

AWARD NO.

7/78-79

29

Name of the Village : Ibrahimpur
 Nature of Acquisition : Temporary
 Purpose of Acquisition : Construction of Sleempur Minor and Ibrahimpur Minor.

The land measuring 129 Bighas 19 Biswas situated in Village Ibrahimpur Tehsil and District Delhi is required for temporary occupation and use of public purpose namely the construction of Sleempur Minor and Ibrahimpur Minor. The Delhi Administration vide notification No.F.7(4)/75-L&B(iv) dated 9.2.1977 of the Land Acquisition Act, 1894 for a period of one year. Notices as required were therefore issued to all the persons interested in the 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 129 Bighas 19 Biswas but at the time of measurement it found 129 Bighas 03 Biswas. The deficiency of 16 Biswas is due to wrong calculation at the time of preparation of draft notification u/s 35(1) of the said Act. In this way 129 Bighas 03 Biswas of this Village is being acquired at present

Classification of Land

The details of Kh.No. which are now under acquisition is as under:-

<u>Kh.No.</u>	<u>Area</u> <u>Big-Bis</u>	<u>Kind of land</u>
153	2-8	Abpash
154 min	2-8	-do-
155 min	2-8	-do-
156 min	1-14	-do-
159/2 min	2-8	-do-

Contd..2...

160/2 min	2-8	G.Abpash
161/2 min	2-8	G.Abpash
162/2 min	2-8	G.Abpash
163/2 min	2-7	G.Abpash
164/2 min	2-8	G.Abpash
165 min	2-8	G.Abpash
166 min	2-7	G.Abpash
167 min	2-8	G.Abpash
185 min	2-8	Abpash
186 min	2-8	Abpash
187/2 min	2-8	Abpash
188/2 min	2-8	Abpash
312/2 min	1-8	G.Abpash
313/2 min	2-8	G.Abpash
314 min	2-8	G.Abpash
315 min	2-4	G.Abpash
331 min	2-8	Abpash
332 min	2-8	Abpash
333/2 min	2-8	Abpash
334/2 min	2-8	Abpash
335/2 min	2-8	G.Abpash
336/2 min	2-8	G.Abpash
337/2 min	2-8	-do-
338/2 min	2-8	-do-
339/2 min	2-8	-do-
340/2 min	2-8	-do-
341/2 min	2-8	-do-
342 min	2-8	-do-
343 min	2-8	Abpash
344 min	2-8	-do-
345 min	2-8	-do-
346 min	2-8	-do-

Contd...3...

	1 2 :	
63/2 min	2-18	Abpash
62/2 min	2-03	-do-
64/2 min	1-14	-do-
65 min	2-03	-do-
66 min	2-03	-do-
67/2 min	2-03	-do-
68/2 min	2-03	-do-
78/2 min	2-03	-do-
79 min	2-03	-do-
80 min	2-03	-do-
81/2 min	0-01	-do-
82 min	2-03	-do-
92/2 min	2-03	G. Abpash
93/2 min	2-03	-do-
94/2/2 min	2-03	-do-
95/2 min	2-03	-do-
111/2 min	2-03	-do-
112/2 min	1-07	-do-
113/2 min	1-18	G.M. Tank
158/2 min	1-28	Abpash
205/1-3 min	0-01	G.M. Rasta
562/2 min	0-05	-do-
748/2	2-3	Abpash

Total:-	<u>129-03</u>
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Abpash	74-17
G. Abpash	52-02
G.M.	2-04

<u>129-03</u>

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The measurement and classification of the land was done 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 land. At present no other alternative is left with me except to agree with the measurement and classification as prepared by the field staff.

POSSESSION

The possession of the land has already been taken by the department concerned on 3.6.1977. The interested persons will occupy their land after the expiry of time i.e. one year for temporary acquisition. There was no standing crop when possession of the land was taken.

CLAIMS

The following persons have filed their claims:-

S.No.	Name of the claimant	Amount claimed	Remarks
1.	Sher Singh r/o Vill. Ibrahimpur Mangat	Claimed no compensation in respect of Kh.Nos.92 & 95	They stated that compensation be kept disputed due to filing a suit/s 85 of the L.R. Act.
2.	-do-	Claimed no compensation in respect of Kh.No.82	They stated that compensation for crop and earth be given to them.
3.	Sher Singh r/o Vill.Ibrahimpur	Claimed at the rate of Rs.5000/- per Kh Nos for one year and claimed for Kh.No. 160 to 162. He further demanded @ 10000/- per Kh.Nos.	He failed to produce any evidence in support of his claim.
4.	Mangat Ram s/o Prbhu r/o Vill. Ibrahimpur	Demanded compensation @ Rs.200/- per Bigha per year as well as damages of land @ Rs.500/- per Bigha.	-do-
5.	Sita Ram s/o Navrang r/o Vill.Burari	Demanded compensation @ Rs. 2000/- per Bigha per year and damages of land @ Rs.500/- per Bigha per year as well as damages of crops	-do-

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| 6. Sh. Shree Ram s/o | Claimed compensation As at Rs. 5 |
| Des Raj. Onkar Pd. | for Kh. No.s 158, 159, |
| s/o Indraj. Ishwar Dutt | 338,389 @ Rs. 5000/- |
| s/o Rajeshwar Dutt s/o | per Bigha. |
| Smt. Shakuntla Devi d/o | |
| " Urmila Devi d/o | |
| " Bhagwati Devi wd/o | |
| Jugal Kishore 1/9 | |
| Syrinder Kumar s/o | |
| Smt. Ram Piari wd/o | |
| " Murlid Devi d/o | |
| Nanda | |
| Smt. Bohtl wd/o Lachchu | |
| th. Sh. H. R. Sharma, Advocate | |

The claimants failed to produce any evidence in support of their claims. The annual rent may be fixed on the basis of khasra girdawari and other relevant revenue record.

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.

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Market value of the land is to be determined with reference to the price prevailing as 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 9.2.1977. In the absence of any reliable evidence from the side of the claimant, the record of rights was consulted and following sale transactions were found therein:-

S.No.	Mutation No/ date	Sale deed No/ date	Area Big-Bis	Amount	Average per bigha
1.	0-4/39 19.4.72	14189/ 30.11.1971	13-12	Rs.16680-00	Rs. 1200/-
2.	0-4/40 24.10.72	11241 23.9.72	10-13	Rs.17040/-	Rs. 1130-50
3.	0-4/48 28.4.73	24.4.73	32-12	Rs.40000/-	Rs. 1227-00
4.	0-4/51 27.2.74	13303/ 15.10.73	5-1	Rs. 8080/-	Rs. 1616/-
5.	0-4/54 23.3.74	3885/ 28.2.74	28-12	Rs.13760/-	Rs. 1577/-
6.	0-4/57 22.7.74	2040 25.6.73	16-09	Rs.12000/-	Rs. 729-48
7.	0-4/58 22.7.74	1709 25.6.73	9-17	Rs. 8000/-	Rs. 812-18
8.	0-4/59 22.7.74	9247/ 9.7.73	10-5	Rs. 8000/-	Rs. 788-29

A scrutiny of above sale transactions mentioned at S.No. 4 & 5 reveal that the land transferred are just adjoining to the village abadi and cannot be compared with a land underacquisition. From the above table it is clear that prices of land in this village are from Rs. 1200/- to Rs. 720/- per Bigha during the period of 1971 to 1974. There is downward trend in prices which cannot be taken into consideration while assessing the market value of the land. Apart from the

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above sale transaction, there is award No. 12/72-73 of village Ibrahimpur. The part of land under acquisition has already been acquired vide Award No. 12/72-73 for an area measuring 34 Bighas 04 Biswas. The Land Acquisition Collector had divided the land into three blocks on the basis of classification of land, namely Abpash, Gair Abpash, Banjar Qadim & Jadid & G.M. Tank and awarded Rs. 500/-, Rs. 300/- & Rs. 200/- per Bigha. Presently the land under acquisition falls in the category of Abpash, G. Abpash quality of land. For this category of land in Award No. 12/72-73 the price was given at the rate of Rs. 500/- per bigha. Thus the valuation of land may provide guidelines for establishing the value of similar land, presently under acquisition. But before arriving at any definite conclusion we will have to consider the time gap between the issue of notifications u/s 4 of the Act for the acquisition of land in award No. 12/72-73 and in the present case. The date of notification under award No. 12/72-73 is 30.5.1969, while in the present case the land was notified on 9.2.73. The nature and type of land acquired in award No. 12/72-73 is similar and adjacent to the land now under acquisition. Taking into consideration the time lapse and general price rise etc. I deem it fair to fix the market value of the land under acquisition as Rs. 750/- per bigha and assess the same accordingly.

Calculating @ 6 % p.a. on the market value so assessed comes to Rs. 45/- as annual rental value for the land under temporarily acquisition and I accordingly fix the rent of the land. Area measuring 2 Bighas 4 Biswas out of Kh.No. 113/2 min, 205/1-3 min, 562/2 min which are under acquisition owned by Gaon Sabha is being used for common purpose i.e. Masti and Tank. Hence no compensation, rental value shall be assessed for this area.

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TREES, WELL & STRUCTURES

There is no well, tree and structure on the land now under acquisition.

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 126 Bighas 19 Biswas
@ Rs.45/- per bigha

Rs. 5712-75P.

Compensation for the land
measuring 2 Bighas 4 Biswas
as G.M.Rasta & Tank.

-Nil-

Total: Rs. 5712-75P.

(Rupees Five Thousand Seven Hundred Twelve and Paise
Seventy Five Only).

*Announced
dated today
1/6/78*

[Signature]
(P.C. MISRA)
LAND ACQUISITION COLLECTOR (N.E.)
DELHI

Julak B. J. g.
3/6/77

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Under SP
 Pat. in L.A.
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 L.S.

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3/4/77

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