

Award No. 42/79-80.

Name of Village: Karawal Nagar.
Nature of Acquisition: Temporary.
Purpose of Acquisition: Remodelling & Strengthening of
Shahdara Marginal Band.

Land measuring 97 bighas 1 biswa situated in village Karawal Nagar Shahdara is required for the temporary occupation and use for a public purpose, i.e. for the remodelling and strengthening of Shahdara Marginal Band vide notification No.F.7(14)/79-I&B dt. 7.4.79 u/s 35(1) of the Land Acquisition Act, 1894 for a period of one year from the announcement of physical occupation.

Notices as required, were issued to the persons interested in the land to file their claims which will be discussed under the separate heading of claims and evidence.

MEASUREMENT:

The area under acquisition as given in the declaration u/s 35(1) is 97 bighas 6 biswas but on the actual measurement the area comes to 97 bighas 1 biswa the deficiency of 5 biswas is on account of wrong mentioning of Kh. No. 471/2 as 3 bighas 12 biswas instead of 3 bighas 7 biswas.

Detail of the area under acquisition for temporary occupation for a period of one year is as under:-

Kh.No.	Area. Big.Bis.	Quality of land.
398min	6-6	G.Abash.
409/2min	1-7	-do-
410/	1-7	-do-
411	3-4	-do-
419min	1-2	-do-
412min	2-5	-do-
426min	2-9	-do-
427/1	1-13	-do-
427/2	1-2	-do-
428	2-8	-do-
429min	2-13	-do-
442/1min	1-9	-do-
442/2min	1-4	-do-
442/3min	0-8	-do-
443	2-0	-do-
444	1-11	-do-
445min	3-12	-do-
458min	5-5	-do-
459/1	2-3	-do-
459/2min	3-4	-do-
470min	0-4	-do-

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Kh.No.	Area. Big. Bis.	Quality of land.
47 1/1	1-9	G. Abash.
47 1/2	3-7	Abash.
486min	2-0 82	-do-
497	3-2	-do-
498	2-13	-do-
499/1	2-0	-do-
499/2min	0-4	-do-
506/1min	1-17	-do-
506/2	1-2	-do-
508/1min	2-15	-do-
507	2-3	-do-
508/2min	1-9	-do-
508/3min	0-17	-do-
514min	5-1	-do-
515/1min	3-7	-do-
515/2min	1-14	-do-
47 2/1	2-14	-do-
47 2/2	1-16	-do-
47 3min	0-11	-do-
48 2min	0-19	-do-
483/1	1-17	-do-
483/2	2-3	-do-
485/1	1-14	-do-
485/2	1-8	-do-
518min	4-2	-do-
486min	1-10	-do-
520	1-14	-do-
484min	0-17	-do- <i>Q. M. Rusti</i>

Total: 97-01

The land owners have not raised any objection regarding clarification and measurement of land.

POSSESSION:

Possession for the land measuring 97 bighas 1 biswa was taken and handed over to the Quarrying Department on 1.5.79 for a period of one year. This area will remain under the occupation of the department concerned for a period of one year only and at the expiry of the possession will be restored to the persons interested.

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CLAIMS & EVIDENCE:

The persons interested were issued notices for filing their claim which are discussed as under:-

S.No.	Name of the claimant.	Kh.No.	Area. Big. Bis.	Rate of compen- sation per bigha
1.	Dale Ram, Parnal S/o. Bahadur Singh r/o. Karawal Nagar, Delhi.	496, 497, 485/1	4-16 3-02 <u>1-14</u> Total <u>5-12</u>	Rs. 10,000/-.
2.	Harpal s/o. Jaimal.	515		-
3.	Smt. Khazani Wd/o. Sh. Hari Ram	426min, 427min		Rs. 50,000/-.
4.	Sita Ram s/o. Sh. Phowan	426min, 427/2		Rs. 50,000/-.
5.	Nathe Singh s/o. Lal Singh	428, 429min 442/1		Rs. 50,000/-.
6.	Dhan Pal s/o. Nathu	426min, 427/2		Rs. 50,000/-.
7.	Hari Singh-Desha, Badhu, Umi, anwa s/o. Harulal r/o. Vill. Gonoli Distt. Ghaziabad.	427/1	1-13	Rs. 16,500/-Comp.
8.	Khiman s/o. Jhuman r/o. -do-	459/2	0-8	Rs. 4000/-Comp.
9.	Daya Ram s/o. Hardam r/o. -do- 1/3 share	459/2	1-12	Rs. 16,000/-Comp.
10.	Khile s/o. Hardam r/o. -do- 1/3 share	459/2	1-12	Rs. 16000/-Comp.
11.	Sarda Ram s/o. Harpat r/o. -do-	459/2	0-8	Rs. 4000/-Comp.
12.	Mansha s/o. Jhuman r/o. -do-	459/2	0-8	Rs. 4000/-Comp.
13.	Zile s/o. Hardam r/o. -do- 1/3 share.	459/2	1-12	Rs. 16000/-Comp.
14.	Ram Kiran s/o. Ram Lal r/o. Dagerpur, Meerut, U.P.	518 520		
15.	Buche s/o. Bhusia r/o. Vill. Gonoli Distt. Ghaziabad.	442/2	0-6	Rs. 3000/-Comp.
16.	Mir Singh s/o. Bhusia r/o. -do-	442/2	0-6	Rs. 3000/-Comp.
17.	Deepa s/o. -do-	442/2	0-6	Rs. 3000/-Comp.
18.	Mawasi s/o. Ram Parsad r/o. -do-	443	0-10	Rs. 5000/-Comp.
19.	Shri Ram s/o. Nain Singh r/o. -do-	443	0-10	Rs. 5000/-Comp.
20.	Gopi Chand s/o. Jhandoo r/o. -do-	443	0-10	Rs. 5000/-Comp.
21.	Rumal s/o. Bhura r/o. -do-	454		Rs. 15000/-per bigha.
22.	Jagmal s/o. Nathu r/o. -do-			Rs. 15000/-Comp.
23.	Ajay Pal s/o. Mansa r/o. Vill. Karawal Nagar, Shahdara, Delhi.	459/1		Rs. 1500/-per bigha per sq. ft. for sitting.

S.No.	Name of the claimant.	Kh.No.	Area. Big. Bis. Acre	Rate of compensa- tion per bigha.
24.	Nathu s/o. Balli r/o. Vill. Karawal Nagar, Shahdara, Delhi.	498-499/1, 506/2, 507		Rs. 1500/- per bigha
25.	Phumdan s/o. Ami Chand r/o. -do-	472/2, 473 507/2		Rs. 1500/- per sq. fit. for digging.
26.	Jagmal Singh s/o. Hukam Singh r/o. -do-	508/2		Rs. 1500/- .do-
27.	Hanso s/o. Roomal r/o. -do-	459/1		-do-
28.	Bhanwar Singh s/o. Rattani r/o. -do-	Kh.No. is not mentioned.		
29.	Birju s/o. Rattani r/o. -do-	-do-		
30.	Kesi s/o. ^{Rattani} Jatwal r/o. -do-	-do-		
31.	Shiria s/o. Jai Mal r/o. -do-	515		
32.	Asa s/o. Mohar Singh r/o. -do-	Kh.No. is not mentioned.		
33.	Daya s/o. Mohar Singh r/o. -do-	-do-		
34.	Mansa Ram s/o. Mohar Singh r/o. -do-	-do-		
35.	Giani @ Giani Singh s/o. Sh. Bhim Singh r/o. 470, -do- through Sh. Jai Chand Singh Tyagi, Advocate, Delhi r/o. -do-	471/1		Rs. 50/- per sq. yds. Rs. 2500/- damages for crops. Rs. 15000/- for the loss suffered a/c the proposed acquisition of the land Rs. 500/- for tree.
36.	Attar Singh s/o. Hira Singh, Mohan Singh s/o. S. Rattan Singh r/o. 698/1, Loni Road, Shahdara, Delhi through Sh. Jai Chand Singh Tyagi, Advocate, Delhi.	518 520. 471/2	3-12	Rs. 50/- per sq. yd. -do-
37.	Ram Chander s/o. Bhim Singh 4/5 share, Jasdev s/o. Gurdial Singh 1/5 share, r/o. Vill. Karawal Nagar, through Jai Chand Singh Tyagi, Advocate, Delhi.	518 520		-do-
38.	Narain Singh s/o. Kale r/o. Vill. Ghanoli Distt. Ghaziabad, through Sh. J.N.S. Tyagi Advocate, Delhi.	483/2	2-3	Rs. 50/- per sq. yd. Rs. 2500/- per bigha for standing crops. Rs. 2500/- a/c proposed acquisition of land. Rs. 1500/- per bigha a/c excavation of the earth. Rs. 500/- per tree Rs. 10000/- Comp. for jhand, Kans. etc.

MARKET VALUE:

The Land Reforms Act 1954 applies to this village and according to it, Bhumidar cannot lease out or mortgage the land. In the absence of rental value it will be difficult to arrive at the correct fair and reasonable rental value of the land, prevailing at the time of notification. To arrive at the correct market value of the land under acquisition we have to take guidance in determining the rental value of the said land, some transactions and awards, took place in

the revenue estate of this village Karawal Nagar before the date of notification u/s 35(1) i.e. 7.4.79.

Market Value is generally assessed by considering the awards announced in the village, prior to the date of notification and the sales transactions or similar nature, having similar situation in the same year or having date closer to the year of notification. The awards announced in this village are as under:-

S.No.	Award No.	Notification u/s 4 and date.
1.	859	F.15(99)/56-LSG dt.6.7.57.
2.	860	F.15(24)/58-LSG dt.14.2.58.
3.	937	F.24(139)/54-LSG dt.1.4.59.
4.	1150	F.15(213)/60-LSG dt.7.12.60.
5.	29/78-79	F.7(35)/74-L&B(i) dt.22.7.77.

In the above awards the date of notification u/s 4 is very long back to the date of present notification i.e. 7.4.79.

Hence the above mentioned awards lose their value for considering the market value of the land under acquisition except at Sl.No.5, award No. 29/78-79 F.7(35)/74-L&B(i) dt.22.7.77. This land was acquired for storm water drainage scheme. The market value of the land involved in this award was assessed to Rs. 6250/- per bigha. The learned L.A.C. took the help, in arriving out of the fair and reasonable market value of the land under the said award, two sales transactions which took place during the year, 1976 the detail is as under:-

S.No.	Registration No. and date.	Kh.No.	Area. Big. Bis.	Amount.	Average per bigha
66	2.2.76	48/22	4-16	Rs.30,000/-	Rs.6250/-.
84	12.2.76	48/21	4-16	Rs.30,000/-	Rs.6250/-.

The average per bigha comes to Rs.6250/-. But the land under the above award and involved in the above sales-transactions is quite far off from the land under acquisition for temporary scheme. The quality of soil is also not similar to the land involved under the award, 29/78-79. The land in that award was of good quality and out of range of Jamuna Flood while the land under present scheme is completely in the Jamuna bed and does not enjoy advantageous position in comparison to that enjoyed by the land involved under that award or above mentioned sales-transaction. But the guidance could be taken in arriving out the market value of the land under present scheme. If the face value of the land involved under award No. 29/78-79 or in two sales-transactions, is Rs.1/- then the face value of the land under present acquisition scheme, having in view of the above stated circumstances is of 75 paise. So, with the help of the said award and keeping in

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view of all the factors mentioned above the reasonable and fair market value of the land could be Rs. 4500/- per bigha. Keeping in view the above facts the fair and reasonable market value fixed for the ~~above~~ land in question, rent at the rate of Rs. 6% on the market value of Rs. 4500/- per bigha, the fair and reasonable annual rental value comes to Rs. 270/- per bigha for one year w.e.f. the date of possession 1.5.79 and accordingly I assess the same. Since the land is being acquired for digging of earth, damages will be paid as and when the department concerned intimate the depth up to which the earth has been taken over or the position of the land on the date of expiry.

CROP COMPENSATION:

The possession was taken and handed over to the department on 1.5.79 the whole land was fellow except as:-

Kh.No.	Area.	Kind of Crops.
	Big.Bis.	
515/2	1-14	Barsim.
506/2	1-02	-do-
506/1	1-17	-do-
507	2-03	-do-
508/2	1-09	-do-
Total	8-05	

The ripping season of Barsim is at the end of June, only two cutting remains. Profit of the crop has already been enjoyed by the Bhumidar by this time. So Rs. 100/- per bigha is assessed as compensation for damages of the crop. It will be added in their account of the concerned interested persons.

DAMAGES:

The Acquiring Department in his letter dt. 21.1.80 has given undertaking that the digging operation in the area under acquisition will remain up to one meter depth and the department wants to utilise the allocated funds for this purpose during the current financial year 1979-80 and request to adjust the said amount in the offer.

Therefore, having all the in view convenience and the extended assurance of the department regarding the digging of earth, I am including the assessed damages in the present offer. This whole amount will be added in the account of persons interested, according to their shares of the land under the scheme.

Total land involved in the scheme is 97 bighas 1 biswa and the department has removed earth up to one meter depth according to the letter dt. 21.1.80. The present rate of one truck load containing 200 cubic feet earth cost Rs. 35 to 40 in the market.

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According to the calculation 45 trucks load earth comes out in the digging operation in one bigha for one feet depth. Like this 135 trucks of earth will come out in a bigha for the meter depth. Excluding the profit labour, wear tears of the machinery and wages of the truck operator, the bhumidar gets 3 to 4 rupees per truck. Taking the liberal view in assessing the damages for removing the earth I am of the opinion that Rs. 5/- per truck be given as fair and reasonable compensation and I assess the same accordingly. Thus the total rent and damages would be Rs. 945/- per bigha for one year. The total amount of compensation for land under acquisition would thus come out at Rs. 92,537-25/- which I offer accordingly. In case the Acquiring Department does not give out earth for any portion of land the compensation for such area be not given to the owners, however, they will be entitled to receive rent for their land.

APPORTIONMENT:

The persons interested shall be paid compensation according to the latest entries in the Revenue Record of the land under acquisition. Before making payment if any objection is received from any persons the payment shall be paid after amicable settlement between the parties concerned failing which the matter shall be referred to the competent court for adjudication. Subject to above remarks for offer is summarised as under:-

Compensation for rent of area measuring 97 bighas 1 biswa at the rate of Rs. 270/- per bigha.

SUMMARY OF THE AWARD:

1. Damages Charges:

Rs. 65,508-75

Area for the land measuring 97 bighas 1 biswa with a depth of 1 meter i.e. 135 trucks load of earth @ Rs. 100/- cubic feet per truck and the rate is Rs. 5/- per truck.

Rs. 26,203-50

2. Compensation for damages of crops.

Rs. 825-00

Total:

Rs. 92,537-25.

(Rupees Ninety Two Thousand Five Hundred Thirty Seven and Paise Twenty Five only.)

Announced in the open court.





Shiv Raj Tyagi
(SHIV RAJ TYAGI)
LAND ACQUISITION COLLECTOR (DS)
DELHI.

Dt. 28.3.1980

मिस्टर जे. डी. 1 आवक लगाते मी
मि. जे. डी. 2 व्यति उपस्थित ११ ३११११ ५०

सं० ११११ / ११११ /

Loc (De)

1. Sh. Mansa Ram s/o Mohar Singh. ११२११२१११
2. Sh. Asa Ram s/o Mohar Singh  L.T. / Asa
3. Sh. Parmal s/o Bahadur परमल
4. Sh. Kesho s/o Kattan  L.T. / Kesho
5. Bhanwar Singh s/o Kattan भवरास
6. Sh. Birju s/o Kattan बीरज
7. Sh. Phundan s/o Amin Chand प. ह. रास
8. Sh. Mangat s/o Ghani मंगत
9. Sh. Jagmal Singh s/o Husam Singh जगमल सिंह
10. Sh. Natha s/o Lal Singh नथ  L.T. / Natha
11. Sh. Nathu s/o Bali
12. Sh. Sita s/o Phowan सीता
13. Sh. Dhan Pal s/o Nathu धनपाल
14. Sh. Bal Ram s/o Ram Ribhi. बल राम  R.T. / Bal Ram
15. Sh. Hanso s/o Kernal
16. Sh. Chintu s/o Chuttan चिन्तु
17. Sh. Ajay Pal Singh s/o Tek Ram अजयपाल सिंह
18. Sh. Ram Phool s/o Babsh. राम फूल
19. Sh. Dhan Pal s/o Beern धनपाल
20. Sh. Jassa, राम यदु, Atter Singh, Moh Singh श्री नारायण सिंह
श्री अरुण सिंह श्री J. V. S. Tyagi Adv. एडवोकेट