

A W A R D No. 6370-71

Name of the village: JHARODA MAJRA BURARI

Nature of acquisition: PERMANENT

Purpose of acquisition: CONSTRUCTION OF MARGINAL EMBANKMENT
BETWEEN WAZIRAPAD BARRAGE & BAWANA
ESCAPE ON THE RIGHT BANK OF JAMUNA

A W A R D

These are proceedings for the determination of compensation u/s 11 of the Land Acquisition Act, 1894 regarding the acquisition of land in village Jharoda Majra Burari for a public purpose viz. construction of Marginal Embankment between Wazirabad Barrage & Bawana Escape on the right bank of Jamuna. A notification u/s 4 for the acquisition of land measuring 59 bighas 1 biswa situated in this village was issued by the Delhi Administration vide No.F.7(3)/70-L&H(ii) dated 11.3.70. As this land was immediately required for the construction of embankment another notification u/s 17(1) was issued by the Delhi Administration followed by a declaration u/s 6 for the above mentioned area vide No.F.7(3)/70-L&H(iii) dated 11.3.70. In pursuance of this declaration notices were issued to the persons interested as per provisions u/s 9 & 10 of the said Act calling the parties to file their objections/claims for the acquisition of land mentioned therein. In response to these notices the claims/objections of the persons interested/claimants were received which are discussed hereafter under the heading 'CLAIMS'.

MEASUREMENT: - The area under acquisition as given in the declaration u/s 6 is 59 bighas 1 biswa whereas the area proposed to be acquired is 58 bighas 18 biswas. The difference of 3 biswas is due to the fact that there is a tube well in kh.No.24/19 measuring 3 biswas. This area for the present does not come in the alignment and is left out from acquisition. It will be acquired through a supplementary award as and when required by the department concerned.

CLASSIFICATION OF LAND: - The details of kh.Nos. in form 7-A have been prepared under para 55 of the Financial Commissioner's order No.28 which are as under:-

S.No.	Rect. No.	Khasra No. / Killa No.	Area No. / Big. Bis.	Kind of soil
1.	4	24/1	1-03	Ghair Abpash
2.		25/1	0-07	-do-
3.	15	11/1	0-06	-do-
4.		20/1	1-14	-do-
5.		21/1/1	1-07	-do-
6.		21/2/1	1-09	-do-
7.	16	4/1/1	0-18	-do-
8.		4/2/1	0-03	-do-
9.		5/1	1-12	-do-
10.		6/1	2-19	-do-
11.		7/1/1	0-01	-do-
12.		15/1	2-19	-do-
13.		13/1	1-11	-do-
14.		25/1/1	0-03	-do-
15.	24 ✓	1/2 ✓	3-03	-do-
16.		2/1 ✓	0-04	Abpash
17.		9/1	1-12	Ghair Abpash
18.		10/1	1-17	-do-
19.		11/1	0-06	-do-
20.		12/1	3-07	-do-
21.		18/1	0-17	Abpash
22.		19/1	2-04	-do-
23.		22/1	0-13	-do-
24.		23/1	2-05	-do-
25.	28	21/2/1	1-00	-do-
26.	29	3/1	3-03	-do-
27.		4/1	0-08	-do-
28.		7/1/1	0-10	Ghair Abpash
29.		7/2/1	1-18	Abpash
30.		8/1	1-05	-do-
31.		14/1	3-02	Abpash
32.		15/1	0-09	-do-
33.		16/1	2-19	-do-
34.		17/1	0-14	-do-
35.		25/2/1	2-12	-do-
36.		23	0-05	G.M. Chah
37.	37	5/1	0-08	Abpash
38.	38	1/1	3-09	-do-
39.		2/1	0-02	-do-
40.		9/1	1-13	-do-
41.		10/1	1-14	-do-
42.		45/1 min	0-02	G.M. Rasta
Total:			58-18	

Some of the land owners raised objections regarding measurement of land. The persons were heard and the field staff was directed to inspect the spot and attend all such applicants for removing such objections. Accordingly, the field staff visited the spot and after hearing the applications present on the site and also inspecting the record removed the objections. I have carefully gone through the chief data submitted by M.T.

I agree with the classification and measurement of the land as proposed by him on the basis of entries of Khasra Girdawari and other relevant record. At the time of publication of notification u/s 4, the classification of land is as under:-

Kind of land	Area Bis. Sis.
Abpash	30 - 19
Chair Abpash	27 - 06
G.M. Chah	0 - 05
G.M. Rasta	0 - 08
Total:	58 - 18

POSSESSION

The possession of this land has already been taken over by the department concerned on 17.6.70.

CLAIMS

The following persons have filed their claims in pursuance of notices issued to them u/s 9 & 10 of the L.A. Act, 1894.

CLAIM	REMARKS
1. <u>Sh. Dev Dutt etc.</u> Claimed compensation @ Rs. 2000/- per bigha and Rs. 11000/- for damages.	They have not given any evidence in support of their claim. While submitting claim they made a statement that whatever proof they have, will be furnished in reference before the Addl. District Judge, Delhi.
2. <u>Sh. Som Dutt s/o Jagann:</u> Claimed compensation @ Rs. 20000/- per bigha. Further claimed Rs. 1400/- for trees, Rs. 5000/- for well, Rs. 1000/- for Persian wheel & Rs. 10000/- for standing crops.	-do-
3. <u>Sh. Jagmohan Lal:</u> Demands compensation @ Rs. 50/60 per sq. yard.	-do-
4. <u>Sh. Indraj:</u> Claimed compensation @ Rs. 10000/- per bigha, Rs. 200/- for damages to well & Rs. 40/- for crops.	-do-
5. <u>Sh. Neki s/o Manda:</u> Claimed compensation @ Rs. 10000/- per bigha, Rs. 2000/- for severance & Rs. 2000/- for loss of business.	-do-
6. <u>Sh. Gulat Ram etc.</u> Demands compensation @ Rs. 5000/- per bigha.	-do-

7. Sh. Jai Ram s/o Bhai Raj:

Claimed compensation Rs. 10000/- for 10 bighas of land & Rs. 10000/- for severance.

8. Sh. Ganesh:

Claimed compensation Rs. 10000/- for 10 bighas, Rs. 5000/- for severance, Rs. 1000/- for wells & Rs. 5000/- for vegetables.

9. Sh. Shiv Charan s/o Bhai Lal:

Claimed compensation Rs. 20000/- for 20 bighas & Rs. 10000/- for severance.

10. Sh. Ram s/o Bhai Lal:

Claimed compensation Rs. 25000/- for 25 bighas, Rs. 4000/- for severance, Rs. 2000/- for 10 bighas of cultivation & Rs. 5000/- for standing crops.

11. Sh. Priva Lall s/o Bhai Lal:

Claimed compensation Rs. 20000/- for 20 bighas, Rs. 5000/- for severance, Rs. 3000/- for crops of cultivation & Rs. 2000/- for standing crops.

12. Sh. Ram s/o Bhai Lal:

Claimed compensation Rs. 1200/- for 12 bighas, Rs. 3000/- for severance, Rs. 1000/- for 10 bighas of cultivation, Rs. 500/- for trees & Rs. 1000/- for crops.

13. Sh. Ram s/o Bhai Lal:

Claimed compensation Rs. 10000/- for 10 bighas, Rs. 1000/- for severance, Rs. 1000/- for 10 bighas of cultivation & Rs. 1000/- for crops.

14. Sh. Rohan Lal s/o Bhai Lal:

Claimed compensation Rs. 20000/- for 20 bighas, Rs. 2000/- for severance, Rs. 1000/- for 10 bighas of cultivation & Rs. 2000/- for crops.

15. Sh. Lal s/o Bhai Lal:

Claimed compensation Rs. 20000/- for 20 bighas, Rs. 10000/- for severance, Rs. 1000/- for 10 bighas of cultivation & Rs. 1000/- for trees.

16. Sh. Ram s/o Bhai Lal:

Claimed compensation Rs. 20000/- for 20 bighas, Rs. 20000/- for 20 bighas of cultivation, Rs. 2000/- for 10 bighas of remaining land due to useless for cultivation.

17. Sh. Smt. Smt. Devi wa/o Bhai Lal:

Claimed compensation Rs. 20000/- for 20 bighas.

19. Sh. Nathan s/o Udmi:

Claimed compensation @ Rs.10000/- per bigha. As at S.No.1

20. Sh. Kale s/o Khachern:

Claimed compensation @ Rs.25000/- per bigha. -do-

21. Sh. Kure s/o Kannaya:

As at S.No.19 -do-

22. Sh. Jangli s/o Shadi:

Claimed compensation @ Rs.20000/- per bigha. -do-

23. Sh. Chhattar s/o Ramji Lal:

As at S.No.20 -do-

24. Sh. Nathu etc.

As at S.No.19 -do-

MARKET VALUE

The total area of the land to be acquired under the present award is 58 bighas 18 biswa which includes Abpash, Ghair ^{G.M.Chah} Abpash & Ghairmunkin Rasta. The physical and the nature of the soil of the lands recorded as Abpash & Ghair ^{G.M.Chah} Abpash/is alike, therefore, the land under both these categories has been classified in one block for which same compensation will be payable.

As regards the land falling under Ghairmunkin Rasta which is being used for common purposes and owned by Gaon Sabha no compensation is to be paid.

As per provisions u/s 23(1) of the Land Acquisition Act while calculating the amount of compensation to be awarded, the following main points have to be kept into consideration:-

- (1) Market value of the land on the date of publication of notification u/s 4 sub-section 1.
- (2) The damage sustained by the standing crops or trees at the time of taking over the possession.
- (3) The damage sustained by reasons of severing such land from other land.
- (4) The damage sustained by reason of acquisitioning injuriously affecting the other moveable or immoveable property.
- (5) If any consequent loss of profits of land between time of publication of declaration u/s 6 and at the time of taking over possession.

- (6) The damage resulting from diminution of profits of land between time of publication of declaration u/s 6 and at the time of taking over possession.

In addition to above factors the following guide lines have also been kept in view while assessing the compensation of land:

- (a) Nearness of the land to any pucca road.
- (b) Market value of the land previously acquired in the village.
- (c) Rise and fall in prices due to demand of the land in the market.
- (d) Sale transactions in the village concerned.

As regards (a) above the land under acquisition is situated at a far off distance from the pucca road, hence this factor does not have any influence on its market value.

As regards the consideration of the previous awards for determining the prevailing market value the possibility was examined. So far there has been only one award No.10/70-71 in this village for acquisition of land for the Construction of Road. The notification u/s 4 for this award was issued on 30.5.69 and the market value fixed @ Rs.440/- per bigha. This award can be considered for making a base to determine the market value of the land under acquisition but in order to arrive at the correct prevailing market rate ^{on 4.7.66 at the material date} it would be in the interest of justice to ^{have a Comparative Study of} ~~consider~~ the rate fixed in this award with the rate of the latest sale transactions in this village.

The Maib Tehsildar has given the particulars of the following sale transactions of land which have so far taken place in this village:

S.No.	Mutation No. or S.No. in G-4 register	Date of sale	Kh.No.	Area Big-Bis.	Amount	Average per bigha
1.	4	4.7.66	31/1etc.	23-12	Rs.8260/-	350.00
2.	11	21.5.69	21/25/1 etc.	10-08	Rs.6000/-	576.20
3.	13	19.9.69	31/16/1	1-14	Rs.1000/-	588.20
4.	239	31.1.70	17/18/1 etc.	28-12	Rs.12000/-	419.60

These have been examined. As regards sale transaction dated 4.7.66 mentioned at S.No.1, it has been discussed in detail

award this sale transaction itself was made a basis for determining the market value. Therefore, it need not to be discussed again. In the sale transactions mentioned at S.No. 3 dated 19.9.69, the land measuring 1 bigha 14 biswas was sold for a consideration of Rs.1000/-. The average price per bigha works out to Rs.588.20. In the sale transaction mentioned at S.No.4 dated 31.1.70 land measuring 28 bighas 12 biswas pertaining to khasra Nos. 17 & 18 was sold for a consideration of Rs.12000/-. Its average price works out to Rs.419.60. per bigha. The date of both these transactions is quite close to the material date of notification u/s 4 in the present case. In addition to this the land bearing khasra Nos.17/18/1 in the sale transaction dated 31.1.70 and Kh.No.31/18/1 of sale transaction dated 19.9.69 is quite close to the land proposed to be acquired. Therefore, both these sale transactions can form the basis for determination of market value of land under acquisition.

In sale transaction dated 19.9.69 the value of land per bigha is Rs.588-20 while in transaction dated 31.1.70 the value per bigha is Rs.419.60. There is a gap of Rs.168.60 between these. In order to give a fair and reasonable rate I am inclined to fix the market value of the land proposed to be acquired by taking the average of both these sale transactions which works out to about Rs.500/- per bigha. I evaluate the market value of land now under acquisition @ Rs.500/- per bigha.

TREES:- There are scattered trees over the land under acquisition which can only be used as fuel wood. The Naib Tehsildar has reported in his chief data, every detail i.e. weight, rate per quintal etc. of these trees. I assess the price of these trees as under:-

Khasra No.	No. & Kind of trees.	Weight in quintal	Rate per quintal	Total price
29/14	Shisham 6	60	8/-	Rs.480-00
	Beri 1	8	5/-	Rs. 40-00
	Shehtoot 2	18	5/-	Rs. 90-00
29/14	Shehtoot 1	5	5/-	Rs. 25-00

WELL: - There is a well in Khasra No. 29/14. The Naib Tehsildar has proposed its price as Rs. 800/-. In the absence of any other evidence regarding the price of this well I agree with the proposed value of Naib Tehsildar and assess Rs. 800/- for this well.

STRUCTURE: - There is no structure over the land under acquisition.

COMPENSATION FOR CROPS: - At the time of taking over possession some crops were existing on some of the land. In this connection a survey was made by the field staff, the details of which as per record of Naib Tehsildar (Li) are produced below:

S.No.	Khasra No.	Area under crop (Big. Bis.)	Name of crop
1.	28/21/4	0 - 18	Barsaim 0-08 Bhindi 0-10
2.	29/7/1	0 - 08	Bhindi
3.	29/14	3 - 02	Barsaim
4.	29/15	0 - 08	Bhindi
5.	29/16	2 - 13	Makki
6.	29/17	1 - 17	-do-
7.	37/5	1 - 07	Bhindi
8.	38/1	3 - 04	-do-
9.	39/9	1 - 13	Makki 1-02 Bhindi 0-11

In order to assess the value of standing crops detailed above, a survey was collected from the office of the Project Officer, Intensive Agriculture Development Programme, Delhi Administration, Tehsil Office, Delhi and the market rates published in weekly Delhi Administration's gazette dated 4.6.70 which are at appendix 'A'. On consideration of the information regarding the value of these crops as given in these reports the total amount of compensation for various crops as mentioned in column No. 2 of the appendix 'A' amounts to Rs. 1203.58. I assess the same. The compensation/as damages, ~~for crops~~ will be paid to the persons interested after receipt of certificate from the acquiring Department to the effect that the department took over possession alongwith the standing crops thereon failing which the amount assessed as damages will be referred to the acquiring department.

APPORTIONMENT: - The persons interested will be compensated according to the existing entries in the revenue record. In case of any dispute the payment will be made after an amicable settlement between the parties concerned failing which the matter will be referred to the competent court for adjudication.

LAND REVENUE DEDUCTION: - An amount of Rs. 14.87 is payable to land revenue which will be deducted from the Khatauni of the village from the date of taking over the possession of the land.

15% SOLATIUUM: - The persons interested will be entitled to have 15% solatium on the market value of the land.

INTEREST: - The possession of land now under acquisition has been taken over by the department concerned on 17.6.70. Hence the persons interested will be entitled to have interest @ 6% per annum with effect from 17.6.70 to 7.1.71, the date of announcement of the award.

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

Subject to above remarks, the award is summarised as under:-

1. Compensation for land measuring 58 bighas 10 biswas @ Rs. 500/- per bigha.	Rs. 29,250-00
2. Compensation for land measuring 8 bis. used for common purposes.	- N I L -
3. Compensation for Trees.	Rs. 675-00
4. Compensation for Well.	Rs. 800-00
5. 15% solatium.	Rs. 4,308-75
6. Compensation for Crops.	Rs. 1,203-58
7. Interest @ 6% per annum w.e.f. 17.6.70 to 7.1.71.	Rs. 1,231-26

TOTAL: Rs. 37,768-59

K. M. Joshi
(K. M. Joshi)

Land Acquisition Collector (N):
Delhi.

Appendix 'A'

Statement showing the detail of crops/vegetable in land under acquisition of which possession was handed over to the acquiring department on 17.6.70 and chart of proposed compensation for the damages of crops in village Jharoda Majra Burari.

Kind of crop/ vegetable	Area Big.Bis.	Average produce per bigha as intimated by Development Office or Tehsil office	Prevailing rate accor- ding to Delhi Admn.'s gazette	Approximate gross income
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2	3	4	5	6
		Quintal		
		5.23	100-00	583.00
	5-06	0.54		
	3-10	0.20	80-00	64.00
	4-09			

Barind
Bar sam
Makki

Estimated expenses as per chart per bigha	Net in- come per bigha	Benefit depri- ved off by har- vesting vega- table upto 17.6.70 i.e. 2/3 of the net income/10% de- duction of natural claimity in case of crop of crop Makki	Compensa- tion per bigha ass- essed for damage after de- duction the amount of Col. 2	Total compensa- tion for crops damaged by the concerned deptt.	Remarks
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7	8	9	10	11	12
94-00	489-00	326-00	163-00	863-90	
38-83	-	-	-	114-90	
32-22	-	-	-	224-78	
7-88	56-12	5-61	50-51	1209.58	
			Total:		

Note:- The data regarding the average produce per bigha for Barind crop is not available in the Tehsil office and its rates are also not available in the Delhi Administration's gazette. Therefore, its actual costs of sowing is assessed.

(K.M. Joshi
Land Acquisition Collector: (C)