

(77)

A W A R D No. 78/72-73

Name of the village: BURARI
Nature of acquisition: Permanent.
Purpose of acquisition: Construction of Road.

A W A R D

These are proceedings for determination of compensation U/s 11 of the L.A.Act, 1894. The land measuring 1 bigha situated in village Burari was notified U/s 4, 6 & 17 of the L.A.Act, vide notification No.F.15(190)/55-L&H(1), (ii) & (iii) respectively, dated April 9, 1971 for a public purpose, namely for Construction of Road. In pursuance of the above notifications, notices U/s 9 & 10 of the L.A.Act were issued to all the persons interested in the land under acquisition. The claims filed by them are discussed hereafter under the heading "COMPENSATION CLAIMS".

TRUE AND CORRECT AREA: The land was measured on the spot by the Land Acquisition Field Staff and the available area found at the spot is as follows:-

Field No.	Area Big.Bis.	Classification of the land.
37/2	0 - 6	Gairapash.
596/2	0 - 4	"
1093/2	0 - 3	"
900/2	0 - 7	Gairmumkin
Total	1 - 00	

COMPENSATION CLAIMS:

1. Shri Raghbir s/o Yad Ram through his son Shanti Sarup Tyagi: Has claimed compensation @ Rs.20/-per sq.yd. & Rs.500/-per bigha for damages towards crops.
2. Shri Deaa s/o Gopal: Has claimed compensation @ Rs.5000/-per bigha.

DOCUMENTARY EVIDENCE:

None of the claimant has adduced any evidence in support of his claim.

contd....2/-

MARKET VALUE:

Before we embark on the question of the determination of the market value it would be necessary to have an idea about the different potentialities and characteristic of the land under acquisition. The four Kh.Nos. under acquisition comprise small area and are separated by long distances. Consequently, the market value of the different Kh.Nos. could vary according to their location and potentiality. That being so the market value of the land under acquisition has to be assessed khasra-wise and not block-wise.

The market value of the land under acquisition has to be determined with reference to the price prevailing as at the date of notification U/s 4 of the L.A.Act. This can be determined with reference to the genuine sales affected about the time of notification. As stated earlier no evidence has been adduced by the claimants in support of their claims. The following sale deeds nearest to the material date are found in the revenue record.

S.N.	Mutation No.	Date of regn.	Area Big.Bis.	Consideration money.	Average per bigha.
1.	333	17.10.70	4 - 19	Rs.1000/-	Rs.202.00
2.	318	27.10.70	0 - 6	Rs. 600/-	Rs.2000.00
3.	440	10.8.70	3 - 14	Rs.1000/-	Rs.5000.00

Besides the above sale deeds, there are other sale deeds in the village which have not been considered relevant in the assessment of the market value since they are not so close to the land under acquisition. The above three sale transactions are suitable exemplars since the lands covered in these transactions lie in close propinquity to the land under acquisition.

MARKET VALUE OF KH.NO.37/2

This Kh.No. lies in close proximity to Kh.No.46/1 which is covered under sale transaction No.7374 and entered in revenue record vide mutation No.333. Both these field Nos. are similar

-3-

as proper guide in the assessment of the market value. Accordingly, therefore, a rate of Rs.202/-per bigha is awarded for Kh.No.37/2.

MARKET VALUE OF KH.NO.596/2

Khasra No.596/2 is situated near to the village abadi and is in the close proximity of Kh.No.604min which has been transferred through mutation No.313 sale deed No.7703 referred to above at S.No.2. These two Kh.Nos. are also similarly circumstanced in all respects and sale deed No.7703, mutation No.313 is therefore, taken as a good instance to assess the market value of Kh.No.596/2 area measuring 4 biswas only. I, thus award Rs.2000/-per bigha in respect of Kh.No.596/2.

MARKET VALUE OF KH.NO.1093/2

Khasra No.1093/2 under acquisition is adjoining khasra No.1054 transferred vide mutation No.440 sale deed No.5616 referred to above at S.No.3. The land of these two Kh.Nos. is Gairapash and is similarly circumstanced. Sale deed No.5616 is thus a good exemplar to fix the market value of Kh.No.1093/2. I therefore, award Rs.5000/-per bigha for Kh.No.1093/2 area measuring 3 biswas only.

Kh.No.900/2 area 7 biswas is Gairmumkin Rasta and vests in the Gaon Sabha. Since this Kh.No. is public path and dedicated to public use, no compensation is therefore, assessed for this Kh.No.

STRUCTURES, TREES & WELLS: NIL

15% SOLATIUM: 15% solatium is payable over and above the market value so assessed.

INTEREST: Since the possession of the land has not been taken, no interest is payable.

contd....4/-

APPORTIONMENT: Payment of compensation will be made according to the latest entries in the revenue record. If there is a dispute regarding apportionment, compensation will be paid if the parties concerned ~~will~~ arrive at a compromise in a reasonable time, otherwise the matter will be referred to the court U/s 30-31 of the L.A.Act.

LAND REVENUE DEDUCTION: The land under acquisition is assessed at 17 paise which will be deducted from the Khalsa Rent Roll of the village from the date of taking over possession of the land.

The aforesaid land will vest absolutely in the Govt. free from all encumbrances.

SUMMARY OF THE AWARD:

The award is summarized as under:-

S.N.	Khasra No.	Area Big.Bis	Rate per bigha.	Amount of compensation.
1.)	37/2	0 - 6	Rs.202/-	Rs. 60.60P
2.	596/2	0 - 4	Rs.2000/-	400.00
3.	1093/2	0 - 3	Rs.5000/-	750.00
4.	900/2	0 - 7	Total	Rs.1,210.60
	(No compensation awarded)			
5.	15% solatium.			181.59
			G.Total	<u>Rs.1,392.19</u>

*Annexed & filed
18/11*

18/11/73

(G. BAHADUR)
LAND ACQUISITION COLLECTOR(ME):DEBHI