OFFER No. 61/1970-71

Name of the village: WAZIRABAD

Nature of acquisition: TEMPORARY

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

O F F E R

These are proceedings for the temporary acquisition of land measuring 42 bighas 10 biswas situated in village Wazirabad for a public purpose viz. Construction of Marginal Embankment between Wazirabad Barrage & Bawana Escape on the right bank of Jamuna, as notified vide Delhi Administration's notification No. F.7(8)/70-L&H dated 11.3.70 issued under section 35(1) of the Land Acquisition Act, 1894 for a period of one year from the ~~xxxx~~ commencement of such occupation. Notices as required were therefore, issued to all the persons interested in the land to file their claims which are discussed hereafter under the heading 'CLAIMS'.

MEASUREMENT

The area under acquisition as given in notification u/s 35(1) is 42 bighas 10 biswas while at the time of actual measurement made by the field staff it was found as 42 bighas 4 biswas. The deficiency of 6 biswas may be due to wrong calculation at the time of preparation of draft notification u/s 35(1). Thus these proceedings now be for the acquisition of an area measuring 42 bighas 4 biswas..

CLASSIFICATION OF LAND

The details of khasra 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.	Khasra No.	Area Big.Bis.	Kind of soil
1.	1 min	0 - 09	Ghair Abpash
2.	2 min	10 - 12	-do-
3.	246/6 min	0 - 02	-do-
4.	14 min	1 - 07	-do-
5.	15 min	7 - 01	-do-
6.	16/1 ~~min~~	9 - 07	-do-
7.	16/2/1 ~~min~~	8 - 00	-do-
8.	246/19/1	0 - 08	Abpash

contd...2/-

9.	247/19/1	4 - 15	Ghair Abpash
10.	20/1	0 - 03	-do-
	Total:	42 - 04	

The land owners have not raised any objection regarding measurement of land. 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 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 Big.Bis.
Abpash	0 - 08
Ghair Abpash	41 - 16
Total:	42 - 04

POSSESSION

The area is being acquired temporarily for public purpose viz. construction of Marginal Embankment between Wazirabad Barrage & Bawana Escape on the right bank of Jamuna. The possession of this area was taken by the department concerned on 17.6.70 and will remain under the occupation of that department for a period of one year i.e. upto 16.6.71 after which the temporary occupation will cease.

CLAIMS

CLAIM	REMARKS
1. Sh. Shiv Nath etc. Requested for release of land from temporary acquisition and in case it is not released demands compensation @ Rs.250/- per bigha on account of crop damages, Rs.1000/- per bigha for levelling & Rs.3000/- per bigha for expenses for liming the service of an Engineer.	They have not produced any evidence in support of their claim.
2. Sh.Kiran Singh s/o Chunni Lal: Demands compens-ation @ Rs.10,000/- per bigha and Rs.5000/- for loss of business.	-do-
3. Sh.Jagan Nath s/o Ram Dass: As at S.No.2	-do-
4. Smt. Khazani w/o Hukam Singh: As at S.No.2	-do-

...3/-

RENT

In order to assess the compensation of land for temporary occupation the fair annual rental of the land in this village has to be ascertained. Section 35 of the Land Reforms Act, Delhi lays that apart from disable persons no Bhumidar or Asami shall let for any period whatsoever any land comprising in their holdings. Local enquiries reveal that no sub-letting has been made in this village. In view of this it is not possible to ascertain the fair annual rental of the land based out by the tenure-holder in this village.

The claimants had not produced any evidence which could have been helpful in fixing the annaul rent in respect of land under acquisition. In the absence of any positive evidence, I am of the view that the rent @ 6% on the market value of the land would be fair and reasonable in this case.

The area now under acquisition is either Abpash or Ghair Abpash. The physical condition and the nature of soil of both these lands is alike, therefore, both these lands have been classified in one block for which same compensation will be payable.

As per provisions u/s 23(1) of the Land Acquisition Act while calculating the amount of compensation to be awarded on the basis of market value 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 effecting the other moveable or immoveable property.

(5) If any consequences of acquisitioning 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 time of publication of declaration u/s 6 & at the time of taking over the possession.

contd...4/-

All the above factors have been taken into consideration while determining the compensation payable for the land. In addition to this the following guide lines have been kept in view while assessing the compensation:

(a) Nearness of the land to any pucca road.

(b) Market value of the land acquired previously in this village.

(c) Rise and fall in prices due to demand of the land in the market.

(d) Sale transactions in the village concerned.

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.	1398	3.9.57	Rs.2000/-,Rs.1700/- and Rs.500/-.
3.	1425	17.2.62	Rs.1000/-
4.	1793	21.1.65	Rs.650/-
5.	1807	21.1.65	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 on 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 time 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. or S.No. in 0-4 register	Date of sale	Kh.No.	Area Big.Bis.	Amount	Average P.Bigha
1.	176	27.1.67	246/19 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 and 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. Out of these two sales part of land covered in sale transaction dated 27.1.67 mentioned at S.No.1 is now under acquisition. This sale deed, therefore, can be taken as a proper guide in view of the fact that the sale of the same land ~~from~~ form the best index of the market value.

As land covered under sale transaction dated 27.1.67 at S.No.1 is similarly conditioned and circumstanced as compared to the land under acquisition as both the lands are agricultural character. I, therefore, rely on this sale transaction at S.No.1 in view of the for-going discussions, but keeping in view that there is a gap of three years between the execution of the sale deed at S.No.1 and the material date in the instance case I deem it equitable and fair to assess the market value of the land at the rate of Rs.500/- per bigha, had it been acquired permanently.

Allowing 6% interest as the fair annual rental of the land the compensation for the temporary occupation of land for one year is assessed at Rs.30/- per bigha.

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 will be reffered to the competent court.

for adjudication.

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

1. Compensation for rent of area measuring 42 bighas 4 biswas @ Rs.30/- per bigha.	Rs. 1,266-00
TOTALL	Rs. 1,266-00

Announced in the Open Court. File

6.1.70.

(K.N. ~~Joshi~~)
Land Acquisition Collector:(N):
Delhi.