

NAME OF VILLAGE : JHARODA MAJRA BURARI  
 NATURE OF ACQUISITION : PERMANENT  
 PURPOSE OF ACQUISITION : Construction of Supplementary Drain from G.T. Road to Wazirabad.

Land measuring 4 bigha 4 biswas in Rect. No. 32/17 situated in the revenue estate of Village Jharoda Majra Burari, Delhi territory is required by the Govt. at the public expense for the public purpose namely construction of supplementary Drain from G.T. Road to Wazirabad. A notification u/s 4 of the L. A. Act vide No. F.7/80/78-L&B(4) dated 15.2.79 was issued by Delhi Administration. The substance of the notification was given due publicity and objections were invited from the interested persons. The objections were received and heard and a report was made to Delhi Admn. However, the objections were rejected by Delhi Administration and a declaration u/s 6 of L.A. Act was made vide notification No. F.7/80/78-L&B(4) dated 21.9.79. Notice u/s 9(1) of L.A. Act was given due publicity and notices u/s 9(3) and 10(1) of the L.A. Act were issued to the interested persons. Almost all the interested persons have responded to the notices given to them.

#### MEASUREMENT & OWNERSHIP

In response to the aforesaid notification u/s 6 of the L.A. Act the total area to be acquired is 4 Bigha 4 Biswas. Actual measurement was carried out by the Field Staff u/s 8 of the L.A. Act and found correct. The details of which according to revenue record Khatuni for the year 1968-69 is as under:-

S.No.	Name of the owners	Kh. No.	Area	Quality of land
1.	Dharam Dev s/o Bhagwan Sahai	32/17	4 Bigha 4 Biswas	Abpash

N.B. The land is being irrigated by tube-well as well as sewage water.

#### CLAIMS

Shri Dharam Dev s/o Bhagwan Sahai sole khyamidhar of the land made claim as under :-

1. That the land should not be acquired.
2. That the land in question is situated adjoining to the approach road from Jharoda to Bagpat road in U.P. and Burari Road and claimed Rs. 40,000/- per bigha for its compensation.

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He further stated that he has constructed three pucca roads, Varranda, one tin shed for factory (in the name and style of M/s General Industries) and a boundary wall and a tubewell on the land under acquisition and claimed compensation for Rs. 50000/- for pucca construction and Rs. 10,000/- for Nalis constructed for irrigation purpose and also claimed Rs. 50,000/- for damages and shifting charges and loss of business due to the closure of the factory on the land in question.

The claims made by the claimant seems to be exorbitant and will be dealt under the appropriate columns.

#### MARKET VALUE

The market value of the land is to be assessed after keeping in view the situation, advantages and potentialities attached to the land on the date of notification u/s 4 of the L. A. 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 the restrictions contemplated under section 22 & 23 of the said Act are applicable and land can only be used for agriculture, horticulture or animal husbandry etc. The sale transactions which took place in the village and the market value in the vicinity of the land under acquisition, the purpose for which the land is being acquired, rates of compensation awarded by the Land Acquisition Collector in the previous awards of the village and as well as the enhancements made by the various courts are the factors which are to be considered in determining the fair and reasonable market value of the land under acquisition.

The land under acquisition abuts on the Burari Road and is close to the pucca road leading to the village abadi and also adjoining to the Sewage Nala. The land is irrigated by the tubewell as well as the sewage water. Thus the fertility of land is enhanced on account of it. Besides its agricultural use, the land has spoken adaptability for other potential use also as is evident from the entries in the Khasra Girdawaria- pertaining to the year 1978-79 column. 18 of industries, tubewell and nallies. In support of his claim, the claimant has

filed a copy of award No. 3/79-80 in which the notification u/s 4 was issued vide No. F. 11(35)/78L&B/LA(P)(i) dated 1-11-78 and the compensation was awarded @ Rs. 7000/- per bigha.

Several sale transactions have taken place in the village during the preceding five years from the date of notification u/s 4, the details of which are as under :-

S. No.	No. of Mutation	Regd. deed No.	Date	Amount involved	Kh. No. & Area	Average per bigha	Remarks
<u>YEAR 1974-75</u>							
1.	M/328/76-77	364	14.1.74	2800/-	31/19 (4bis.)	12444.44	
<u>YEAR 1975-76</u>							
2.	M/664	8883	16.12.75	3000-00	30/12/2 (0-7)	8571-40	
<u>YEAR 1976-77</u>							
			-	Nil			
<u>Year 1977-78</u>							
3.	M/196	14668	21.11.77	Rs. 1500-00	35/3 (0-3)		
4.	M/526	7111	19.11.77	Rs. 23000-00	5/20, 21, 15/1, 16/2, 7/1 (20-13)		
5.	M/325	5	6.1.78	Rs. 13000-00	5/18/2, 19, 22, 23/1 (12-06)		Rs. 1132-93P

From the perusal of the above datas it is revealed that the average price per bigha in the year 1974-75 comes to Rs. 12444-44P, in 1975-76 to Rs. 8571-40P, no sale in 1976-77 and in 1977-78 to Rs. 1132.93P. It shows a downward trend in the market value of the land in this village. The sale transactions at S. No. 1, 2 & 3 are not proper exemplars to rely upon for the simple reason that the land transferred through these sale transactions pertain to small pieces of land, may be for speculative purpose of construction of houses & etc. The absence of any single sale-transaction during the year 1976-77 seems to be due to the reasons of the strict enforcement of Delhi Land Reforms Act & The Urban Land (Ceiling & Regulation) Act, 1976 during this period. As all the other above said sale transactions took place under the restricted circumstances that the land could not be used for other purpose than agriculture, horticulture or animal husbandry etc., so no reliance could be given to them in determining the fair & reasonable market value of the land. However,

from the sale transactions at S.No. 1 to 3 as the land involved in these transactions is in the close vicinity i.e. it is <sup>hardly</sup> within half a furlong radius.

Besides it, the following awards have already been given in this village during the past :-

S.No.	Award No.	No. & date of notification u/s 4	Area		Kind of soil
			Bis.	Bis.	
1.	10/70-71	F. 15(190)/55L&H(III) dt. 30.5.69	17-18		G.M. Charagah, Sailab, Banjar Jadid.
2.	63/70-71	F. 7(8)L&HII dt. 11.3.70	58-18		
3.	3/79-80	F. 11(35)/78-L&B/LA(P)(i) dt. 1.11.78	47-02		Abpash

From the perusal of the above table it is revealed that there is a considerable time gap between the material date of notifications u/s 4 of awards no. 10/70-71 and 63/70-71 and the notification u/s 4 of the present proceedings so ~~these~~ these awards cannot be relied upon in determining the ~~market~~ fair & reasonable market value of the land under acquisition. Through Award No. 3/79-80 an area measuring 47bighas 2 biswas was acquired for the purpose of Planned Development of Delhi (for the construction of Road No. 50). The quality of land involved in this award is quite homogeneous with the land under acquisition i.e. Abpash. Even the location is similar. According to this award compensation @ Rs. 7000/- per bigha was awarded by the Land Acquisition Collector. There is only a gap of about three months between the material date of notifications u/s 4 of this award and that of land under acquisition. I have gone through this award and do not find any reason to differ with the opinion held by the Land Acquisition Collector. Nature ~~of~~ and quality of the land acquired through this award is quite similar and the land involved is also quite close to the land under acquisition. After considering all these facts, I am of the opinion that the fair and reasonable market value of the land could be Rs. 7000/- per bigha and I assess and award the same accordingly.

DAMAGES FOR TREES, WELLS, CROPS & OTHER STRUCTURES

Though officially possession was not taken over and handed over to the Acquiring Deptt. of the land under acquisition but the claimant has made claim that the deptt. took possession of his land on 26.7.70.

to the Executive Engineer, Flood Control & Drainage Dn. VI, I. S. R. T. Delhi regarding the confirmation of the facts and the claimed compensation will be decided on merits after hearing from the acquiring department, through a supplementary award. From the entries in the Girdawari for the year 1978-79 column. 18, it is revealed that General Industries, tubewell and G. M. Mali existed on the land under acquisition. In support of his claim the claimant has also filed a certificate from a Regd. Architects and Valuers M/S H. Chadha & Associates, Civil Courts, Delhi alongwith a blueprint of pertaining to the tin sheds etc. constructed on KH. No. 32/17 village Jharoda Majra Durari and valuation of the costs. According to the valuation report the claimant has claimed Rs. 40,050/- in figures and Rs. 39,300/- in words. Regarding this discrepancy no explanation was advanced by the claimant. As already stated above it will be considered in a separate supplementary award after the receipt of confirmation from the acquiring department.

DAMAGES U/S 23(1) CLAUSE FIFTHLY:

The claimant has demanded a sum of Rs. 50,000/- as expenses and damages incidental to change of business. Section 23(1) clause fifthly lays down that the court shall take into consideration if, in consequence of the acquisition of the acquisition of land by the Collector the person interested is compelled to change his residence or place of business, the reasonable expenses incidental to such change. The claimant has demanded an exorbitant amount of Rs. 50,000/- without indicating the expenses likely to be incurred in the change of business. In my opinion a sum of Rs. 7000/- would be sufficient to meet the expenses of shifting the factory and thereby damages caused to the building etc. since the applicant has removed the machinery & electric motors etc. from the spot. Therefore I award a sum of Rs. 7000/- xx on this account.

SOLATUM

15 percent solatium under section 23(2) of the Land Acquisition Act will be payable over ~~the~~ and above the market value of the land for the compulsory nature of acquisition.

INTEREST

The possession of the land under acquisition.



has alleged that the possession of his land was taken over by the acquiring department on 26.7.79 . As discussed above the acquiring department has already been addressed to confirm about this , so the issue of interest will be considered through ~~xxxxxx~~ supplementary award after the receipt of confirmation from the said department.

APPORTIONMENT

Payment of compensation will be made to the interested persons as per revenue record and in case of dispute arising in the apportionment of the compensation , the matter will be referred to the Court of Addl. Distt. & Sessions Judge for adjudication in terms of section 30 and 31 of the Land Acquisition Act.

LAND REVENUE

Land revenue for the land under acquisition is assessed at Rs. 1-21 which will be deducted from the Khatauni of the village from the date of taking over of possession.

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

SUMMARY OF THE AWARD:

1. Compensation for land measuring 4 bighas 4 biswas @ Rs. 7000/- per bigha .	Rs. 29,400-00
2. 15% solatium.	Rs. 4,410-00
3. Damag-u/s 23(i) clause fifthly.	Rs. 7,000-00
<b>TOTAL</b>	<b>Rs. 40,810-00</b>

(Rupees Forty thousand eight hundred ten only).

*Announced Today  
on 29-2-80: in open court.*

(SHIV RAJ TIAGI)

LAND ACQUISITION COLLECTOR (N):  
DELHI.

*29.2.80  
LAC (N): Delhi.*