

57
OFFER No. 46/70-4

Name of the village:

IRAHAMBUR

Nature of acquisition:

TEMPORARY

Purpose of acquisition:

MARGINAL EMBALEMENT 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 93 bighas 12 biswas situated in village Irahambur 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. 7.7(7)/70-LH(iv) dated 24.4.70 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 heading 'CLAIMS'.

MEASUREMENT

The area under acquisition as given in notification u/s 35(1) is 93 bighas 12 biswas. Khasra Nos. 670, 672, 678, 679, 793 & 808 have been notified as min but in the present scheme the whole of the area of all these Kh. Nos. is covered. The owners of all these khasra Nos. have given their statement that they have no objection if whole of the area of these khasra Nos. is acquired temporarily. Hence whole of the area of these khasra Nos. is being acquired temporarily under the present offer. In addition to this Kh. No. 379/1 min has been notified but this khasra Nos. does not exist in the revenue record ^{which}. Khasra No. 381 min/has been notified in the notification u/s 35(1) is not covered under the present scheme. Hence area measuring 93 bighas 9 biswas which is covered under the scheme is being acquired temporarily at present.

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. 22 which are as under:-

S.No.	Khasra No.	Area Hic. Bis.	Kind of soil
1.	665/1	2 - 08	Ghair Abpash
2.	669/1	2 - 15	-do-
3.	670	4 - 13	-do-
4.	671/3	2 - 08	Abpash
5.	672	4 - 16	Ghair Abpash
6.	674	4 - 11	Abpash
7.	675/1	2 - 12	Ghair Abpash
8.	676/1	0 - 01	-do-
9.	677/1	3 - 08	-do-
10.	678	4 - 16	-do-
11.	679	4 - 13	-do-
12.	680/3	2 - 07	-do-
13.	792/3	2 - 03	-do-
14.	793	4 - 13	-do-
15.	794	4 - 16	-do-
16.	795/1	3 - 10	-do-
17.	796	3 - 00	-do-
18.	797	3 - 10	-do-
19.	798	2 - 08	-do-
20.	799/1	2 - 06	-do-
21.	800/1	1 - 10	-do-
22.	801/3	0 - 05	-do-
23.	802/3	1 - 08	-do-
24.	803/1	4 - 12	-do-
25.	808	3 - 14	-do-
26.	809	2 - 03	-do-
27.	810/1	3 - 09	Abpash
28.	811/3	1 - 07	Ghair Abpash
29.	820/3	1 - 10	Abpash
30.	820/1/1	3 - 00	-do-
31.	850/1	1 - 01	Ghair Abpash
32.	851/3	1 - 01	-do-
Total:		93 - 09	

contd...3/-

The land owners have not raised any objection regarding the classification and measurement of land. I have carefully gone through the chief data submitted by the Maib Tehsildar (Ld). I agree with the classification and measurement as proposed by him on the basis of entries of 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 Bis. Bis.
Abhash	14 - 18
Chair Abhash	78 - 11
Total:	93 - 09

POSSESSION

The area is being acquired temporarily for public purpose viz. construction of Marginal Embankment between Wazirabad Barrage & Tawana Escape on the right bank of Jamuna. The possession of this area was taken by the department concerned on 15.6.70 and will remain under the occupation of that department for a period of one year & i.e. upto 15.6.71 after which the temporary occupation will cease.

CLAIMS

CLAIM	REMARKS
1. <u>Sh. Ram Phal etc.</u> Claimed compensation @ Rs. 1000/- per bigha & Rs. 2000/- for damage alongwith 15% solatium & 3% interest.	Have not given any evidence in support of their claim. While submitting the claim they made a statement that whatsoever proof they have, will be furnished in appeal before the A.D.J.
2. <u>Sh. Teka s/o Teja:</u> Claimed compensation @ Rs. 500/- per bigha for digging out the earth & Rs. 300/- per bigha for crops.	-do-
3. <u>Sh. Vidya Agar s/o Gurza Parshadi</u> Claimed compensation @ Rs. 500/- per bigha for digging out the earth.	-do-
4. <u>Sh. Hari Singh s/o Ramji Lal:</u> Claimed compensation @ Rs. 500/- per bigha for digging out the earth. Rs. 600/- for a tube-well add Rs. 150/- per bigha for damage to the crops.	-do-

contd...4/-

- 4-
6. Sh. Jari Singh s/o Ramji Lal:
 Claimed compensation @ Rs. 500/-
 per bigha for digging out the earth
 Rs. 50/- per bigha for crops.
 As at S.No.1
 7. Sh. Khacharu s/o Roop Chand:
 Claimed compensation @ Rs. 500/-
 per bigha for digging out earth
 Rs. 50/- per bigha for crops.
 -do-
 8. Sh. Khacharu s/o Roop Chand:
 Claimed compensation @ Rs. 500/-
 per bigha for digging out earth.
 -do-
 9. Sh. Devi Bahai s/o Roop Chand:
 As at S.No.8
 -do-
 10. Sh. Devi Singh s/o Ramji Lal:
 As at S.No.8
 -do-
 11. Sh. Devi Singh s/o Ramji Lal:
 As at S.No.8
 -do-
 12. Sh. Gaurat Singh s/o Sher Singh:
 Claimed compensation @ Rs. 50/-
 per sq. yard.
 -do-
 13. Sh. Nam Nath s/o Sher Singh:
 As at S.No.11
 -do-
 14. Sh. Durga Dass s/o Sher Singh:
 As at S.No.11
 -do-
 15. Sh. Gaurat s/o Sher Singh:
 As at S.No.11
 -do-
 16. Sh. Pararsi s/o Sher Singh:
 As at S.No.11
 -do-
 17. Sh. Mangra s/o Ramji Lal:
 Claimed compensation @
 Rs. 25/- per sq. yard.
 -do-
 18. Sh. Moti Ram s/o Govind Bahai:
 Claimed compensation @ Rs. 1100/-
 per bigha for digging out earth.
 -do-
 19. Sh. Raghubir s/o Siri Ram:
 As at S.No.17
 -do-
 20. Sh. Nam Chand etc.
 Claimed compensation @
 Rs. 15/- per sq. yard.
 -do-
 21. Sh. Chubtan s/o Thikhan:
 Claimed compensation @ Rs. 1000/-
 per bigha alongwith 15% solatium.
 -do-

Sl. No. 31. J. Dher s/o Mohan Lal:

Claimed compensation Rs. 1500/-
per bigha for digging out earth.

As at S.No. 1

R. 2. 1. 1

In order to assess the compensation of land for temporary occupation ~~containing~~ the fair rental value of the village has to be ascertained. Section 35 of the Land Reforms Act, 1955 lays that apart from disable persons no bhumidar or asari shall let for any period whatsoever any land comprising in their holdings. That being so it is not possible to ascertain the fair annual rental value of the land leased out by the tenant-holder. Local enquiries reveal that no sub-letting has been made 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 there is no other alternative except to pay 3% on the market value as fixed.

The land under acquisition according to revenue record comprises both Abwasth (irrigated) & Chaur Abwasth (unirrigated). The physical condition, nature of soil of both these lands is similar and therefore, these two types of land have been classified under one block for which same rent will be payable.

As per provisions u/s 23(1) of the Land Acquisition Act while calculating the amount of compensation to be awarded, the following points have to be kept in view:

- (1) Market value of the land on the date of publication of notification u/s 4 sub-section 1.
- (2) The damage sustained by the standing crop or trees at the time of taking over the possession.
- (3) The damage sustained by reasons of severance such land from other land.
- (4) The damage sustained by reason of acquisition being injuriously affecting the other moveable or immovable 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 notification u/s 4 and at the time of taking over the possession.

In addition to above factors the following points have also been kept in view while determining the compensation of land under acquisition:

- (a) sale transactions in the village concerned
- (b) nearness 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.

From the record available it is evident that four sale transactions as shown below have taken place in this village during five years preceding the date of publication of notification u/s 35(1) in the present case:

S.No. in register	S.No. in register	Date of sale	Area Big.Bis.	Kh.No.	Amount	Average per bigha
1.	274	15.12.65	40-13 524 to 533	305 etc.	Rs. 1000/-	248.00
2.	16	12.12.67	34-14	305 etc.	Rs. 9250/-	268.57
3.	6	30.10.67	102-06	419 etc.	Rs. 8000/-	722.00
4.	20	8.11.68	1-00	17/1	Rs. 500/-	500.00

These transactions to my mind are of not much material value in determining the compensation because of the reasons:

- (1) that these are more than two years old;
- (2) that the land under all these transactions is located at a far off distance from the land proposed to be acquired.

The other alternative open before me is to consider the previous awards for the acquisition of land in this village. In his chief data the Naib Tehsildar has mentioned about two awards No. 3027 & 1995 which have been announced for the acquisition of land in this village for remodeling of Hawana Escape. The particulars of these awards in brief are indicated below:

S.No.	Award No.	Date of notification u/s 4	Price assessed per bigha
1.	3027	23.9.66	Rs. 370/-
2.	1995	27.5.67	Rs. 400/-

The perusal of the above table would reveal that the

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Date of publication of notification u/s 35(1) in case of award No. 1995 is more closure to the material date of notification u/s 35 in the present case. Secondly the nature of soil and type of the land under both these awards is also similar and these are very close to each other; In view of these factors I am inclined to fix the value of land to be acquired on the basis of award No. 1995 i.e. at the rate of Rs. 400/- per bigha which is fair and reasonable, had it been acquired permanently.

Allowing 5% interest the fair annual rental of the land the compensation for the temporary occupation of land for one year is assessed at Rs. 24/- per bigha.

COMPENSATION OF CROPS:- At the time of taking over possession some crops were existing on some of the land. But the department concerned has informed this office that the owners of the crops have taken full benefit of these crops and no crop was destroyed by that department. Hence no compensation is payable for the crops standing at the time of taking over the possession.

ADDITIONAL:- The interested persons will be paid compensation according to the latest entries of the revenue record of the land now under temporary acquisition. 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 of area measuring 93 bighas 9 biswas @ Rs. 24/- per bigha. Rs. 2,242-80

Total: Rs. 2,242-80

(K. R. Joshi)

Land Acquisition Collector: (T): Delhi.

Forwarded to the Collector, Delhi, for information.

(K. R. Joshi)

Land Acquisition Collector: (T): Delhi.

18/11/70

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