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OFFER No. 58/73-74

Name of the village: JHARODA MAJRA MURARI  
Nature of acquisition: Temporary  
Purpose of acquisition: Construction of Marginal Embankment between Wazirabad Barrage & Bawna Escape on the Right Bank of Jamuna.

O F F E R

These are proceedings for the determination of damages under sub-section 2 of section 36 of the Land Acquisition Act as the result of removal of earth during temporary occupation of land acquired for a period of one year in pursuance of notification No.F.7(8)/70-L&H dated 11.3.70 issued U/s 35(1) of the L.A.Act 1894. The details of the land which was under temporary occupation for a period of one year and from which earth was removed is given below.

TRUE AND CORRECT AREA:

The earth was removed from the following khasra numbers under temporary acquisition.

Rect.No.	Khasra No.	Area Big.Bis.	Kind of soil.
4	25/2	4 - 9	Gairapash
5	19/1	0 - 5	"
	20/1	2 - 15	"
	21	4 - 16	"
	22/1	1 - 12	"
15	1	4 - 16	"
	2/1	3 - 1	"
	9/1	4 - 10	"
	8/1	0 - 3	"
	11/2	4 - 10	"
	10	4 - 16	"

contd...

-3-

	10/1	4 - 10	Apash
	9/1	0 - 9	"
	11	4 - 16	Gairapash
	12/1	3 - 9	Apash
	18/1	1 - 5	Gairapash
	19	4 - 14	"
	20	4 - 16	Apash
	21/1	0 - 11	Apash
	21/2/2	3 - 5	"
	22	4 - 16	"
	23/1	2 - 17	"
29	3/2	0 - 5	"
	4/2min	3 - 6	"
	4/2min	1 - 2	"
	7/1/2	0 - 18	Gairapash
	7/2/2min	1 - 1	Apash
	7/2/2min	0 - 6	"
	5min	3 - 4	"
	5/2/1	1 - 00	"
	5/2/2	0 - 12	"
	6/1	1 - 8	"
	6/2	3 - 4	"
	6/1/1	0 - 4	"
	14/2	0 - 3	"
	15/2	4 - 7	"
	16/2	1 - 14	"
	25/2	0 - 3	"
38	1/2	0 - 19	"
	2/2	4 - 14	"
	9/2	2 - 19	"
	3	4 - 16	"
38	4/1	2 - 1	Gairapash

contd.....

- 4 -

38	6/1	0 - 11	Gairapash
	7/1	5 - 7	"
	8	5 - 6	"
	45min	1 - 8	"
	Total	208 - 07	

COMPENSATION CLAIMS:

The following persons have claimed compensation for damages.

NAME of the claimant.Compensation claimed.

- |                                                                                                                                    |                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| 1. Ram Sarup s/o Phool Singh.                                                                                                      | Has claimed compensation on account of excavation of earth @ Rs.5/-per sq yd.                  |
| 2. J.N.Khattar s/o<br>Beli Ram for all co-sharers.                                                                                 | Has claimed for removal of earth from his fields for 2 ft depth.                               |
| 3. Shankar s/o<br>Bobal                                                                                                            | Has claimed for removal of earth from his land.                                                |
| 4. Hawa Singh s/o Teja.                                                                                                            | Has claimed compensation on account of excavation of earth from his land @ Rs.1000/-per bigha. |
| 5. Ganga Ram s/o Mangtu.                                                                                                           | Has claimed compensation on account of removal of earth from his land @ Rs.5000/-per bigha.    |
| 6. S/Sh.Mangat Ram & Ram Phal<br>ss/o Kishan Sahai.                                                                                | Have claimed compensation on account of removal of earth from their land @ Rs.5000/-per bigha. |
| 7. Nathu s/o Kalu & Ram Chander<br>s/o Kalu.                                                                                       | Have claimed compensation on account of removal of earth from their land @ Rs.5000/-per bigha. |
| 8. Neki s/o Nandu.                                                                                                                 | Has claimed compensation on account of removal of earth from his land @ Rs.5000/-per bigha.    |
| 9. Ram Narayan, Pirthi ss/o<br>Bhagwan Sahai, Luchhmi Narain<br>Jai Narain ss/o Pirthu.<br>Jagan Nath, Jakur Nath ss/o<br>Harkesh. | Have claimed compensation on account of removal of earth from their land @ Rs.5000/-per bigha. |

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10. Kure, Kanahia ss/o  
Ram Sahai.

Have claimed compensation on account of removal of earth from their land @ Rs.5000/-per bigha.

11. Antu s/o Bhagu.

Has claimed compensation for the removal of earth from his land. Has also claimed Rs.16000/-towards the cost of a well which said to have been damaged by the acquiring department.

12. Priya Dutt, Om Dutt,  
Som Dutt, Deo Dutt,  
Shankar.

Have claimed compensation for the removal of earth from their land.

DOCUMENTARY EVIDENCE: No documentary evidence whatsoever was filed by any of the claimants in support of his claim.

MARKET VALUE:

This village falls within the purview of the Delhi Land Reforms Act under which sub-letting is not enjoined. Section 35 of the Act lays that apart from disabled persons no bhumidhar or asami shall lease for any period, whatsoever, any land comprised in his holding. That being so it is not possible to get any mutation by way of lease hold rights executed for temporary occupation of land. Local enquiries further reveal that no sub-letting has been made in the village even by disabled persons as found U/s 36 of the Act. In the absence of any relevant material for the assessment of damages Sh.Balwant Rai Kapoor, Sub-Inspector (Quarries), Revenue Unit, Deputy Commissioner's Office, Delhi was examined to give his expert opinion with regard to the damages caused as the result of removal of earth. The Executive Engineer, Flood Control Drainage Division No.II in his letter No.EE/II/F-5-A/ROC/VIII/1458 dated March 30, 1973 has stated that earth to the depth of 2 feet was excavated from the land under their temporary occupation. Shri Balwant Rai Kapoor who has an expert knowledge of this subject has stated that the cost of a truck-load of earth measuring 5 cubic metre is sold @ Rs.2/-to Rs.2.50P in the areas which are in the vicinity of brick-kilns. In the

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remote areas where there are no construction activities, the cost of one truck-load of earth is Rs.1/-. Reliance can be placed on the testimony of Shri Kapoor based on his personal knowledge and experience according to which in a remote area like this, the cost of earth measuring 5 cubic metre can be taken as Rs.1/-. With the above rate, the cost of earth for 1 bigha could be as under:-

AREA OF 1 BIGHA IN CUBIC METRES

1008 X 9 X 2	= 18144 cubic metre feet
200 cubic feet	= 5.662 cubic metres
18144 cubic feet	= 514 cubic metres
Cost of 5 cubic metres of earth.	= Rs.1/-
Cost of 514 cubic metres of earth.	= $\frac{514 \times 1}{5}$ = Rs.102/-for one bigha.

In accordance with the above calculation, the damages caused due to removal of earth is assessed @ Rs.102/-per bigha.

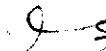
APPORTIONMENT: Payment of compensation will be made on the basis of latest entries in the revenue record.

SUMMARY OF THE OFFER:

Compensation for damages U/s 36 of the L.A.Act for an area measuring 208 bighas 7 biswas @ Rs.102/-per bigha.	Rs.21,251.70P
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 ( G.BAHADUR )  
 LAND ACQUISITION COLLECTOR(ME):DELHI.

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