily the rent will have to be paid for the acquired land. The land of this Village is governed by Delhi Land Reforms Act, 1954. According to the provisions of this act sub-letting of the land is not permitted. But there are few exceptions under section 36 where the disabled persons and the widows are allowed to sublet the land belonging to them. Local enquiries were made to find out whether any class of the persons mentioned in section 36 have subletted their land. The enquiries revealed that there is no subletting in this Village. As such it is not possible to ascertain the fair annual rent payable to the owners.

In the absence of such possible evidence there is no other method except to pay the rent @ 6 % on the market value of the land under acquisition and then will fix the rent @ 6 % on this market value.

Market value of the land is to be determined keeping in view the advantages and potentialities of the land under acquisition. The use of the 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 Delhi Land Reforms Act, 1954. Therefore, the land in this Village cannot be used for the purposes other than agricultural, horticulture or animal husbandary etc.

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 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. 40 3 (C) measuring 4 Bigha was sold for Rs. 48,000/- The land under this transaction

1475

this sale has no bearing in the present case. Award No. 3/79-30 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 at 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 relief upon. In short evidence produced by the claimants is not helpful for these proceedings.

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 bi
1.	746	<u>2227</u> 28.9.76	135/3	4-16	Rs. 10,000/-	Rs. 2083-
2.	867	<u>4458</u> 11.8.77	134/1/1	2-0	Rs. 4,500/-	Rs. 2250
3.	865	<u>4497</u> 14.8.78	137/17/2 18 19/1/2	9-18 1 1	Rs. 9,000/-	Rs. 919
4.	866	<u>437</u> 31.1.78	137/13 14/1	5-6 1	Rs. 9,000/-	Rs. 1695
5.	894	<u>4192</u> 27.2.78	47/21/2 68/1 46/12/1 13/1 8	1 17-2 1 1 1	Rs. 64,000/-	Rs. 3625
6.	895	<u>4209</u> 28.7.78	46/4/2 6/2 7 14 15	22-2 1 1 1 1	Rs. 84750/-	Rs. 3750

145

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 @ rent of Rs. 2000/- per Bigha and the same is awarded @ Rs. 120/- per Bigha.

Damages for Trees, Crop, Well and Other Structures :- At the time of taking possession of the land, no tree, Well or other structure were there on the land. Hence, no compensation is assessed for the same.

POSSESSION

The area is being acquired temporary for the purpose namely construction of Earthen Shanks & Studs along RME (Old), in the reach from Wazirabad Barrage to Bawana Escape. The possession of this land was taken on 30.5.79 and will remain under the occupation of the department for a period of year i.e. 30.5.79 to 30.5.80 after which the temporary occupation will cease.

APPORTIONMENT

The Village Burari is under consolidation. The interested persons

: 9 :

not settled within time, compensation, will be referred to the
of Land Acquisition u/s 30-31 of the L.A. Act.

The award is summarised as under:-

Rental value for the land measuring
225 Bighas 5 Biswas @ Rs. 120/- P.B.

Rs. 27090-00

Sevan
(Rupees Twenty/Thousand Ninty only)

(B.S. RANA)
LAND ACQUISITION COLLECTOR(ME)
DELHI

FILED BY

Handwritten notes:
225 Bighas 5 Biswas @ Rs. 120/-
Rupees 27090/-
B.S. Rana
L.A. COLLECTOR