A W A R D No. 2186

Name of the Village: HOLAMBI KALAN

Nature of acquisition: PERMANENT

Purpose of acquisition: CONSTRUCTION OF GHOGHA DRAIN

A W A R D

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act. The land measuring 4 bighas 19 biswas situate in village Holambi Kalan was put under notification u/s 4 of the L.A. Act, 1894. The notification No. F.15(54)/67-L&H dated 13.9.67 of the public purpose for a public purpose namely, for construction of Ghogha Drain. After observing all other formalities, declaration u/s 6 of the said Act for the acquisition of the above mentioned area was issued vide notification No. F.15(54)/67-L&H dated 5.3.1969. In pursuance of the declaration u/s 6, notices u/s 9 & 10 of the said Act were issued to all the persons interested in the land put under acquisition. The claims filed by the claimants are discussed hereafter under the heading [illegible].

1. MEASUREMENT

The area under acquisition as given in the notification [illegible] but at spot it has been found which is 4 bighas 18 biswas. Thus there is an increase of one biswa 4 bighas 19 biswas. [illegible] which is the boundary [illegible] of the area [illegible] preparation of declaration u/s 6. Hence area measuring 4 bighas 18 biswas is now being acquired.

2. CLASSIFICATION OF LAND:

The details of Khasra Nos. in [illegible] have been [illegible] The Financial Commissioner's order passed under [illegible] of the [illegible] No. [illegible] are as under:-

| S.No. | Khasra No. Rect. No. | Killa No. | Area Big.Bis. | Kind of land |
|---|---|---|---|---|
| 1. | 12 | 25/1 | 0 - 07 | Banjar Qadim |
| 2. | 19 | 17/4 | 0 - 04 | [illegible] |
| 3. | | 18/1 | 0 - 19 | -do- |
| 4. | | 21/2 | 0 - 17 | -do- |
| 5. | | 22/2 | 0 - 17 | -do- |
| 6. | 32 | 4/1 | 0 - 13 | Banjar Qadim |
| | | 5/1 | 0 - 12 | -do- |

contd...2/-

| | | | | |
|---|---|---|---|---|
| 8. | 49 | 7/1 | 0 - 03 | Banjar qadim |
| 9. | | 8/1 | 0 - 02 | -do- |
| | | Total: | 4 - 15 | |

The land owners have not raised any objection regarding the measurement and classification of land. At present there is no other alternative left with me except to agree with the classification and measurement as proposed by the Naib Tehsildar (LA) on the basis of entries of the Khasra Girdawri and other relevant record. At the time of publication of notification u/s 4 the classification of land is as under:-

| Kind of land | Area Big.Bis. |
|---|---|
| Banjar qadim | 2 - 02 |
| Rosli | 2 - 17 |
| TOTAL: | 4 - 19 |

3. POSSESSION :

The possession of the area has not so far been taken by the acquiring department.

4. CLAIMS:- Only one claim filed by Shri Raja Ram has been received who states that Rect.No.19, Killa Nos. 17/1, 18/1 & 23/2 are in his possession and demands compensation @ Rs.500/- per bigha.

Given his own statement without producing any evidence in support of his claim. Moreover the land also does not stand in his name. Hence the compensation shall be fixed according to facts and figures collected from the revenue record and shall be kept under dispute.

5. MARKET-VALUE

The area of this village is governed by the Delhi Land Reforms Act, 1954, and cannot be used for purposes other than agriculture without the prior sanction of the prescribed authority.

The land now under acquisition is Rosli & Banjar

contd...3/-

quality while Banjar Qadim area is of Kalar type and cannot be put on the same footing with the Posli land for purposes of valuation. In order to give proper price to the interested persons it seems quite necessary to place the land now under acquisition into two different blocks:

BLOCK NO.I :- Land under cultivation is included in this block and comprises the following Khasra Nos:-

Rect.No.19, Killa Nos. 21/2, 22/2, 18/1, 17/1,

Total Area: 8 bighas 17 Biswas.

BLOCK NO.II :- Land of inferior quality and unfit for cultivation is included in this block and comprises the following Khasra Nos:

Rect.No.42, Killa Nos. 4/1, 5/1, 7/1, 8/1, Rect.No.12, Killa No. 25/1. Total Area: 2 bighas 2 biswa.

In calculating the amount of compensation to be awarded, certain points as mentioned u/s 23(1) of the L.A.Act are to be kept in view. In order to determine the market value, many other factors enter into reckoning which are also necessary, for instance, the sale transactions in the village concerned, nearness of the land to any pucca road, rise and fall in prices due to demand of it in the market and the market value of the land acquired previously in the village concerned.

In this village the following sales have taken place during 5 years preceding the date of publication of notification u/s 4:

| S.No. | Mutation No. | Date of regtn. | Kh.No. | Area | Price | Average per bigha |
|---|---|---|---|---|---|---|
| 1. | 365 | 20.1.63 | 57/10etc. | 5-05 | 1837-50 | 348-75 |
| 2. | 366 | 24.1.63 | 58/36 | 0-04 | 70-00 | 350-00 |
| 3. | 372 | 16.3.63 | 10-5 | 1-04 | 2400/- | 2000-00 |
| 4. | 375 | 25.3.63 | 26/16 | 1-00 ~~4000~~ | 4000/- | 4000-00 |
| 5. | 398 | 16.7.65 | 96/188 | 0-11 | 2000/- | 3636-36 |
| 6. | 399 | 20.7.65 | 109/1 | 0-18 | 2000/- | 2222-22 |

contd...4/-

| | | | | | | |
|---|---|---|---|---|---|---|
| 7. | 416 | 21.4.66 | 96/12/2 | 0-02 | 400/- | 4000-00 |
| 8. | 417 | -do- | 96/12/1 | 0-06 | 1200/- | 3666-66 |
| 9. | 420 | 11.7.66 | 57/8,14 | 11-10 | 8000/- | 695-65 |

Sale deed mentioned at S.Nos. 1 & 2 are very old and cannot be made a base for fixing the market value of the land now under acquisition. Kahna sold his area measuring 1 bigha 4 biswas in favour of Sukh Lal, his brother-in-law vide sale deed mentioned at S.No.3. Similar is the position of sale mentioned at S.No.4 vide which the vendee sold his land in favour of Ramesh Chander, his son-in-law. It also appears that both these transactions must have been entered into for supporting their claims in case of acquisition of their area in future. The remaining transactions except mentioned at S.No.9 relate to the land sold near Abadi Deh for residential purposes and hence these transactions also do not reveal the actual market value prevailing in this village. The only transaction now left as guiding factor for fixing the market value is at S.No.9 vide which the average sale price per bigha comes to Rs. 695-65. It is a fact that this area is also away from the area now under acquisition and is also near to Delhi-Narela pucca road as compared with the area now under acquisition. After giving a margin of rising trend for the ~~xxixxx~~ period between the transaction and the publication of notification u/s 4, the market value of the land now under acquisition can be fixed.

Land was acquired in this village under award No.1656 drawn in pursuance of notification u/s 4 bearing No.F.15(20)/63-LSG(i) dated 24.10.63 @ Rs.540/- per bigha. Being dissatisfied with this awarded amount the interested persons put up applications u/s 18 for making reference to the A.D.J. who vide his judgement dated 21.2.67 enhanced the compensation in Land Acquisition Case No. 979/65, Shri Banwari Vs. U.O.I. to Rs. 2000/- per bigha on the basis of sale deed registered on 16.3.53, thus resulting in an over all enhancement of Rs. 1460/- per bigha. This area is on the extreme eastern

contd...5/-

side of the village and is at a distance of more than one mile from the area now under acquisition. Moreover this area is also at a distance of about 3-4 furlong from the pucca road which leads to Narela while the land now under acquisition is far off from any pucca road. This enhancement is based on sale transaction mentioned at S.No.3 which has been discussed fully in the above paragraph.

Keeping all the above mentioned facts in view I think that Rs. 740/- & Rs. 370/- per bigha is the fair and reasonable price for the land now under acquisition and placed in blocks Nos. I & II respectively. I assess the same.

TREES:WELLS & OTHER STRUCTURES:- There is no tree, no well and no structure over the land now under acquisition.

MAUFI AND JAGIR:- There is no Maufi and Jagir over the land now under acquisition.

APPORTIONMENT:

The interested persons shall be paid compensation according to the latest entries in the revenue record of the land now under acquisition. Before making payment, if any objection is received from any person 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.

LAND REVENUE DEDUCTION:

No land revenue is assessed for the land in this village. Hence no deduction will be made.

INTEREST:- No interest shall be paid at present because the possession of the area has not so far been taken by the department concerned.

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

Subject to above remarks, the award ~~xxx~~ is summarised as under:-

contd...6/-

1. Compensation for the land measuring 2 bighas 17 biswas of Block No.I @ Rs.770/- per bigha. — Rs. 2,109-00

2. Compensation for the land measuring 2 bighas 2 biswas of Block No.II @ Rs. 370/- per bigha. — Rs. 777-00

3. 15% for compulsory acquisition. — Rs. 43[illegible]-90

TOTAL: Rs. 3,31[illegible]-90

(Bishan Singh)
Land Acquisition Collector:(N):Delhi.

Forwarded to the Collector, Delhi, for information.

(Bishan Singh)
Land Acquisition Collector:(N):Delhi.

Fild.
-6/4