

53

AWARD NO. 3/79-80

Name of the village : JHARODA MAJRA BURARI
Nature of acquisition : Permanent
Purpose of acquisition : Planned Development of Delhi.

L.A.C.
These proceedings for determination of compensation in terms of section 11 of the Land Acquisition Act, 1894 have been arisen because of acquisition of land in village Jharoda Majra Burari for a public purpose namely for the Planned Development of Delhi. An area of 47 bighas 2 biswas was notified u/s 4 of the L.A. Act vide notification No. F.11(35)/78-L&B/LA(P)(1) dated ¹⁻¹¹11.8.78. In view of the urgency, provisions of sub-section 1 and 4 of section 17 of the Act were also invoked vide Notification No. F.11(35)/78-L&B/LA(P)(111) dated ¹⁻¹¹11.8.78 and thus the interested persons were not given any opportunity to file objections as contemplated u/s 5A. These notifications were followed by a declaration u/s 6 of the Act declaring the intention of the Govt. to acquire the land. This declaration was published vide Notification No. F.11(35)/78-L&B/LA(P)(11) dated ¹⁻¹¹11.8.78. Necessary directions were issued by the State Govt. to the Land Acquisition Collector for taking order for the acquisition of the land.

In response to the aforesaid directions, measurement of the land was undertaken in terms of section 8 and the area of the land was found to tally with the area mentioned in declaration u/s 6. Besides public notice in terms of sub-section 1 of section 9, notices to interested persons and the ~~pre~~-occupants of the land were issued in terms of section ~~8~~ 10 of the Act and they were required to file their claims on 8.12.78 after the expiry of 15 days from the issue of notice u/s 9.

CLASSIFICATION OF THE LAND

Details of the Kh.Nos. under acquisition are as

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Follows :-

Phase No.	Area
32/20/1	1-04
32/21/1	5-15
32/22/1	4-04
32/23/1	2-18
32/24/1	1-08
32/25/1	0-03
32/26/1	0-11
33/25/2	1-09
34/1/1	1-18
34/2/1	2-12
34/3/1	3-08
34/4/1	4-02
34/5/1	4-10
35/1/1	3-18
35/2/1	2-04
35/4/1	1-14
35/6/1	0-06
35/8/1	2-08
47/1 ^{mm}	1-07

Total 47-02

The area being required has been found correct
even at the time of measurement by the field staff while
conducting measurement in terms of sections of the Act.
Moreover no objection has been received in regard to
measurement proposed by the field staff.

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Baujer Jadid 1-08
G.M.Plot 13-16
G.M.Nala 1-07
47-02

CLAIMS

The following persons have ~~xxxx~~ filed their claims in pursuance of notices issued to them under section 9&10 of the Land Acquisition Act, 1894.

S.No.	Name of the claimants	Kh.No.	Claim	Remarks
1.	Sh.Bhole Singh s/o Nobet Singh r/o F-420, Karam Pura, New Delhi.	35/4	Claimed for compensation @ Rs.10/-per sq.yd.	Copy of sale deed. But no proof has been given in the evidence.
2.	Sh.Pinye Dtt s/o Sohan	35/3/1, 35/1/1 35/2/1	Claimed for Compensation @Rs.30/-P.S.Y.	Not produced any evidence.
3.	Sh.Santosh Kumar Verma s/o Prem Chand Verma r/o, H.N.11230 Dori Walan, Gushala Marg Kishan Ganj, Delhi-6.	31/14min	Claimed for compensation.	Copy of sale deed. No evidence has been given for proof.
4.	Smt.Rukmani Devi w/o Sh.Prem Chand Verma H-No.11230 as above.	31/14min	-do-	-do-
5.	Smt.Ram Rani w/o 98 Model Basti Delhi.	35/3min	claimed for compensation @ Rs.50/-P.S.Y. has and Rs.4000/- for boundary wall & 15% etc.	No proof has been given for her claim
6.	Smt.Madhu Gupta s/o Rameshwar Dayal Advocate 7323/1, Prem Nagar, Delhi-7.	35/3min	Claimed for compensation @Rs.50/- per sq.yd. Rs.4000/- for boundary wall & 15% etc.	No proof has been given.
7.	Sh.H.Sehgal 19/21 Shakti Nagar, Delhi.	35/3min	Claimed for compensation @Rs.50/- sq.yd. and Rs.4000/- for boundary wall 15% etc.	Copy of per sale deed. No proof has been given.
8.	Sh.Chhote Lal, Swaran Singh, Ram Awtar through Umesh Misra Advocate.		Claimed for compen- sation @Rs.50/-per sq. yd. Rs.1000/-per bigha for crops and 15% etc.	No proof has been given for his claim
9.	Sh.Bhagwans s/o Sohan r/o Dhirpur.	35/4/1,	Claimed for compensation of land @Rs.30/-per sq.yd. and alternative plot.	-do-

10. Satys Dev Tyagi 33/16/1, 33/25/2, Claim for compensation @ Rs.25/- per sq.yd. and Rs.800/- per bigha for standing crops. Severage Rs.150/- per sq.yd. Interest & 15% etc. Rs.3000/- for nali. Copy of sale deed has been given for evidence.
11. Sh.Ganga Ram s/o Bansil r/o Dhirpur 35/4/1 Claim for compensation @ 30/- per sq.yd. and alternative plot. No profit.
12. Smt.Chandro Wd/o Bansil 35/4/1 -do- -do-
13. Sh.Om Parkash, Randh 35/4/1 Claim for compensation @ Rs.30/- per sq.yd. and alternative plot. -do-
14. Sh.Dharam Dev s/o Bhagwan Sahai 32/24/1, 32/25/1, 34/3/1, 34/4/1, 34/5/1 Claim for compensation of land @ Rs.25/- per sq.yd. sale deed Rs.1000/- per bigha for crops. has been given for his evidence. Rs.150/- per sq.yd. severage. allowances at 15% etc. Alternative Plot Rs.1000/- for pucca nali.
15. Sh.Dev Sharma s/o Bhagwan Sahai r/o Jharoda Majra Burari 32/20/1, 32/21/1, 32/22/1, 34/1/1, 34/2/1 Claim for compensation @ Rs.25/- per sq.yd. Rs.800/- per bigha. for crops Rs.50/- per sq.yd. severage allowances & damages Interest @ 15% solatium and Rs.5000/- for nali. -do-
16. Sh.Achraj Lal Gosain 35/2min. Claim for compensation @ Rs.50/- per sq.yd. and 15% solatium etc. Copy of sale deed for this plot. No evidence has been produced.
17. Sh.Kedar Singh s/o Damber Singh r/o J-343, Line 9, DCM Qrts. Kishan Ganj, Delhi. 35/2min Claim for compensation @ Rs.50/- per sq.yd. and 15% etc. Copy of sale deed. But no evidence.
18. Smt.Sumitra Devi W/o Parkash Chand Goel r/o H-200 Line 9, DCM Qrts. Kishan Ganj, Delhi. 35/3min Claim for compensation @ Rs.50/- per sq.yd. and 15% solatium. -do-
19. Gaon Sabha Jharoda Majra Burari, through Sh.Radey Shyam Pardhan. 32/20/1, 21/1, 22/1, 23/1, 24/1, 25/1, 33/16/1, 34/2/1, 34/1/1, 2/1, 3/1, 34/4/1, 34/5/1, 35/1/1, 35/2/1, 35/4/1, 35/6/1, 47/1 per sq.yd. 15% and 0% int.etc. No evidence. sation has been produce
20. Smt.Raj Rani Gupta w/o Ram Niwas Single r/o Sadar Bazar, Gurgaon Catt. 35/3min. Claim for compensation for the land @ Rs.50/- per sq.yd. and 15% solatium interest etc. Copy of sale deed but no evidence has been given.

MARKET VALUE

The market value of land is obviously to be assessed after keeping in view the situation, advantages and potentialities attached to the land on the date of notification under-section 4 of the Land Acquisition Act. The land use is also to play an important role in deciding the market value of the land. It has been seen that the provisions of the Delhi Land Reforms Act are applicable and thus restrictions contemplated under sections 22 and 23 of the Delhi Land Reforms Act are applicable and land can ^{only} also be used for agriculture, horticulture or animal husbandry etc.

It has been reported that recently no land has been acquired in this village which can be indicative of the market value. However, the value of sale-transactions effected through recorded mutations in revenue record have been reported by the revenue staff:-

Sr.No.	Year	Area	Amount	Average per bigha
1.	1977-78	33-02	Rs.57,500/-	Rs.1132.93.

The land involved in the above said mutation comprised in rectangle No.5 etc. is not situated in the immediate vicinity of the land involved in the present proceedings.

Claimants during the course of proceedings have filed copies of the sale-deeds in support of their claim and the details of such sale-transactions are given below:-

(1) Sale-deed No.1243 dated 22.4.75	Kh.No. 30/13/1 (1000 sq.yds)	Rs.12,500/-
✓(2) Sale-deed No.2242 dated 21.2.73	32/1/1 21/2 (4-7)	Rs.24,000/-
(3) Sale-deed No.11881, dt.13.10.73	35/3 (200 sq.yds)	Rs. 2,000/-
(4) Sale-deed No.189, dt. 1974.	31/13 (223 sq.yds)	Rs. 4,000/-

Obviously the sale-deed at serial No.2 involved rectangle No.32 which is also a subject matter of present proceedings. It is thus obvious from the aforesaid observations that though there was a transfer of property at about Rs.1132/- per bigha in the year 1977-78, itself but the land was not in immediate vicinity. The rate for the land falling in immediate vicinity can be derived from transaction of sale-deeds produced by the claimants and mentioned at serial No.2. Besides involving the same rectangle, these sale-transactions also involved a sizable area as compared to the other transactions which involve only small area of 200 square yards approximately. Based on these transactions the market value during the year 1978 comes to about Rs.5500/- per bigha. Working on the principle of increase of 6 per cent per annum approximately, the market value of the land at the time of notification under-section 4 is assessed at Rs.7000/-per bigha.

For purposes of comparison of this market value with the aforesaid mutations, I have also gone through the recent awards which took place in the adjoining villages of Bhalawa Jahangirpur and Dhirpur etc. Nature of land involved in such cases being of the same type, I feel that the market rate of Rs.7000/-per bigha is adequate.

There is a nullah passing through khasra No.47/1 and the area covered under this nullah is 1 bigha 1 biswa. In order to arrive at the market value of this land I am guided by the award No.1478 which

also involved the similar nallah passing through the land and the rate of compensation has been confirmed by various judicial courts as well. The rate of compensation in that case was assessed at Rs.1000/- per bigha. Though the period involved in these transactions is not the same but I feel that the market value of land falling under such nallah is not appreciated much and thus fix the compensation in this case also @ Rs.1000/- per bigha.

DAMAGES FOR TREES, CROPS, WELLS AND OTHER STRUCTURES

At the time of taking possession of the land, no trees, well or other structures were there on the land. However crops of Bersum and Jai used as fodder for the cattle were standing over the land measuring 16 bighas and 4 biswas the details of which are as follows:-

<u>Kh.No</u>	<u>Area</u>	<u>Kind of crop</u>
32/23/1	2-18	Bersum chara.
24/1	1-08	Jai Bersum.
25/1	0-03	-do-
34/3	2-08	Bersum chara.
34/4	4-02	-do-
34/5/1	4-10	-do-

Considering the investment of the farmers on the following basis, the damages to the interested persons on account of these crops are assessed at the rate of Rs.200/-per bigha.

1. 2 to 3 Kg Bersum seed	Rs.35/-
2. Fertilisers approx. 10 Kg	Rs.25/-
3. Ploughing	Rs.55/-
4. Expenditure on watering 8 to 10 times.	Rs.25/-
	<u>Rs.200/-</u>

SOLATUM

15 per cent solatium under-section 23(2) of the Land Acquisition Act will be paid to the interested

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-8-

persons on the market value of the land for compulsory nature of acquisition.

INTEREST

The possession of the land under acquisition has been taken over on 8.12.78. Hence the interested persons will be entitled to interest at the rate of 6 per cent from the date of taking over the possession to the date of announcement of the award.

APPORTIONMENT

Payment will be made to the interested persons and in case of dispute arising in the apportionment of the compensation, the matter will be referred to the court of ADJ for adjudication in terms of sections 30 and 31 of the Land Acquisition Act.

LAND REVENUE

Land revenue for the land under acquisition is assessed at Rs.13.90 which will be deducted from the Khatauni w.e.f. the date of taking over possession. A copy of this award is being sent to Revenue Asstt for necessary action.

SUMMARY

1.	Compensation for land measuring 45 bighas 15 biswas @ Rs.7000/- per bigha.	Rs. 3,20,250.00.
2.	Compensation for Sullah measuring 1 bigha 7 biswas @ Rs.1000/- per bigha.	Rs. 1,350.00.
3.	15 per cent solatium:-	Rs. 48,240.00.
4.	Interest @ 6% P.A. w.e.f. 8.12.78 to 28.3.79.	Rs. 6,626.72.P.
5.	Damages for crops on land mc.16 bighas 9 biswas @ Rs.200/-per bigha.	Rs. 3,290.00.
Total:-		Rs.3,79,756.72.

(Rs. Three lacs, seventy nine thousand seven hundred fifty six & seventy two paise)

(S.L. Bansal)

Land Acquisition Collector, Delhi.