

OFFER No. 65/73-74

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.
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OFFER

These are proceedings for the determination of damages under sub-section 2 of section 36 of the L.A. Act as the result of removal of earth during temporary occupation/land of acquired for a period of one year in pursuance of notification No. F.7(7)/70-L&H(1) dated 23.11.1970 issued Us 35(i) of the L.A. Act 1894. The details of the land which was under temporary occupation for a period of one year and from which earth was removed is given below. Notices as required were issued to all the persons interested in the land to file their claims which are discussed hereafter under the heading "COMPENSATION CLAIMS:

TRUE AND CORRECT AREA: The earth was removed from the following khasra numbers under temporary acquisition.

Khasra No.	Area Big. Bis.	Kind of soil.
25/2	1 - 03	G. Apash
✓ 26/2	4 - 18	-do-
✓ 27	9 - 14	G. Apash 5 - 00 Apash. 4 - 14
28min	4 - 00	G. Apash
29	6 - 01	G.M. Jhuggee.
30/1/2	2 - 5	"
30/2	3 - 00	Apash
31min	2 - 16	G. Apash
32min	3 - 06	"
33/2	10 - 14	"
34/2/2	2 - 12	"
35/2/2min	4 - 03	Banjar Qadim 3 - 17 Bund. 0 - 06
36/2/2min	3 - 8	G.M. Bund.
81min	15 - 01	G. Apash
334/87/1/2min	1 - 00	G. Apash
86/2/2, 3	32 - 14	"
Total	115 - 15	

contd....2/-

COMPENSATION CLAIMS:

The following persons have claimed compensation for damages:

<u>S.No.</u>	<u>Name of the claimant.</u>	<u>Compensation claimed.</u>
1.	Balwant Singh, Anup Singh ss/o Jhandu.	Have claimed compensation on account of excavation of earth @ Rs.6000/-per bigha.
2.	Chander Bhan s/o Bhagwan Sahai.	Has claimed compensation on account of excavation of earth @ Rs.5000/-per bigha.
3.	Shao Nath & others.	Has claimed compensation on account of excavation of earth @ Rs.6000/-per bigha.
4.	Smt.Khazani w/o Hukam Singh.	Has claimed compensation on account of excavation of earth @ Rs.5000/-per bigha.

DOCUMENTARY EVIDENCE:

No documentary evidence whatsoever was filed by any of the claimant in support of his claim.

MARKET VALUE:

This village falls within the purview of the Delhi Land Reforms Act under which sub-letting is not enjoined. Section 35 of the Act lays that apart from disabled persons no bhumidhar or asami shall lease for any period; whatsoever, any land comprised in his holding. That being so it is not possible to get any mutation by way of lease hold rights executed for temporary occupation of land. Local enquiries further reveal that no sub-letting has been made in the village even by disabled persons as found U/s 36 of the Act. In the absence of any relevant material for the assessment of damages Sh.Balwant Rai Kapoor, Sub-Inspector (Quarries), Revenue Unit, Deputy Commissioner's Office, Delhi was examined to give his expert opinion with regard to the damages caused as the result of removal of earth. The Executive Engineer, Flood Control Drainage Division No.II, in his letter No.WE/II/P-5-A/Vol.I/VIII/1838 dated April 20,

1973 has stated that earth to the depth of 2 feet was excavated from the land under the temporary occupation which commenced from 7.4.71 and possession handed back to the owner on 7.4.72. Shri Balwant Rai Kapoor who has an expert knowledge of this subject has stated that the cost of a truck-load of earth measuring 5 cubic metre is sold @ Rs.2/- to Rs.2.50P in the areas which are in the vicinity of brick-kilns. In the remote areas where there are no construction activities, the cost of one truck-load of earth is Rs.1/-. Reliance can be placed on the testimony of Shri Kapoor based on his personal knowledge and experience according to which in a remote area like this, the cost of earth measuring 5 cubic metre can be taken as Rs.1/-. With the above rate, the cost of earth for 1 bigha could be as under:-

AREA OF 1 BIGHA IN CUBIC METRES:

1008 X 9 X 2	=	18144 cubic feet.
200 cubic feet	=	5.662 cubic metres
18144 cubic feet	-	514 cubic metres
Cost of 5 cubic metres of earth	=	Rs.1/-
Cost of 514 cubic metres of earth.	=	$\frac{514 \times 1}{5} = \text{Rs.102/-}$ for one bigha.

In accordance with the above calculation, the damages caused due to removal of earth is assessed @ Rs.102/-per bigha.

APPORTIONMENT: Payment of compensation will be made on the basis of latest entries in the revenue record.

SUMMARY OF THE OFFER

Compensation for damages U/s 36 of the L.A.Act for an area measuring 111 bighas 15 biswas @ Rs.102/-per bigha.

Rs.11,398.50P

(G.BAHADUR)

LAND ACQUISITION COLLECTOR (R&T): DELHI.

Annex + file to -ly
19/3

19/3/74