

C F F E R

NO.

34/84-81

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NAME OF VILLAGE : WAZIRABAD
NATURE OF ACQUISITION : TEMPORARY
PURPOSE OF ACQUISITION : CONSTRUCTION OF AN EMBANKMENT

The land measuring 27 bighas 23 biswas situated in village Wazirabad Tehsil and District Delhi is required for Temporary occupation and use of public purpose namely Construction of an Embankment. The Delhi Administration ^{issued} vide notification No.F.7(2)/23-L&E dated 12.1.54 of the Land Acquisition Act for a period of one year. Notices as required were therefore issued to all the interested to file their claims which are discussed under the heading 'Claims'.

MEASUREMENT

The area under acquisition as given in the declaration u/s ~~Sec~~ 25(1) is 27 bighas 23 biswas whereas at the time of measurement it was found the same. It, however, appears from the record that Kh.N^o.130min(6-13) and 332/131/1(7-12) measuring 14 bighas 11 biswas 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, this area is being excluded from the present offer and 72 bighas 12 biswas is being acquired.

CLASSIFICATION OF LAND

The details of Khasra numbers which have not under acquisition are as under:-

<u>Khasra No.</u>	<u>Area</u>
63/1min	1-44
130/1min	2-11
131/1min	3-26

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136/14	2-18
339/137/1/1min	2-15
338/137/2min	2-05
299/138/1min	4-13
301/256min	1-07
307/147min	2-19
308/148min	2-16
309/149min	2-01
310/150min	0-18
311/151min	0-16
312/152min	0-15
313/153min	1-04
314/154min	1-04
315/155min	2-02
316/156min	6-04
312/158min	1-05
160/1min	3-12
162/1min	1-00
163/1min	1-16
164min	1-11
171/1min	2-05
172/2min	2-06
257/227min	3-12
258/227min	2-14 72-12

POSSESSION

The possession of land has already been taken over and handed over on 20.3.84. The interested persons shall occupy

CLAIMS

The following persons have filed their claims in pursuance of notices issued to them u/s 31(2) of the

L. A. Act:-

S.No.	Name	Claim	Remarks
1.	Shiv Narain s/o Tara Chand	Filling 4 feet deep land Loss of Kharif crop Loss of wheat crop Loss of Barson crop Deprived of sowing the next crops	277656/- 22700/- 9300/- 21900/- 36820/-
2.	Kiran s/o Chani Lal c/o Bharam Dutt	Rs. 300 & 400/- per sq.yd. solatium 15% additional solatium 30%.	
3.	Mahinder etc.	Wheat and barson digging soil upto the depth of 1 feet	1500/- per bigha 20000/- per bigha
4.	Om Parkash s/o Attar Singh	Digging soil upto the depth of 1 feet Loss of crops Solatium 15% Interest 12%	20000/- per bigha 1500/- per bigha
5.	Daya Nand etc s/o Jhanda	-do-	
6.	Shiv Charan s/o Bulley	-do-	
7.	Bharam Dutt s/o Ram Chander	-do-	
8.	L.R. Basant Lal s/o Jhanda Purshandi w/o Yad Ram	-do-	
9.	Chander Bhan s/o Bhagwan Sahai	-do-	
10.	Smt. Jagwati etc. Nand Ram	-do-	
11.	Anup etc.	-do-	
12.	Ram Kaur alias Daya Kaur d/o Nand Ram etc.	Ram Dass s/o Chunilam and his legal heirs. Jug Lal s/o Ram 2. Deshi Kikar 100/- 3. Kali Kikar Rs. 500/- Land 50/- per sq.yd. Standing crops and damaged Rs. 5000/- per sq.yd.	
13.	Bharat Singh Partap	4 desi kikar	1000/-

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Compensation of the land @ Rs. 200/- per sq. yd. and Rs. 20,000/- for standing crops. He filed a copy of sale deed on 30/1/76

15. Mohar Chand s/o Sanehari Land @ 50/- per sq. yd. standing and damaged crops @ Rs. 3000/- Per Bigha.

16. Brahm Dutt s/o Kiran He has stated that Shri Shiv Nath is not entitled for compensation in respect of Khasra Nos. 314/15ain, 317/153-318ain, 335/127-171 min & 136 ain.

17. Sh. J.S. Gwal Compensation of the land of Gaon Sabha may be given to Land Management office under the D.C. Office.

RENT:

Since the land under acquisition is acquired temporarily, the rent will have to be paid for the acquired land. The land of this village is governed by the provision of Delhi Land Reforms Act, 1954. According to the provisions of this act, sub-letting of the land is not permitted. The local enquiries made revealed that there is no sub-letting in this village. As such, it is not possible to ascertain the fair annual rent payable to the owners.

In the absence of such possible evidence, there is no other method except to pay the rent @ 6% on the market value of the land. First of all, we will have to determine the market value of the land under acquisition and then will fix the rent @ 6% on this market value.

The interested persons have claimed compensation ranging from Rs. 50/- to Rs. 400/- per sq. yd. Smt. Jagwati & others Claimant No. 14 filed a copy of sale deed dt. 30/12/74 according to which 456 sq. yds. out of Kh. No. 275/175ain situated in the colony known as 'Shakuntla Enclave East' in village was sold for Rs. 2000/-. This land was sold

consideration in the present case. The following awards are reported to have been announced in this village for the last 5 years:-

Award no.	Date of notification u/s 4	Amount assessed
45/79-80	15.9.79	Rs. 4600/-
135/80-81	1.11.78	Rs. 4600/-
29/83-84	18.11.80	Rs. 6400/-

The date of notification u/s 4 in the present case is 12.1.84 whereas the last award relates to the material date of 18.11.80. There has been fluctuations in the prices of land during the intervening period of about 4 years and as such, the above awards 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, one sale deed no. 4273 is reported to have been executed on 4.1.84 in which Kh. no. 264/28/173 in 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 12.1.84 whereas the date of sale deed is ~~xxxxxx~~ 4.1.84. There is a difference of 8 days. Thus, this ~~xxxx~~ 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.

Calculating @ 6% per annum on the market value so assessed, it comes to Rs. 600/- per bigha as annual rental for acquisition and

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CROPS

There are crops of wheat and bersam according to entries of Khasra Girdawaries. The details of Khasra nos. are given below:-

KHASRA NO.	AREA	KIND OF CROP
131/1mi, 133/1mi, 134/1mi, 135/1mi, 136/1mi, 332/127/2mi, 171/1mi, 172/3mi	17-17	Wheat
130/1mi, 134/1mi, 136/1mi, 339/135/1mi, 299/132/1mi, 314/154mi, 315/155mi, 317/159mi, 160/1mi, 162/1mi	25-18	Bersam

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 bersam crop.

The possession of the land has since been handed over to the Flood Department with crops on 20.3.34. In case the Flood Department has allowed the owners to harvest their crops, they will not be allowed any compensation on this account. The compensation regarding crops be given only after confirmation from the Flood Department.

TREES, WELLS & STRUCTURES

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

POSSESSION

The possession of the land was taken on 20.3.34 and handed over to the Flood Department.

APPORTIONMENT

Interested persons shall be paid compensation of the

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land under acquisition. In case there is any dispute and the parties do not reach to an amicable settlement, ~~between~~ the parties concerned ~~within~~ the matter shall be referred to the Additional District Judge, Delhi for adjudication.

The offer is summarised as under:-

SUMMARY OF THE OFFER

Rent for one year of area measuring
72 bighas 12 biswas @ Rs. 620/- Rs. 44560.00
per bigha

Compensation of wheat crops measuring Rs. 2022.50
17 bighas 17 biswas @ Rs. 450/- per bigha

Compensation of Beram crops measuring Rs. 5190.00
25 bighas 18 biswas @ Rs. 200/- per bigha

GRAND TOTAL Rs. 56772.50

(Rupees fifty six thousand, seven hundred seventy two & paise fifty only).

*presented to you
and of this
one
14/11/61*

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

*when it is (2) of the 1st
Page the balance of the
amount paid*