

A M A R D No. 53/1971-72

Name of the village: IBRAHIMPUR

Nature of acquisition: Permanent

Purpose of acquisition: Construction of Gours (2 & 3) along the left bank of Barana Escarp.

A M A R D

These are proceedings for the determination of compensation U/s 11 of the Land Acquisition Act. The land under acquisition measuring 9 bighas situated in village Ibrahimpur was notified U/s 4 of the L.A. Act and under sections 6 & 17 of the L.A. Act vide notification No. F.7(7)/70-L&H(vi), (vii), & (viii) dated 23.11.70 for a public purpose namely for Construction of Gours (2 & 3) along the left bank of Barana Escarp. Later, through notification No. F.7(7)/70-L&H(ii) dated July 3, 1971 an amendment was issued directing that Kh. No. 593 will be omitted from the notification and that the figure 9 bigha be read as ^tas 9 bighas 6 biswas. Consequently, the acquisition proceedings are being confined for an area of 9 bighas 6 biswas. Notices U/s 8 & 10 of the L.A. Act were issued to all the persons interested and claims filed by them are discussed hereafter under the heading "COMPENSATION CLAIMS".

TRUE AND CORRECT AREA: The land was measured on the spot by the Land Acquisition Field Staff and the area available at the spot is as follows:-

Field No.	Area Bighas.Biswas.	Kind of soil.
583/2/2/1	2 - 1	G. Anash.
584/1	3 - 3	"
594	2 - 7	"
595/2/2	1 - 10	"
596/2/2/1	0 - 4	"
616/1	0 - 1	G.M. Rasta.
Total	9 - 6	

CLASSIFICATION OF THE AREA

9 bighas 5 biswas G. Anash.
1 biswa G.M. Rasta.
 9 bighas 6 biswas.

contd....2/-

COMPENSATION CLAIMS:

The following persons have filed claims for compensation:

S.N.	Name of the claimant.	Compensation claimed.
1.	Khacharu & others.	Have claimed compensation @ Rs.1000/-per bigha.
2.	Attar Singh Pardhan on behalf of Gadi Babha.	Has claimed compensation @ Rs.1200/-per bigha.
3.	Dhara etc.	Have claimed compensation @ Rs.10/-per sq.yd.
4.	Sartu s/o Sher Singh.	Has claimed compensation @ Rs.10/-per sq.yd.
5.	Havari s/o Sher Singh.	Has claimed compensation @ Rs.300/-per bigha for crops.
6.	Durga s/o Sher Singh.	Has claimed compensation for crop @ Rs.300/-per bigha.
7.	Benarsi s/o Sher Singh.	-do-
8.	Ram Nath s/o Sher Singh.	-do-
9.	Man Singh s/o Sukhi Ram.	Has claimed compensation @ Rs.1000/-per bigha.

DOCUMENTARY EVIDENCE:

In support of their claim Khacharu etc. filed a copy of registered sale deed No.3503 dated 30.11.70 in respect of Kh.No.199 measuring 1 bigha on a consideration of Rs.5000/- situated in village Gadi Khasro.

MARKET VALUE:

The market value of the land under acquisition has to be determined with reference to the sales of similar lands as at the date of notification possessing similar advantages and potentialities. The claimants have not adduced any evidence in support of their claims except a copy of registered sale deed No.3503 3503 dated 30.11.70, as cited above, which has absolutely no bearing in the determination of the market value since the land as transferred through this sale deed lies in village Gadi Khasro. A perusal of the record of right reveals that the following sale transactions took place nearest to the material date.

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S.N. Mutation No.	Date of sale.	Area Bha.Bis.	Kh.No.	Amount	Average per bicha.
1. 16	12.12.67	34 - 14	305 etc.	Rs.9250/-	Rs.266.57
2. 6	30.10.67	102 - 06	419 etc.	Rs.80000/-	Rs.732.00
3. 20	3.11.68	1 - 00	17/1	Rs. 500/-	Rs.500.00

These three sale transactions cannot serve as proper exemplars in evaluating the land since the land covered in these transactions lie quite far off from the land under acquisition.

In the absence of any proper exemplar it would be desirable to go through the previous awards of the village. There have been three awards, the details of which are as under:-

S.N.	Award No.	Date of notification under section 4	Price assessed per bicha.
1.	2027	23.9.66	Rs.370/-
2.	1995	27.5.67	Rs.400/-
3.	45/70-71	24.4.70	Rs.400/-

In award No.45/70-71 as cited above, the Land Acquisition Collector relied upon award No.1995 and awarded a flat rate of Rs.400/-per bicha. As would appear from the above statement the material date of award No.1995 was 27.5.67 thus making a gap of about 3½ years between the notification issued in the instant case and the notification covered by award No.1995. Making an allowance of 6% due to general rise in prices, I award a rate of Rs.435/-per bicha to cover the time gap of 3½ years. No compensation is payable for Kh.No.616/1 as it is a public path and dedicated to public use.

TREES WELLS: There are no trees and wells on the land under acquisition.

DAMAGES U/s 23 CLAUSE SECONDLY: At the time of taking over possession on 3.1.71, possession of wheat crops was taken over by the Land Acquisition Collector. The damages have been worked out at Rs.1255.40P which is awarded in accordance with the statement at annexure 'A'.

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15% SOLATIUM: 15% solatium is payable over and above the market value so assessed.

INTEREST: Possession of the land was taken on 3.1.71 and as such interest is payable from this date to the date of tender of payment.

APPORTIONMENT: Compensation will be paid on the basis of the latest entries in the revenue records.

LAND REVENUE DEDUCTION: The land under acquisition is assessed at Rs. 2,27P as land revenue which will be deducted from the Khatauli of the village from the date of taking over possession.

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

SUMMARY OF THE AWARD:

The award is summarized as under:-

S.N.	Area Bir.Bis.	Rate per birha.	Amount of compensation.
1.	8 + 5	Rs. 435/-	Rs. 4,436.25
2.	0 - 1	No compensation awarded being public path.	
3.	Damage 15% solatium.		Rs. 672.94
4.	Damages U/s 23 clause secondly.		Rs. 1,255.40
	Total		Rs. 6,414.59
5.	Interest @ 6% from 3.1.71 to 7.1.72		384.33
	G.Total		Rs. 6,798.47

J S 14/3
(G. BANADUR)

LAND ACQUISITION COLLECTOR (M) DELHI.

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14/3

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1. The following are the names of the persons who have been appointed to the various posts in the office of the District Collector, District of ...
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Dr. S.N. Khanna 22/1/2000 आभारार्थी एवं वि.स.स. के अध्यक्ष

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