

OFFER NO.
KAWARODONG

25/79-80 (Tampy)

NAME OF THE VILLAGE : IBRAHIMPUR
NATURE OF ACQUISITION : TEMPORARY
PURPOSE OF ACQUISITION : Construction of Embankment in order
to change alignment of Bawana Escape.

Land measuring 134 Bighas 11 Biswas situated in Village Ibrahim Pur, Delhi is required for temporary acquisition for 'Construction of embankment in order to change alignment of Bawana Escape.' The Delhi Administration vide notification No.F.7(82)/78-L&B, Vol.II(4) dated 16th March, 1979 notified the said land for a period of one year. Notices as required were therefore issued to all the interested persons in land to file their claims which are discussed under the heading "Claims."

MEASUREMENT

The area under acquisition as given in the declaration u/s 35(1) is 134 Bighas 11 Biswas. But at the time of measurement by the field staff is found 132 Bighas 9 Biswas. The deficiency of 2 Bighas 2 Biswas is due to wrong calculation at the time of preparation of draft notification u/s 35 (1) of the said Act because Kh.No. 535 is only 4 Bighas 11 Biswas instead of 4 Bighas 16 Biswas and Kh.No. 535 is only 3 Bighas 6 Biswas and Kh.No. 534 is only 3 Bighas 17 Biswas. in the revenue records. In this way the area of 132 Bighas 9 Biswas of this Village is being acquired at present.

CLASSIFICATION OF LAND

The details of Khasra Numbers which are now under acquisition is as under:-

<u>Kh.No.</u>	<u>Area</u> <u>Bigha-Biswas</u>	<u>Kind of land</u>
531	4-10	Abp sch
532	4-16	-do-
533	2-01	-do-

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	2	1
554	3-17	Abpash
555	4-16	-do-
556	4-16	-do-
557	4-16	-do-
558	4-16	-do-
559	4-16	-do-
556	4-06	-do-
557	4-16	-do-
558	4-16	-do-
559	4-16	-do-
560	4-16	-do-
561	4-06	-do-
563	4-06	-do-
565	4-11	-do-
566	4-16	-do-
567	4-16	-do-
568	4-16	-do-
569	5-08	-do-
583	3-6	-do-
684	4-5	-do-
685	4-5	-do-
686	2-9	-do-
687	4-16	-do-
688	4-16	-do-
689	4-16	-do-
690	4-16	-do-
691	3-05	-do-

Total:- 132-00

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The measurement and classification of the land is on the basis of entries of khasra Girdawari and other relevant record. The land owners have not raised any objection regarding the measurement and classification of the land. At present no other alternative is left with me except to agree with the measurement and classification as proposed by the field staff.

POSSESSION

The possession of the land has already been taken by the Department concerned on 25.4.1979. The interested persons will occupy their land after the expiry of one year from the date of possession, i.e. 25.4.1979.

CLAIMS

The following persons have filed their claims in pursuance of notices issued to them u/s 35(2) of the Land Acquisition Act, 1894.

S.No.	Name of the claimant	Claim	Remarks
1.	Balbir Singh s/o Tulsi Ram	Claimed @ Rs. 5000/- for crop & earth for Kh.No. 551, 552 and 553	Failed to produce any evidence in support of his claim
2.	Onkar Pershad s/o Sh. Indraj r/o Village Burari & on behalf of:- Siri Ram s/o Des Raj, Mst. Bhatti wd/o Lachhu, Sunder Kumar s/o Nanda Murti Devi d/o -do- Ram Piarai wd/o -do- Lahwar Datt s/o Juggal Kishore, Rajeshwar Datt s/o -do- Shakuntla devi d/o -do- Umila Devi d/o -do- Bhagwati Devi wd/o -do- all residents of Village Burari, Delhi	Claimed Rs. 25,000/- for Melon Crops, Rs. 55,000/- for Kharif & Rabi Crops and Rs. 5000/- per bigha for levelling charges for Kh.No. 555, 557, 558, 559, 560, 561, 563, 565, 566 & 567	-do-
3.	Malkhan, Uddad Raj, Jaswant, ss/o Mohan Lal	Claimed Rs. 10,000/- for crops and Rs. 90,000/- for digging the earth @ Rs. 2/- per feet and Rs. 500/- per bigha for levelling for Kh.No. 683, 684, 685, 686, 687, 688, 689 and 691	-do-
4.	Man Chand, Vijay Singh, Zile Singh ss/o Des Raj	Claimed @ Rs. 25/- per feet and Rs. 10,000/- for damages of severance. 5 % interest & 15 % solatium for Kh.No. 554, 555, 556, 559, 563 and 569.	-do-

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5. Bishamber Dayal s/o Nain Singh
Hema s/o Raghbir, Jai Pal s/o
Raghbir

Claimed @ Rs. 2000/-
per bigha for Kh. No. 689.

Failed to
produce any
evidence in
support of
their claim.

2. The claimants failed to produce any documentary evidence in support of their claim. Therefore the annual Rent may be fixed on the basis of khasra girdawari and other relevant revenue records.

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. First of all we will have to determine 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 with reference to the price prevailing at the date of notification. The value to be ascertained is the price to be paid for the land with all its advantages and with all the use made of it by the vendor. The date of notification u/s 4 of the L.A. Act is 13th March, 1979. In the absence of any reliable evidence from the side of the claimants, the record of rights was consulted and following sale transactions were found therein :-

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Sr. No.	Regd. No.	Date of Registry	Date of decision	Name of the Party & Kh. No.	Amount	Amount P. R.
1.	13303	15.10.70	27.2.74	Phool Singh s/o Simbhu Vs. Sh. H. P. Bhattacharya (1-18), 4(3-05)	Rs. 8080/-	Rs. 16000-00
2.	3885	28.2.74	22.5.74	Phool Singh s/o Simbhu Vs. Smt. w/o R. H. Sahani 15(4-16), 17/2(3-16)	Rs. 13760/-	Rs. 1600-00
5.	2040	-	22.7.74	Katul Singh s/o Bhagwan Sahai Vs. Jagdish Pd. 57/2 (3-16), 40/1(4-0), 41/1 (3-16), 44 (2-17)	Rs. 12,070/-	Rs. 72 9-43
4.	1709	-	22.7.74	Kabul Singh s/o Bhagwan Sahai Vs. Renu Shyam s/o Gopi Ram 38 (4-15), 39(5-0) total 9-15	Rs. 8,000/-	Rs. 8 12-19
5.	9947	-	22.7.74	Tulsi s/o Bhagwan Sahai Vs. Rishi Parkash s/o Deep Chand 22(2-5), 23/2 (4-0) 24/1 (4-0) total 10 higher 5 Biswas	Rs. 8,000/-	Rs. 780-45
6.	9945	-	22.7.74	Tulsi s/o Bhagwan Sahai Vs. Jagdish Pd s/o Indraj 1-5 18 4-16 19/1 2-00 20/2 0-16 21/1 2-10 16-7	Rs. 12,000/-	Rs. 735-94
7.	18802	28.6.74	21.4.76	Smt. Ghanshi Vs. Sat Parkash s/o Devi Datt 54 1-12 55 4-11 59 4-16 56 1-17 70/1 0-4 71/1 0-4 72 4-16 18-00	Rs. 15,000/-	Rs. 855-33

It would appear from the ^{scrutiny} ~~security~~ of the above sale deeds that the sale deeds mentioned at Sr. No. 1 & 2 are adjacent to the Village abadi and cannot be reasonably compared with the land under acquisition involved in the present Award. It would appear on the basis of sale transactions recorded at

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Sr.No. 3 to 8 that the price of the land in this Village has fluctuated from Rs. 1600/- to Rs. 855/- per bigha during the period 1971-74. It can therefore be noticed that there is a downward trend as far as the value of the land is concerned in this Village.

Apart from the sale transactions there are several Awards pertaining to this Village which can also serve as a basis in the determination of the market value. However most of the Awards relate to the date prior to the notification u/s 4 of the present Award and for the purposes of determination of the market value Award No. 6/78-79 in which the date of notification was 9.2.1977 is relevant. The market value assessed in that Award was Rs. 750/- per bigha. The land under acquisition involved in this Award is of the same category as involved by Award No. 6/78-79. It can thus be seen that there is a considerable time gap between the issue of notification u/s 4 between the land involved in Award No. 6/78-79 and the present Award which is 16th March, 79. Thus the market value of the land involved in the present Award shall have to be appreciated accordingly. Considering these factors in mind I deem it fair and reasonable to assess the market value of the land involved in the present Award @ Rs. 850/- per bigha and assess the same accordingly.

Calculating @ 6 % p.a. on the market value so assessed comes to Rs. 51/- as annual rental value for the land under temporarily acquisition and I accordingly fix the rent of the land.

OTHER STRUCTURES

There is no Well, Tree or structure on the land under acquisition.

CROPS

At the time of taking over possession on 25th April, 79 Water Melon crops were found standing in an area measuring 106 Bighas 12 Biswas comprising of Kh. Nos. 534, 535, 536, 539, 556, 557, 558, 559, 560

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561,563, 565,566,567,568,569,683,685,686,687,688,690,691. Under

the provisions of the Act the interested persons are also entitled compensation for the damages of the crops. As per report of the Field Staff, Water Melon crops were in pre-mature stage when the possession was taken over and I find it reasonable to assess the compensation in respect of the damage of crops at the rate of Rs. 100/- per bigha.

APPORTIONMENT

The persons interested will be paid rental compensation according to the latest entries in the revenue record. In case of any dispute the payment will be made after amicable settlement between the parties concerned failing which the matter shall be referred to the competent court for adjudication.

The award is summarised as under:-

Rental value for the land measuring 132 Bighas 9 Biswas @ Rs. 51/- per Bigha	Rs. 6754-95 Ps
Compensation for the Crops measuring 106 Bigha 12 Biswas @ Rs. 100/- per Bigha	Rs. 10660-00
G.Total:-	Rs. 17,414.95 Ps

(Rupees Seventeen Thousand Four Hundred Fourteen and Paise Ninty Five only)

V.K. Jha
(V.K. JHA)
LAND ACQUISITION COLLECTOR (N)
DELHI

*Announced Today
on 31/10/79*

V.K. Jha
31.10.79
(V.K. JHA)
LAC (N) Delhi