

AWARD NO.

33/84-85

Name of village : Wazira Bad
Nature of Acquisition: Permanent
Purpose of Acquisition: Construction of an Embankment.

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act 1894, the land measuring 47 Bighas 13 Biswa situated in village Wazirabad was notified u/s 4 of Land Acquisition Act vide notification No. F.7(2)/23-LAB (2) dated 12/1/24 for a public purpose namely for the construction of an embankment - provisions of sub section (1) of section 17 of Land Acquisition Act were also made applicable to this land and thus the interested persons were not given any opportunity to file their objections u/s 5A of the Act. The Delhi Administration issued declaration u/s 6 of the Act vide No. F.7(2)/23-LAB(2) dated 12/1/1924. In pursuance of the above declaration u/s 6, notices u/s 8 & 10 of the Land Acquisition Act were issued to all the persons interested in the land under acquisition. The claims filed by the Claimants are discussed hereafter under the heading & 'Claims'.

MEASUREMENT & CLASSIFICATION:

The area under acquisition as given in the declaration u/s 6 is 47 Bighas 13 Biswa whereas at the time of measurement it was found the same. It, however, appears from the record that Khazra No. 122/2 measuring 3 Bighas 10 Biswa and 322/191/2 measuring 2 Bighas 9 Biswa has been shown in the ownership of Union of India and the P.W.D. Deptt. has been shown in possession of this area. Thus out of this area is being excluded from the present award and 41 Bighas 19 Biswa is being

The Land owners have no objection.

about the measurement of the Land. The details of the land under acquisition are as under :

<u>KHASRA NO.</u>	<u>AREA.</u>	<u>KIND OF LAND</u>
69/2	0-05	G. Abpash
130/2	1-15	do
131/2	2-11	do
132/1	1-09	do
133/2	1-03	do
134/2	2-02	do
135/2	1-12	do
136/2	4-12	do
338/139/B	0-15	do
339/137/2	2-03	do
299/132/2	0-06	do
160/2	8-00	do
254/161/2	0-09	do
162/2	1-16	do
163/2	0-19	do
171/2	6-02	do
172/3/2	3-11	do
172/4/1	1-05	do
	<u>47-19</u>	

CLAIMANT

The following persons have filed their claims in pursuance of notice issued to the interested persons u/s 9 & 10 of the Land Acquisition Act:

<u>S.NO.</u>	<u>NAME OF THE CLAIMANTS</u>	<u>COMPENSATION DEMANDED.</u>
1.	Mohar Chand s/o Sundri	Claimed compensation

51

S. NO NAME OF THE CLAIMANTS

COMPENSATION DEMANDED

2. Rattan Singh etc. Claimed compensation @ Rs. 50/- per sq. yd.
Rs. 4000/- per bigha for standing crops.
3. Khazan etc. Claimed compensation @ Rs. 100/- per sq. yd.
for Bersam. Rs. 2000/- per bigha for wheat
Rs. 1500/- per bigha.
4. Har Chandi-Jugli Ss/o Challa Rs. 200/- per sq. yd.
5. Shiv Charam s/o Rs. 200/- per sq. yd.
Rs. 10000/- for damaged crops.
6. Braham Dutt s/o Ram Chander & Om Parkash s/o Rattan Rs. 200/- per bigha
Rs. 10000/- for damaged crops.
7. Rajeshwar, Shri Ram Ss/o Har Charan Rs. 200/- per bigha
Rs. 10000/- for damaged crops.
8. Bhyana etc. Rs. 100/- per bigha
Rs. 2000/- per bigha for crops.
9. Bharat Singh, Partap Ss/o Lata Mansa Ram Claimed compensation @ Rs. 50/- per sq. yd.
Rs. 4000/- per bigha for crops.
10. Sheo Nath s/o Tara Chand Claimed compensation @ Rs. 1420/- per acre
for wheat Rs. 7000/- per bigha for bersam
Jawar and wheat. He submitted copy of
award No. 77/83-84 village Dhirpur.
11. Santosh wd/o Ram Niwas Subodh Kumar s/o Ram Niwas Claimed compensation @ Rs. 200/- per sq. yd.
and claimed Rs. 10000/- for crops.
12. Braham Dutt Claimed compensation @ Rs. 200/- per sq. yd.
13. Kiran Singh s/o Chunni Lal Claimed compensation @ Rs. 200/- per sq. yd.
Rs. 1000/- for crops.
14. Sh. Kiran Singh Claimed compensation of Kh. No. 333/123 area.
6 bighas 9 biswas ~~and Rs. 10000/- for crops.~~
15. Chander Bhan s/o Bhagwan Shal Claimed compensation @ Rs. 200/- per sq. yd.
and claimed Rs. 25000/- for crops.
16. Daya Narain etc. Claimed compensation @ Rs. 200/- per sq. yd.
and Rs. 30000/- for crops.
17. Mahender Singh etc. Claimed compensation @ Rs. 200/- per sq. yd.
and Rs. 30000/- for crops.

S.40. NAME OF THE CLAIMANTS COMPENSATION DEMANDED

18. Bhram Dutt s/o Karam Compensation of Ks. no. 171, 172, 134, 539/137, 69, 136, 131, 299/138 may not be given.
 19. Smt. Jagwati, Bhagwati, 69min, 254/161, 132min Rs. 200/- per sq. yd. for land Rs. 20000/- for crops.
 Jagwati, Ram Pyari

MARKET VALUE:

The market value of the land is to be assessed keeping in view the situation, advantages & potentialities attached to the land on the date of notification u/s 4. The land use is also to play an important role in assessing the market value of the land. The land under acquisition is governed by the provision of Delhi Land Reforms Act, 1954 and as such, it cannot be used for any purpose other than agriculture, horticulture or animal husbandry etc.

The interested persons have claimed compensation ranging from Rs. 50/- to Rs. 200/- per sq. yd. but have not produced any documentary evidence in support of their contention. The claimant no. 18. Shri Shiv Narain, however, submitted copy of award no. 77/23-34 of village Dheerpur and stated that the value of the petitioner's land should not be less than Rs. 100/- per sq. yd. This award relates to the land of another village Dheerpur which is located in a better situation and has got more potential value than that of the land under acquisition. Thus, this award cannot be taken into consideration for assessing the value in the present case. The following awards are reported to have been announced in this village for the last 4 years:

AWARD NO.	DATE OF NOTIFICATION U/S 4	AMOUNT ASSESSED
45/77-33	15/3/79	Rs. 4000/-
135/78-31	1/11/78	Rs. 4000/-
22/23-34	12/11/80	Rs. 5400/-

The date of notification u/s 4 in the present case is 12.1.34 whereas the last award relates to the material date of 13.11.30. There has been fluctuations in the prices of land during the intervening period of about 4 years and as such, the above award will not be much helpful. The field staff was directed to consult the revenue record and ascertain the details of sale-deeds which have taken place in this village in the vicinity of the date of notification u/s 4. According to their report, the sale-deed no. 4273 is reported to have been executed on 4/1/34 in which Kh. no. 264/228/172 measuring 1 bigha was sold for Rs. 10000/-. This land is situated near the land under acquisition. The date of notification u/s 4 in the present case is 12.1.34 whereas the date of sale-deed is 4.1.34. There is a difference of 8 days. Thus, this sale-deed will help us in assessing the market value of the land. Keeping in view the situation, nature of the land and the above sale-deed, it will be fair and reasonable if a sum of Rs. 10,000/- per bigha is determined in this case and I award the same accordingly.

TREES, WELL & STRUCTURE:

There is no tree, well or structure on the land under acquisition.

CROPS:

There are crops of wheat and Barson according to the entries of Khazra Girdawaries. The details of Khazra nos. are given below:

Khazra no.	Area	Kind of crop
131/2, 132/1, 133/2, 136/2, 338/137/2, 172/3/2, 172/4/1,	25 Bigha 9 Bis.	Wheat Crop.
		5/-

2. 130/2, 134/2, 136/2, 14 Big. 17 Bis. Bursam
200/138/2, 140/2, 132/2

The wheat crops were ripe for harvesting. Keeping in view the condition of the present crops, I assess the compensation @ Rs. 450/- Per Bigha for wheat crops including fodder. I assess Rs. 200/- Per Bigha for Bursam crop.

The possession of the land has since been handed over to the Flood Department with crops. In case, the Flood Department has allowed the owners to harvest their crops, they will not be allowed any compensation on this account. If the compensation regarding crops be given only after confirmation from the Flood Department.

POSSESSION:

The possession of the land under acquisition has been taken over on 17/2/23. Interest is to be paid to the interested persons from this date.

SOLATUM:

As provided under sub-section 2 of section 23 of Land Acquisition Act, 15 % solatium will be paid to the interested persons over and above the market value of the land for the compulsory nature of acquisition.

APPORTIONMENT:

Payment will be made to the interested persons according to the latest entries in the revenue record and in case of dispute arising out in the apportionment of the compensation, the matter will be referred to the court of A.D.J. for adjudication s/s 30, 31 of the Land Acquisition Act.

LAND REVENUE:

The land revenue for the land under acquisition is assessed

at Rs. 16.70 which will be deducted from the Khalsa Bent Roll of the village from the date of taking over of the possession.

SUMMARY OF THE AWARD

1.	Compensation for land measuring 41 Bighas 18 Biswas @ Rs. 10,000/- per bigha	Rs. 418500.00
2.	15% solution	Rs. 62525.64
	TOTAL	Rs. 482425.64
3.	Interest @ 3% P.A. w.e.f. 17/2/34 to 25.9.34 i.e. 222 days.	Rs. 17405.21
	TOTAL	Rs. 500030.85
4.	Compensation of wheat crops measuring 25 Bighas 9 Biswas	Rs. 11452.36
5.	Compensation of Beram crop measuring 14 bighas 17 biswas	Rs. 2574.00
	GRAND TOTAL	Rs. 5,14,452.71.

(Rupees five lakhs fourteen thousand four hundred fifty two & paise seventy one only).

(D.B. KUBBA)
LAND ACQUISITION COLLECTOR (N)
DELHI.

Handwritten notes:
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