Award under section 11 of the Land Acquisition Act,1894 made by Shri P.N.Joshi, Special Land Acquisition Officer, No. 4 Sangli in--respect of Land Acquisition for construction of Bus station, Depot and other allied establishment etc at Islampur Tahsil Walwa Dist. Sangli.

No. SPL/LAQ/SR-151
Sangli :- 13/11/1981.

AWARD

TITLE AND PARTICULARS OF NOTIFICATION AND DETAILS OF LANDS :-

Acquisition of lands for construction of Bus station Depot and other allied eatablishment etc. out of S.No. 70.

NOTIFICATION UNDER SECTION 4 OF THE LAND ACQUISITION ACT,1894.

1. No and date	:-	Special Land Acquisition Officer, No. 4 Sangli 's No. SPL/LAQ/SR-151 dated ~~2/1/1980~~ 21-1-80
2. Date and page ot gazette in which notification was published.	:-	Maharashtra Govt. Gazette Pune Dn., Suppliment Part I dated 31/1/1980 at page 443,444.

NOTIFICATION UNDER SECTION 6 OF THE LAND ACQUISITION ACT,1894.

1. No. and date.	:-	Commissioner, Pune Division, Pune's Notification No. LAQ/RR/872-SS-80 dated 2/8/1980
2. Date and page of gazette in which ~~the~~ notification was published.	:-	Maharashtra Govt. Gazette Pune Dn., Suppliment Part I dated 11/9/1980 published in page 2809,2810.

LANDS NOTIFIED FOR ACQUISITION :-

The below mentioned lands of village Islampur have been notified under section 6 of the Land Acquisition Act,1894.

S.No.	Area. H.A.
70/1 Part	0-81
70A/2 Part	0-74
70A/3 Part	0-11

REASONS FOR AWARD :-

The Divisional Controller, S.T. Sangli Division under his letter No. ST/DC/SGL/PLN/21887 dated 16/3/1979 has initiated the proposal for acquisition of lands for Bus station Depot and other allied establishment at Islampur, Tahsil Walwa, Dist. Sangli.

The Collector Sangli vide his endorsement No. LAQ/RR/1127 dated-- 29/6/1979 has directed the Special Land Acquisition Officer, No. IV (Gen) Sangli to start the land acquisition proceedings. The purpose of the acquisition ~~it~~ is ~~in~~ the interest of the public in general and hence it is a public purpose within the meaning of para 31 of the Land Acquisition Mannual. The lands was accordin--gly notified under section 6 of the Land Acquisition Act,1894 under ordinary clause and the Commissioner, Pune Division, Pune has appointed Land Acquisition Officer, No. IV (Gen) Sangli under clause (c) of the section 3 of the Act to perform the functions of the Collector for all proceedings hereafter to be taken in respect of the lands.

AREA :-

The lands under acquisition were jointly measured by the representative of the acquiring Body and the Survey Department The result of the measurement work has been mentioned in the Joint Measurement Certificate. The interested persons did not raise any objection to measurement carrried out and hence the area shown in the Joint Measurement Certificate is taken as true and final for awarding compensation for the lands.

NOTICES AND OWNERSHIP :-

Public notices under section 4(1) of the Land Acquisition Act,1894 were published in ~~the~~ Tahsil Office and village Chavadi and on the lands under acquisition. Similary section 4(1) notices were also served on the interested persons calling upon them to gi their objections if any to the proposed acquisition. No one out o the interested persons objected to the acquisition and hence the lands was notified under section 6 of the Land Acquisition Act.

OWNERSHIP :-

The entires in the Record of Right of lands under acquisi -tion are taken as basis for deciding the ownership and for awardi compensation to the interested persons.

SITUATION AND DESCRIPTION :-

The lands under acquisition are situated on state highway Sangli Islampur Peth and are adjecent to the present S.T. sation at Islampur. As we go on Sangli Islampur Peth road the lands under acquisition are on the left side of the road. The notified lands is bounded on the North by S.No. 74 and on East by present S.T. station on the West by S.No. 70A/1 and on the Sough by Sangli Islampur Peth road. In front of the lands under acquisition there is office of the Panchayat Samiti and one private Hospital buildin Except this there is no other important building near by the lands under acquisition. The lands under acquisition are on Western sid of Islmapur town. These lands are very fertile having an assess--ment from Rs. 6-50 to 13-00 and are pereinial ~~bayagat~~ bagayat type. The lands have been inspected by me alongwith the representative of th Acquiring Body on 13/10/1980.

CLAIMS :-

A statement giving the claims made by the interested persons who remained present in responce to the notices under section 9~~(3)~~ ~~(4)~~ of the Land Acquisition Act is recorded.

EVIDANCE IN SUPPORT OF THE CLAIMS :-

No claimants have given an evidance such as sales and leases or in the form of instances of leases and therefore scrutiny of sales and cases in this case does not arise.

EVIDANCE BY THE ACQUIRING BODY :-

The Acquiring Body i.e Divisional Controller, S.T. Sangli Division vide his letter dated Nil communicated the views on the claims filed by the interested persons and views about valuation of structures. The details are as under

Interested persons Smt. Kanchan Shamrao Pawar the owner of S. No. 70A/2 area 0-74 has claimed compensation for the land on the basis of N.A. potentiality as per the present market value at ~~mumsum~~ 1 amount of Rs. 2,20,000/-. In addition she has claimed com-pensation Rs. 45,000/- for well and structures and trees standing in the plot. The claiment has however, not produced any ducumen-tary evidance in support of her claims. Thus the claim of the party is without any basis exhorbitant and merely based on hypothi-cation. The other land owners have not filed any claim in responc to enquiry under section 9(3)(4) of the Land Acquisition Act,1894.

The following sales have cited by the Acquiring Body for dete-rmini g fair and proper market value

S.No.	Area	Name of dender.	Name of dendes.	Date of sale.	Considera-tion.	Rate per he-ctor.
70/1	4-6	M.H.Jadhav	Mrs S.R. Patil.	28/2/1975	37,000/-	18,100/-
30/3	5-9	D.D. Barapte.	Tukaram Patil.	10/5/1976	25,000/-	12,500/-
47/A	0-32	K.C.Mulla	J Urankar	2/2/1977	11,000/-	21,200/-
70/K	0-13	M.H.Jadhav	B.A.Bindge.	21/4/1977	2300/-	19,500/-
"	0-70	M.B. Phakeer.	A.P. Mule.	13/12/1978	1300/-	21,400/-

From the above sale the Acquiring Body is the of opinion that Rs. 9,000/- per acre would be fair market value which needs to be awarded in this case.

After considering the situation ~~of txpe~~ and type of lands under acqu-sition the rate of Rs. 9,000/- proposed by the Acquiring Body seem to be bit on owner side. Hence the rate suggested by Acquiring Bod is not worth consideration and the same id discarded.

PANCH VALUATION :-

In the panchanama dated 9/4/1980 made by the Circle Inspect the valuation of lands under acuisition is made at the rate of Rs. 37,000/- for S.No. 70/A/2A , Rs. 41,000/- for S.No. 70A/1 and Rs. 55,000/- for S.No. 70A/2-B. The valuation made is according to the estimation of panchas. The panchas have not produced any evidance either oral or documentary in support of their estamation. The panchanama made by the Circle Inspector will not therefore, be useful for fixing proper valuation of the lands under acquisition. I therefore, discard the panch valuation.

VALUATION :-

The lands under acquisition has been grouped in the following groups on the basis of their assessment as under.

Group No. I having assessment from Rs. 4-50 to Rs- 7-50

Group No. II having assessment from Rs. 12-00 to Rs. 15-00

In this case the section 4 notification has been ~~publish~~ published in the Govt.Gazette dated 31/1/1980. Thus this date is material date for us while determining the value of lands under acquisition. To determine the value of lands the sale instances for last 5 years from village Islampur, Peth Urum and Sakharale have been obtained which will be considered for arriving at proper valuation of the lands under acquisition.

First we shall fix up the price of lands in Group No. II for which we shall discuss the following sales.

S.No.	S.No.	Asstt.	Year of sale.	Price fetched.
		Islampur.		
1.	213	Rs. 13-39	1978	Rs. 37,500/-
2.	70/C	Rs.-12-00	1979	Rs. 75,000/-
		Peth.		
3.	225/1	Rs. 12-65	1978	Rs. 2200/-
4.	564/6 (Bagayat)	Rs. 12-00	1978	Rs. 12,000/-
5.	377/6-B	Rs. 12-25	1978	Rs. 18,000/-
6.	316/5	Rs. 14-25	1978	Rs. 30,000/-
7.	225/1	Rs. 12-65	1979	Rs. 9090/-
		Urun		
8.	125/1	Rs. 12-11	1978	Rs. 18,518/-
9.	922/7	Rs. 13-25	1979	Rs. 45,000/-
		Sakharale		
10.	748/2	Rs. 13-08	1978	Rs. 9769/-

The lands under acquisition in this group are very fertile having an assessment between Rs. 12-00 to Rs. 15-00. Moreover the lands under acquisition are pereinal bagayat type on well water. Fur--ther these lands are situated very adjucent to the State High--way Sangli-Islampur-Peth. We have to take into consideration all these factors before fixing up the price for these lands. The sales at Sr. No. 1,2,6 & 9 have fetched abnormally high price which cannot represent the correct value of lands under acquisi--tion. In view of this all these sales are rejected. The sales at Sr. No. 3,4, & 7 and 10 have fetched very meager price hence all these sales are also rejected. Now we have got only 2 sales i.e sale at Sr. No. 5 and 8 which are left for our consideration. Both these sales took place in the year 1978. But the material date for us is 1980. The prices of agricultural lands are incre-sing ~~lands~~ day by day. Moreover, these sales are of Jirayat lands whareas the lands under acquisition are perenial Bagayat. Thus the income of the lands under acquisition will be 50% more than the lands which we have taken as base for arriving at market price of lands under acquisition. By giving allowance for 2 years the Jirayat price of these lands is fixed at Rs. 19,000/- per hector considerating that the lands under acquisition are perinial bagayat the valye for lands in Group No. II is fixed at Rs. 29,500/ per hector (19,000 + 9,500). There is a well which is coming under acquisition. The depreciated value of the same has been supplied ~~x~~ by the Acquiring Body i.e Divisional Contorller, S.T. Sangli Dn., as Rs. 8000/- and the same has been accepted. If we add this amount to the Jirayat value of the land it comes to Rs. 27,000/- per hector (19,000 + 8000). But as per recent Govt. orders we have to ~~awart~~ award the greater of the two values. In view of this the value of lands in this group is fixed at Rs. 29,500/- per hector and the same is awarded.

For determining the value of lands in Group No. I we shall consi--der the following sales :-

Islampur

Sr. No.	S.No.	Asstt.	Year of sale	Price fetched.
1.	106	Rs. 4-75	1978	Rs. 50,000/-
		Peth		
2.	111/1+3	Rs. ~~1977~~ 6-00	1977	Rs. 11,000/-
3.	204/1	Rs. 6-00	1977	Rs. 1250/-
4.	146/3	Rs. 5-85	1978	Rs. 8333/
5.	1206	Rs. 4-96	1976	Rs. 3704/-

The sale at Sr. No. 1 is abnormally high hence the same rejected. The sale at Sr. No. 3 & 5 are very low price hence both these sales are also rejected. Now only two sales at Sr. No. 2 &4 remain for our consideration. The sale at Sr. No. 2 has taken place in 1977 whereas the sale at Sr. No. 4 has taken plance in 1978. But these sales are useful for us to arrive at reasonable value for lands in this group. The prices of agriculturial lands are increasing day by day. In view of this the price of lands in this group on the basis of sales at Sr. No. 2, 4 is ~~xxxxxxx~~ fixed at Rs. 12,500/- which is a Jirayat rate. But the lands in this group are pereinially bagayat hence their income will be 50% more than the lands which we have taken as a base for arriving at market value. Therefore the bagayat rate for lands in this group will be Rs. 12,500 +6250) Rs. 18,750/- per hector. There is well which is coming under lands under acquisition. The Divisional Contro--ller, S.T. Sangli Division has communicate its value as Rs. 8000/ which has been accepted. If we ~~xxxxx~~ add this depreciated value to Jirayat rate (12,500 +8000) it comes to Rs. 20,500/-. As per recent Government orders we have to give whichever is higher betw--een the above 2 rates. Hence the price for lands in Group No. I is fixed at Rs. 20,500/- per hector and the same is awarded.

TREES :-

There are 1 Jambhul, 5 Limb, 3 Umbar, 1 Mango 1, Babul 3 Shegava trees in the lands under acquisition. In the case of ~~fruit~~ not fruit bearing trees the Asstt. Director of Agriculturial (Cash Crops) Miraj was consulted for valuation of these trees. The valuation obtained from the Acriculturial Department has been shown at Appendix 'A' which comes to Rs. 5,418-50. In respect of the other trees the same was obtained from Sub Divisional Forest Officer, Shirala which is at Appendix E-I (which is Rs. 258/)

STRUCTURES :-

There is one temparary structure which is coming under acquisition viz a Farm House. This structure belongs to Shri Kan-chan Shamrao Pawar the owner of S.No. 70A. The valuation of this structure has been obtained from the Acquiring Body. The details are as under :-

1. Farm House :- 5,500/-

The above valuation has been accepted and it will be incl-uded in the final amount of compensation.

DAMAGES ON ACCOUNT OF SEVERANCES AND INGURIOUS AFFECGION :-

Fencing or compound walls are not constructed by the inter-ested persons in the lands under acquisition. No compensation amount is therefore to be awarded on this account.

POT KHARAB LANDS :-

From perusal of the Joint Measurement Certificate and Joint Measurement Plan it is seen that no Pot Kharab lands are under acquisition. Hence valuation of Pot Kharab lands does not arise.

TALS AND WELLS :-

There are no tals , bunds etc. constructed or other ameni-ties provided in the lands under acquisition and hence question of payment of compensation in this respect does not arise.

There is well is in S.No. 70A/2-A which is coming under acquisition. The acquiring Body has communicated the depreciated value of this well as Rs. 8000/-. The same has been accepted and has been considered at the time of valuation of lands.

IKAM LANDS :-

There are no Inam lands under acquisition.

SOLATIUM :-

The statutory solatium of 15% should be paid to the inter-ested persons for compulsory nature of acquisition as per section 23(2) of the Land Acquisition Act,1894.

POSSESSION :-

No possession of the lands under acquisition has been handed over to the Acquiring Body under section 17 of the Land Acqu-isition Act. So also the Acquiring Body has not taken possession by private negotiations in this case and hence question of paying interest to the interested persons does not arise.

PAYMENT OF ADVANCE COMPENSATION :-

No payment towards advance compensation has been made to the interested persons in this case

DETAILS OF VALUATION :-

The details of valuation is given as under :-

Land value	:-	Rs. 47,980-00
Crops, trees etc.	:-	Rs. 5,676-50
Structures.	:-	Rs. 5,500-00
Solatium.	:-	Rs. 8,873-47
		68,209-97

AWARD :-

I, hereby declare that :-

(a) total area acquired is H 1-66 A.

(b) total amount of compensation payable to interested persons is Rs. 68,209-97.

The previous approval of the Collector has been obtained for this award as required by section 11 of the Land Acquisition

Act,1894.

The lands having been finally acquired shall vest in Govt. free from all encumbrances, equities and tenures lawfully susb--sisting in favour of any persons other than Government.

Sangli.
Dated :- 13/11/1982.

sd/-
(P.N.Joshi)
Special Land Acquisition Officer,
No. 4 Sangli.

TRUE COPY

19/11/83

Special Lan-d Acquisition Officer,
No. 4 Sangli.