

A W A R D No. 51/70-71

Name of the village:

WAZIRABAD

Nature of acquisition:

PERMANENT

Purpose of acquisition:

CONSTRUCTION OF MARGINAL EMBANKMENT  
BETWEEN WAZIRABAD 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 Wazirabad 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 11 bighas 8 biswas situated in this village was issued by the Delhi Administration vide No.F.7(8)/70-L&H(11) dated 11.3.70. As this land was immediately required for the construction of embankment another notification u/s 17(1) of the said Act was also issued by the Delhi Administration followed by a declaration u/s 6 for the above mentioned area vide No.F.7(8)/70-L&H(11) dated 11.3.70. In pursuance of this declaration notices were issued from this office to the persons interested as per provisions u/s 9 & 10 of the said Act calling the parties to file their claims/objections 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 11 bighas 8 biswas while at the time of measurement made by the field staff it was found as 10 bighas 16 biswas.

The deficiency of 1 bigha 12 biswas may be due to wrong calculation at the time of preparation of notification u/s 4 & 6. Hence an area measuring 10 bighas 16 biswas is being acquired under the present award.

CLASSIFICATION OF LAND:-

The details of khasra Nos. in form 7-A have been prepared under para 55 of the Financial Commissioner's order.

contd...2/-

No.28 which are as under:-

| S.No.  | Khasra No. | Area<br>Big.Bis. | Kind of soil |
|--------|------------|------------------|--------------|
| 1.     | 16/2/2     | 1 - 07           | Ghair Abpash |
| 2.     | 17/1       | 1 - 06           | -do-         |
| 3.     | 18/1       | 1 - 10           | Abpash       |
| 4.     | 246/19/2   | 3 - 10           | -do-         |
| 5.     | 247/19/2   | 0 - 05           | Ghair Abpash |
| 6.     | 20/2       | 2 - 18           | -do-         |
| Total: |            | 10 - 16          |              |

Some of the land owners raised objections regarding measurement of land. These objections were considered and the field staff was sent to the site with the directions to attend all such applicants and remove objections on the spot. Accordingly, the field staff visited the spot and after hearing the applicants present there on the site and also inspecting the record removed the objections. I have carefully gone through the chief data submitted by the Naib Tehsildar (LA). I agree with the classification and measurement as proposed by him on the basis of entries of Khasra Girdawri 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<br>Big.Bis. |
|--------------|------------------|
| Abpash       | 5 - 00           |
| Ghair Abpash | 5 - 16           |
| Total:       | 10 - 16          |

#### POSSESSION

The possession of this land has already been taken over by the department concerned on 17.6.1970.

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

| CLAIM                                                                                                                           | REMARKS                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| 1. <u>Sh. Kishan Singh s/o Chunni:</u><br>Demands compensation @ Rs.10000/- per bigha for land, Rs.5000/- for severance charges | Has not given any evidence in support of his claim. While submitting claim he has made a statement.... |

contd...3/-

and Rs.20000/- for loss of business.

that whatsoever proof he has, will be furnished in appeal before the A.D.J.

2. Smt. Khazani wd/o Hukam Singh:

Demands compensation @  
Rs.10000/- per bigha for land  
Rs.20000/- per bigha due to  
uneconomical condition of the  
land @ Rs.5000/- for severance.

-do-

3. Sh. Jagan Nath s/o Ram Dass:

Claimed compensation @  
Rs.10000/- per bigha, Rs.20000/-  
per bigha for uneconomical con-  
dition of land @ Rs.5000/- per  
bigha for severance charges.

-do-

4. Kishan Sahai s/o Shiv Dayal:

Claimed compensation @  
Rs.7000/- per bigha for land.

-do-

5. Shiv Nath s/o Tara Chand:

As at S.No.4

-do-

6. Sh. Ram Phal etc.

As at S.No.4

-do-

MARKET VALUE

The area of this village is governed by Delhi Land Reforms Act, 1954. According to the provisions of this Act no land in this village can be used for purposes other than agriculture without the prior sanction of the prescribed authority.

The land under acquisition, according to revenue record, is either Abpash or Ghair Abpash. The physical condition and nature of soil of both these lands is alike, therefore, both these kinds of land now proposed to be acquired has been classified under one block for which same compensation will be payable.

As per provisions u/s 28(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 acquisition

Injurious effecting the other moveable or immoveable property.

- (5) If any consequences of acquisition of land the person interested is compelled to change his residence or place of business.
- (6) The damage resulting from diminution of profits of land between the time of publication of declaration u/s 6 & at the time of taking over the possession.

In addition to the above factors the following guidelines have also 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 distance of about two miles from the pucca road, hence this factor does not have any influence on its market value.

Regarding the fixation of market value on the basis of previous awards the Naib Tehsildar has given the particulars of the following awards drawn by the Land Acquisition Collector for the acquisition of land in this village, from time to time:

| S.No. | Award No. | Date of notification u/s 4. | Price assessed per bigha        |
|-------|-----------|-----------------------------|---------------------------------|
| 1.    | 1371      | 17.2.62                     | Rs.600/-                        |
| 2.    | 1399      | 3.9.57                      | Rs.2000/-, Rs.1700/- & Rs.500/- |
| 3.    | 1425      | 17.2.62                     | Rs.1000/-                       |
| 4.    | 1793      | 21.1.65                     | Rs.650/-                        |
| 5.    | 1807      | -do-                        | Rs.1200/-                       |
| 6.    | 1819      | 22.4.65                     | Rs.1150/- & Rs.650/-            |

The perusal of the above awards as drawn by the Land Acquisition Collector indicates that none of them have any bearing in the determination of the market value as there is a sufficient time gap between the preliminary notifications of these awards and the notification in the instant case. These awards therefore, do not serve any purpose in evaluating the market value of the land under acquisition.

The market value of the land under acquisition has to determine with reference to bonafide sale transactions possessing similar advantages and similar potentiality. The price has to be fixed with reference to the price prevailing at the date of notification u/s 4. The Naib Tehsildar who prepared the chief data has reported the following sale transactions in the village nearest to the material date.

| S.No. | Mutation No.<br>or S.No. in<br>O-4 register | Date of<br>sale | Kh.No.         | Area<br>Big.Bis. | Amount     | Average<br>P.bigha |
|-------|---------------------------------------------|-----------------|----------------|------------------|------------|--------------------|
| 1.    | 176                                         | 27.1.67         | 246/19<br>etc. | 6-14             | Rs. 3000/- | 447.60             |
| 2.    | 177                                         | 7.1.67          | 18             | 10-01            | Rs. 5000/- | 497.50             |

In the transaction at S.No.1 khasra Nos.246/17, 246/19 & 246/21 measuring 6 bighas 14 biswas were sold on a consideration of Rs.3000/- the instance of sale price being Rs.447.60 per bigha. In the second transaction at S.No.2 land measuring 10 bighas 1 biswa comprising khasra No.18 was sold on a consideration of Rs.5000/- the average sale price being Rs.497.50 per bigha. In these two sale transactions it would be noted that part of land as covered in these transactions is now under actual acquisition. These sale deeds therefore, can be taken as proper guides in view of the fact that the sales of the same land form the best index of the market value.

As lands covered under these two sale deeds are similarly conditioned and circumstanced as compared to the land under acquisition as both the lands are agricultural character. It is now to be determined which of the two sale deeds should be taken as a proper exemplar in the determination of the market value. The mutation No.176 wherein the average price works out to Rs.447.60 per bigha is the best exemplar in view of the fact that ~~that~~ its date of execution is nearest to the material date. I, therefore, rely on mutation No.176 as compared to mutation No.177 in view of the for going discussions, but keeping in view that there

contd...6/-

is a gap of three years between the execution of the sale deed as at S.No.1 and the material date in the instant case I deem it ~~equitable~~ equitable and fair to assess the market value at the rate of Rs.500/- per bigha.

TREES: WELLS & OTHER STRUCTURES:- There is no tree, no well and no structure over the land now under acquisition.

COMPENSATION FOR CROPS:- At the time of taking over the possession no crop was standing on the land under acquisition.

APPORTIONMENT:- The persons interested will be paid compensation 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 shall be referred to the competent court for adjudication.

LAND REVENUE DEDUCTION:- An amount of Rs. 3.92<sup>92</sup> is payable as land revenue which will be deducted from the Khatauni of the village from the date of taking over the possession of the land.

15% SOLATIUM:- 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 by the department concerned on 17.6.1970. Hence the persons interested are entitled to have interest @ 6% per annum with effect from 17.6.70 to 18.12.70, the date of announcement of 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 10 bighas 16 biswas @ Rs.500/- per bigha. | Rs. 5,400-00 |
| 2. 15% solatium.                                                             | Rs. 810-00   |
| 3. Interest @ 6% per annum w.e.f. 17.6.70 to 18.12.70                        | Rs. 188-85   |
| Total:                                                                       | Rs. 6,398-85 |

( K.N. Joshi )

Land Acquisition Collector: (N): Delhi.

File.

Rev. Joshi

19.12.70.