

93/83-84

AWARD NO. :
 Name of village : Ghuman Hera
 Nature of Acquisition : Permanent
 Purpose of Acquisition : Increasing the capacity of
 ----- Najafgarh Drain.

These are the proceedings for determination of compensation U/S 11 of the Land Acquisition Act, 1894. The land under acquisition measuring 55 bigha 18 biswas situated in village Ghuman Hera was notified U/s 4-6-17 vide Notification No.F7(103)/79-L&B I,II,III dated 13.1.1981 for a public purpose, namely, for increasing the capacity of Najafgarh Drain. In pursuance of the aforesaid notifications, notices u/s 9 & 10 of the LA Act were issued to the interested persons for inviting their claims. The claims filed by them are discussed below under the heading "Claims for compensation".

TRUE AND CORRECT AREA

The land was measured on the spot. True and correct area available on the spot is as under :-

<u>Khasra No.</u>	<u>Area</u>	<u>Kind of soil</u>
63/4/1	1-8	Banjer
5/1	less than biswa	-do-
63/6/1	1-7	-do-
64/10/1	0-18	-do-
12/1	1-11	-do-
13/2/1	0-03	-do-
17/1	0-08	-do-
18/1	1-06	-do-
24/1	1-07	-do-
25/1	0-01	-do-
74/10/1	1-06	-do-
11/1	1-06	-do-
12/1	less than biswa	-do-
19/1	1-06	-do-
23/1	1-06	-do-
75/5/1	1-06	-do-
76/3/1	1-06	-do-
7/1	1-06	-Abpas
14/1	1-03	-do-
15/1	0-03	-do-
16/1	1-06	-do-
25/1	0-13	-do-
77/21/1/1	0-12	Geir Abpas
86/1/1	1-05	Abpas
2/1	0-01	banjar
9/1	1-07	Geir Abpas
13/1	1-07	-do-

श्री गेनरली
 लॉड गेनरली
 धुमनेष्टा मै
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There has been some difference between the area notified and covered by the scheme on actual measurement in respect of some khasra numbers, but in total area there is no difference at all. This small difference in respect of a few khasras is on account of actual measurement of the land. Detail of correct measurement is given below:-

<u>Khasra No.</u>	<u>Area notified.</u>	<u>Actual area under acquisition</u>
84/12/1	1-07	1-11
86/17/1	0-03	0-01
94/24/2/1	0-14	0-12
94/3/1	0-06	0-04
95/2/1	0-05	0-03
95/16/1	0-09	0-18
97/3/3/1	0-06	0-07
98/1/1	0-19	0-12
98/1/2/1	0-17	0-14
2/1/1	0-03	0-05
2/2/1		0-02
	<u>5-09</u>	<u>5-09</u>

Khasra No. 88/10/1 was notified u/s 4 & 6 but according to present alignment khasra No. 88/10/2/1 is covered under the scheme. Notice u/s 9 & 10 were also issued to the interested persons for this khasra No. 88/10/2/1, claims filed by them have been examined and placed on record. Hence, this khasra No. 88/10/2/1 is also included in the present proceedings.

Compensation Claims

The following persons have filed their claims for compensation :-

<u>Sl.No.</u>	<u>Name of claimants</u>	<u>Kh.No.</u>	<u>Claims</u>
1.	Raj singh & Dharma ss/o Tek Chand.	95/25/2/1	Rs.12000/-per bigha
2.	Sada Ram, Santa and	88/10/1/1 11/1 & 19/1	-do-
3.	Dharam Singh s/o Prithi Vidya wd/o Prithi.	98/2/2/1	Rs.12000/-per bigha
4.	Chandgi s/o Lok Ram	94/22/1	Rs.12000/-per bigha
5.	Badlu s/o Lala	97/5/2/1	Rs.12000/-per bigha
6.	Chunni s/o Sheo Chand	97/1/2/1	Rs.12000/-per bigha

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13. Balbir Singh s/o Lok Ram 97/4/3/1 Rs.12000/-per bigha
14. Raghbir Singh, Mange Ram ss/o 97/2/2/1 Rs.12000/-per bigha
Ram Prasad Bharto, Asharfi d/o
Ram Prasad, Kamlesh d/o Jhuttar
Sarbatil wd/o Jhuttar.
15. Mauji Ram, Bhgwan Dass, Balbir 97/3/1/1Rs.12000/-pe bigha
singh Charan Singh, Risale
ss/o Jathe.
16. Shilawati, Milafo, Murti & 86/13/1 Rs.12000/-per bigha
premwati ds/o Lal Chand. 18/1 & 9/1
17. Gopi, Kali Ram ss/o Hari 76/7/1;14/1 Rs.12000/-per bigha
Singh
18. Gajraj Singh, Balbir Singh 98/1/1 Rs.12000/-per bigha
Same Singh ss/o Mohar Singh
19. Lachmi s/o Daulat 97/2/1/1 Rs.12000/-per bigha
88/10/2/1
20. Mange Ram s/o Jamna Dass 86/24/1 Rs.12000/-per bigha
87/5/1
21. Hira Lal s/o Liak Ram 6/1 Rs.12000/-per bigha
22. Khem Chand s/o Ram Chand 98/12/1
24/1
23. Mauji, Prithi ss/o Man Singh - Rs.12000/-per bigha
24. Chitru s/o Naki 97/4/2/1 Rs.12000/-per bigha
25. Nafe Singh s/o Shera 95/7/1 Rs.12000/-per bigha
15/1; 16/1
26. Khazani wd/o Ram Kishore - Rs.12000/-per bigha
Lakhmi Chand s/o Ram Kishore
27. Dalip and Balwant ss/o Ratna 94/23/1 Rs.12000/-per bigha
28. Sube S/o Shera 97/3/1 Rs.12000/-per bigha
4/1/1

DOCUMENTARY EVIDENCE

The following persons have filed the documentary evidence in support of their claims :-

Sl.No. Name of claimant
1. Ghisa s/o Ramji Lal
(S.No.10 of the list of documents)

Detail of documents filed

photo stat copy of sale deed No. 2894 dt. 6.6.81. In this deed land bearing kh. No17/20/2, 21,17 18/25/3 total measuring 5 bigha 11 biswa situated in village Jhuljully for a sum of Rs.20000/-.

2. Rattan Lal

Photo stat copy of sale deed No. 2893 dt. 6.6.81. In this deed land bearing kh No.17/20/2, 21,27 & 18/25/5 total measuring 5 bigha 11 biswa situated in village Jhuljully for a sum of Rs.20000/-.

MARKET VALUE

Market value has to be determined as on 13.1.1981 (date of ... under section 4). For this purpose all the factors

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village Jhuljhully which is not under acquisition. Hence these cannot be accepted for consideration for awarding compensation in this village (Ghuman Hera). The revenue record has been checked which has revealed that no sale deed has been executed for the land in this village of Ghuman Hera during the last five years. Hence, there is no guideline as regards the sale deeds in the same village.

However, the following awards have been made for the land in this village of Ghuman Hera, which may act as a guide:-

S.No.	Award No.	Date of notification u/s 4	Rates awarded by the LAC by the court		
			P.	B.	P.B.
1.	1765/69	7/5/64	Sailab Rs. 400/- Banjar Rs. 150/-		Rs. 1000/-
2.	52/69/70	29/10-69	Sailab Rs. 1100/-		Rs. 1375/-
3.	49/69-70	29/10/69	Sailab Rs. 1100/- Banjar Rs. 800/-		nil
4.	2205	6/3/68	Sailab Rs. 500/- Banjar Rs. 250/-		Rs. 1250/-

In the above table awards No. 49/69-70 & 52/69-70 are the latest in series. In these awards the LAC had assessed the market value of the land @ Rs. 1100/- per bigha for sailab and Rs. 800/- per bigha for Banjar. But the ADJ had enhanced the market value for sailab land Rs. 1375/- instead of Rs. 1100/- per bigha in Award No. 52/69-70 vide LA case No. 108/71 Mohar Singh Vs. UOI and UOI had not gone in appeal. The date of notification u/s 4 in these awards was 29-10-69 while the date of notification u/s 4 in the present case is 13.1.1981. In the present case, kind of soil is the same as in the land acquired in Awards No. 49/69-70 & 52/69-70. But there is a time gap of about 15 years between the date of notification u/s 4 of award No. 49/69-70, 52/69-70 and the present case. In the latest award No. 24/83 given by the LAC on 26.7.83 for land in village Rewta compensation has been assessed at Rs. 2000/- per bigha. Notifications for both the lands (land covered by the said award No. 24/83-84 and the award I am going to draw) is the same i.e. 13.1.81 and for same purpose, i.e. for increasing the capacity of Najafgarh Drain.

Keeping in view of above stated facts, I am inclined to agree with the compensation awarded by the LAC in Award dt. 26.7.83 and feel that it would be quite just if the compen-

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CROPS

There were some crops on the land under acquisition in the following khasra numbers at the time of handing over the possession of the land, that is, on 3.2.1981.

WHEAT

Rect No. 76 kh. No. 7/1(0-16), 14/1(1-3), 15/1(0-3), 16/1(1-6), 25/1(0-13), Rect. No. 86 Kh. No. 1/1(1-5), Rect No. 94 kh. No. 20/1(0-12), 21/1(1-1), 23/2/1(0-5), 24/1/1(0-4), 24/3/1(0-4), 25/1/1(0-2), Rect No. 96 Kh. No. 5/2(0-8), Rect No. 97/2/1/1(0-5), 2/2/1(0-19), Rect. No. 98 Kh No. 1/1/1(0-12), 9/1(1-9) total measuring 11 bigha 07 biswas.

GRAM

Rect. No. 77 Kh. No. 21/1/1(0-12), Rect No. 86 Kh. No. 9/1(1-7) 18/1(1-5), 24/1/1(1-7), Rect. No. 87 kh. No. 5/1(1-7), 6/1(1-6), Rect No. 88 kh. no. 11/1(1-7), 19/1(1-7), Rect No. 94 kh. No. 24/2/1(0-12), Rect No. 95 Kh. No. 3/1(1-7), 7/1(1-10), 15/1(1-11), 16/1(0-18), Rect No. 96 Kh. No. 5/1(0-2), Rect No. 97 kh. No. 1/1/1(0-13), 1/2/1(0-12), 3/1/1(0-9), 3/2/1(0-9), 4/4/1(0-9), Rect No. 98 kh. No. 1/2/1(0-14), 2/1/1(0-5), 2/2/1(0-2) total measuring 20 bigha 13 biswas.

BARLEY

Rect No. 97 kh. No. 5/1/1(0-10), 5/2/1(0-7), Rect No. 86 Kh. No. 13/1(1-7), Rect No. 94 kh. No. 22/1(1-4) total measuring 3 bigha 8 biswa.

At the time of taking over possession the crops were fully grown and ready for reaping. Keeping in view the condition of crops, I assess the compensation of damages as given below:-
Wheat - I think that ~~appropriate~~ approximate benefit ~~for~~ of a farmer after deducting expenditure incurred by him would be wheat @ Rs. 500/-, Gram @ Rs. 400/- and Barley @ Rs. 300/- per bigha. The compensation calculated on these rates of the wheat crops (measuring 11 bigha 7 biswas) at Rs. 500/- comes to Rs. 5675/-. Gram Crop (measuring 20-13) @ Rs. 400/- per bigha comes to Rs. 8260/- and Barley crops (measuring 3-8) @ Rs. 300/- per bigha comes to Rs. 1020/-. The total compensation for said crops is assessed to Rs. 14,955/-.

15% SOLATIUM

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LAND REVENUE

The land under acquisition is assessed at Rs. 14.58 ps. as land revenue which will be deducted from the khatauni/khalsa rent roll of the village from the date of taking over possession i.e. 3.2.1981.

APPORTIONMENT

Payment of compensation will be made on the basis of the latest entries in the revenue record. In case of disputed amount which cannot be amicably settled may be referred to the court of ADJ u/s 30-31 of the L.A. Act for adjudication.

SUMMARY

The award is summarised as under :-

1. Compensation for the land measuring 55 bigha 18 biswa @ Rs. 2000/-per big.	Rs. 1,11,800-00
2. 15% solatium.	Rs. 16,770-00
3. Interest 6% u/s 34 from 3.2.81 to 18.1.84 i.e. (two years 350 days).	Rs. 22,825-58
4. Compensation of crops.	Rs. 14,955-00
Grand Total	Rs. 1,66,350-58

Six
(Rs. One Lakh, Sixty/Thousand, Three Hundred Fifty & Paise Fifty Eight Only).

B.S. Rana
(B.S. RANA)
Land Acquisition Collector (ME)

Announced and filed today.

B.S. Rana
21.2.82
L.A.C.