

O F F E R No. 71/20-71

Name of the village: DHIRPUR

Nature of acquisition: TEMPORARY

Purpose of acquisition: CONSTRUCTION OF MARGINAL EMBANKMENT BETWEEN WAZIRABAD BARRAGE & BAWANA ESCAPE ON THE RIGHT BANK OF JAMUNA.

O F F E R

These are proceedings for the temporary acquisition of land measuring 21 bighas 13 biswas situate in village Dhirpur 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(2)/70-LAH dated 11.3.70 issued under section 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 head 'CLAIMS'.

MEASUREMENT

The area under acquisition as given in notification u/s 35(1) is 21 bighas 13 biswas while at the time of actual measurement made by the field staff it was found as 21 bighas 5 biswas. The deficiency of 8 biswas may be due to wrong calculation at the time of preparation of notification u/s 35(1). Thus these proceedings now be for the acquisition of an area measuring 21 bighas 5 biswas.

CLASSIFICATION OF LAND

The details of khasra Nos. in 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 Big. Bis.	Kind of soil
1.	371/3	0 - 17	Abpash
2.	372	6 - 10	-do-
3.	373/2	4 - 16	-do-
4.	374/2	4 - 00	-do-
5.	375/3	3 - 06	-do-
6.	377/3	1 - 05	Ghair Abpash
7.	378/3	0 - 11	Abpash
Total:		<u>21 - 05</u>	2/-

their holdings. Local enquiries reveal that no sub-letting has been made in this village. In view of this it is not possible to ascertain the fair annual rental of the land based out by the tenure-holder in this village.

The claimants had not produced any evidence which could have been helpful in fixing the annual rent in respect of land under acquisition. In the absence of any positive evidence, I am of the view that the rent @ 6% on the market value of the land would be fair and reasonable in this case.

The area now under acquisition is either Abprash or Ghair Abprash. The physical condition and the nature of soil of both these lands is alike, therefore, both these lands have been classified in one block for which same compensation will be payable.

As per provisions u/s 23(1) of the Land Acquisition Act while calculating the amount of compensation to be awarded on the market value 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 4 35(1).
- (2) The damage sustained by the standing crops or trees at the time of taking over the possession.
- (3) The damage sustained by reason of severing such land from other land.
- (4) The damage sustained by reason of acquisition injuriously affecting the other moveable or immoveable property.
- (5) If any consequences of acquisition 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 declaration u/s 6 and at the time of taking over the possession.

In addition to the above factors the following guidelines have also been kept in view while assessing the compensation of the land:

- (a) Sale transactions in the village concerned.
- (b) Weariness 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 acquisition is situated at a far off distance from pucca road, hence this factor of the nearness of the land to any pucca road cannot be stated having any bearing on its market value.

The awards for acquisition of land in this village during the past years as per details shown below have also been examined to explore the possibility of making any of these awards the basis for determining the market value of the land under acquisition.

S.No.	Award No.	Date of notification u/s 4	Price assessed per bigha
1.	652	11.12.42	4000/- & 500/- per acre.
2.	874	4.1.57	Rs.4/- & 3/- per sq.yard.
3.	901	21.2.58	Rs.3/- per sq.yard.
4.	979	3.10.59	Rs.1000/- & Rs.700/- P.bigha
5.	1074	21.12.56	Rs.1160/- & Rs.580/- "
6.	1102	24.4.59	Rs.1500/-, Rs.1160/- & Rs.580/- "
7.	1478	23.7.62	Rs.2500/- & Rs.1000/- P.bigha
8.	2163	13.11.59	Rs.4000/- per bigha

So far the eight awards details shown above have declared for the acquisition of land in this village. The date of notification u/s 4 of these awards ranges between the years 1942 to 1962. The notification u/s 4 for the latest award is dated 23.7.62 which is also more than eight years old. In addition to this the land acquired under these awards is situated at a far off distance from the present land under acquisition. Further scrutiny of these awards discloses that the land under these awards has been acquired mostly for rehabilitation of colonies and the construction of buildings. Hence the value of such land cannot be compared with the land which is located very close to Jamuna river and remains flooded during the rainy season and is also subject to fluvial action of the river. Taking into consideration all these facts these awards cannot form the basis for the correct market value of the land under acquisition.

In order to examine the possibility of making the sale transactions of land in this village a bse I examined the chief data submitted by the Maib Tehsildar. In all 12 sale transactions as per details given below have taken place in this village during the past five years:

S.No.	Mutation No. or S.No. in 0-4 register	Date of sale	Kh.No.	Area Big. Bis.	Amount	Average per bigha
1.	450	25.6.66	211/1,264	6-10	7995/-	1230-00
2.	451	-do-	195 etc.	7-02	8500/-	1197-00
3.	460	17.3.66	168	11-0	30000/-	2727-27
4.	462	30.8.66	349/3	11-00	11000/-	1000-00
5.	468	5.10.66	201 etc.	09-10	8000/-	202-55
6.	469	-do-	190 etc.	35-17	7000/-	195-20
7.	477	3.12.66	199/1 etc.	4-07	3000/-	689-65
8.	475	19.1.67	500/19 etc.	5-11	2000/-	360-40
9.	476	23.1.67	189/3 etc.	3-00	3000/-	1000-00
10.	15	28.3.67	387	3-02	3000/-	967-80
11.	22	24.6.69	307 etc.	9-07	20570/-	2200-00
12.	21	30.8.69	292 etc.	33-03	60000/-	1801-80

With a view to arrive at the accurate prevailing market rate on the date of notification u/s 4 of the L.A. Act as far as possible sale transactions which took place nearest to the material date of notification u/s 4 should be taken into consideration. Thus the sale transactions which took place during the years 1965 to 1968, in the light of above becomes quite old as compared to the sales which took place during the year 1969. I, therefore, do not consider it necessary to discuss these sale transactions individually and keep my discussions confined to the sales which have taken place during the year 1969 only.

During the year 1969 only two sale transactions vide registered deeds dated 24.6.69 and 30.8.69 comprising an area of 9 bighas 7 biswas of kh.Nos.307, 516/370, 518/370/2,383 min, 461/335, 518/370/3 & 33 bighas 6 biswas of khasra Nos.299, 300, 367, 514/370 have taken place. In first sale dated 24.6.69

the land was sold for a consideration of Rs.20570/- and its average price works out to Rs.2200/- per bigha. In the second sale transaction dated 30.8.69 the land measuring 33 bighas 6 biswas was sold for a consideration of Rs.60000/- having an average price per bigha at Rs.1801.80. A comparative study of the land in both these transactions on the map discloses that the land bearing khasra Nos.516/370, 518/370 & 383 under sale transaction dated 24.6.69 is very close to the land proposed to be acquired as compared to land involved in sale transaction dated 30.8.69. Keeping in view these factors in order to arrive at the correct market value the reliance should be placed on sale transaction of land which is very close to the land under acquisition i.e. sale dated 24.6.69. I, therefore, evaluate the market value of land under acquisition at the rate of Rs.2200/- per bigha had it been acquired permanently.

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.132/- per bigha.

COMPENSATION FOR CROPS:- At the time of taking over possession some crops were existing on some of the land. In this connection a survey was made by the field staff, the details of which as per record of the Maib Tehsildar are produced below:

S.No.	Khasra No.	Area under crop (Big.Bis.)	Name of crop
1.	371/3	0 - 17	Bhindi
2.	372	6 - 10	Jawar
3.	373/2	4 - 16	Jawar
4.	375/3	3 - 06	Jawar

In order to assess the value of standing crops detailed information was collected from the office of the Project Officer, Intensive Agriculture Development Programme, Delhi Administration; Delhi, Tehsil Office, Delhi and the market rates published in weekly Delhi Administration's gazette dated 4.6.70 which are at appendix 'A'. On consideration of the information regarding the value of these crops as given in these reports the total amount of compensation for various crops as mentioned in column No.2 of the appendix amounts to Rs.689-58. I assess the same. The compensation of crops will

be paid to the persons interested after receipt of certificate from the acquiring department to the effect that the department has destroyed the crop while taking over the possession otherwise it will remain under dispute.

APPORTIONMENT:- The interested persons will be paid rent according to the existing entries of the revenue record. In case of any dispute the payment will be made after any 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 for land measuring 21 bighas 5 biswas @ Rs. 132/- per bigha.
2. Compensation for Crops.

Total:

Rs. 2,805-00

	789-12
Rs.	620-50
Rs.	8,404-52
	3,510-15

K.N. Joshi

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

کار و دی بنفہ آرائی موافقہ دھیر پور کھنڈ و بنفہ دی
 آنے تاریخ ۱۶/۶/۷۰ میں جب الیکشن میں حصہ لیا (بنفہ دی)
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Radhela
 17/6/70
 Possession Taken over
 12.6.70
 17/6/70
 17/6/70