

Award under section 11 of the Land Acquisition Act, 1894 made by Shri N.D. Alatekar, Special Land Acquisition Officer, No. 4 Sangli in respect of land acquired for Kolhapur Type weir at Chavare, village Kundalwadi, Tahsil Walwa, Dist. Sangli.

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No. SPL/LAQ/SR-209

Dated :- 7/11/1982

~~5 FEB 1983~~

7/5 FEB 1986

A W A R D

(A) TITLE AND PARTICULARS OF LANDS NOTIFICATION AND DETAILS OF LANDS.

Acquisition of lands for construction of Kolhapur Type weir at Chavare, village Kundalwadi, Tahsil Walwa, Dist. Sangli.

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

1. No. & date. :- Special Land Acquisition Officer, No. 4 Sangli's No. SPL/LAQ/SR-209 dated 28/2/1982.
2. Date and pages of Gazette in which the notification was published. :- Maharashtra Govt. Gazettee Pune Division Supplement Part I dated 27/1/1983 at page No. 193.

CORRIGENDUM TO SECTION 4 NOTIFICATION OF LAND ACQUISITION ACT.

1. No. & date. :- Special Land Acquisition Officer, No. 4 Sangli's No. SPL/LAQ/SR-209 dated 18/10/1984 published in M.G. G. dated 18/10/1984 at page No. 3092.

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

1. No & date. :- Commissioner, Pune Division, Pune No. LAQ/RR-1593/SS-84 dated 27/12/1984.
2. Date and page of gazette in which the notification was published. :- Maharashtra Government Gazettee Pune Division, Pune Supplement Part I dated 7/2/1985 published on page No. 374 and 375.

3. LANDS FINALLY NOTIFIED FOR ACQUISITION.

Gat Nos. 597, 599, 603, 1111, 1122, 1128.

REASONS FOR AWARD :-

The Executive Engineer, Minor Irrigation Division, Kolhapur under his letter No. CB/D/5032/1977 dated 29/8/1977 has initiated the proposal for acquisition of lands for construction of K.T. Weir at Chavare, village Kundalwadi, Tahsil Walwa, Dist. Sangli.

The Collector of Sangli under his endorsement No. LAQ/SR.891/77 dated 7/9/1977 has directed the Special Land Acquisition Officer, No. 4 Sangli to start the Land Acquisition proceedings

The Acquisition is in the interest of public in general and hence it is public purpose within the meaning of the Land Acquisition Act, 1894. The lands were accordingly notified under section 6 of the Land Acquisition Act, 1894 under ordinary clause and Commissioner, Pune Division, Pune has appointed the Special Land Acquisition Officer, No. 4 Sangli under clause (c) of the section 3 of the Land Acquisition Act, 1894 to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said lands.

AREA :-

Details of lands under acquisition.

Sr. No.	Gat No.	Area. H.R.	Assessment. Rs. Ps.
1.	597 Part	0-10	1-35
2.	599 Part	0-05	0-65
3.	603 Part	0-09	1-10
4.	1111 Part	0-10	1-35
5.	1122 Part	0-05	0-71
6.	1128 Part	0-09	1-24

The lands under acquisition were jointly measured by the representative of the Acquiring Body and 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 the measurement work carried 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 :-

After publication of notification under section 6 of Land Acquisition Act, 1894 public notices under 9(1)(2) were published in village Chavadi and Tahsil Office and on the lands under acquisition. Similary individual notices under section 9(3)(4) were served on the interested persons requiring them to state nature of their interest in the land and their claims for compensation, objections if any to the measurement made under section 8 of the Land Acquisition Act, 1894.

OWNERSHIP

The entries in V.F. VII-XII are taken as the basis for

deciding the ownership of the lands under acquisition and for awarding compensation to the interested persons.

SITUATION AND DESCRIPTION :-

The lands under acquisition are situated on the bank of Warma River at the distance of 2 K.M from the village Kundalwadi gaathan. The building activity near about this village is practically nil. Also there is no possibility of any application for Non Agricultural purpose in near future. There is no weekly bazar in this village. There is Primary School in this village. There is medical facilities available in the village, S.T. buses are regularly plying Islampur to Kundalwadi. The population of this village is 2194 according to 1981 census.

CLAIMS :-

A statement showing the claims made by the interested persons in response to the notices under section 9(3)(4) of the Land Acquisition Act, 1894 is enclosed (Annexure 'A'). The remarks in respect of the claims are recorded in the last column of the said statement.

EVIDENCE IN SUPPORT OF THE CLAIMS :-

The interested persons who appeared for enquiry under section 9 of the Land Acquisition Act, 1894 have not produced any evidence for valuation of the lands under acquisition. However they stated that the lands may be valued at the present Market rates. Their request has to be considered on merits after observing certain formalities.

EVIDENCE BY THE ACQUIRING BODY :-

The Acquiring Body has not produced any evidence regarding the valuation of the Lands under acquisition.

PANCH VALUATION :-

In the panchanama dated 27/5/1980 in Panchas say that the lands under acquisition for Class I, II, III Jirayat lands the amount of Rs. 15,000/- , Rs. 17,000/- Rs, 20,000/- may be awarded per hectare respectively.

The valuation made in accordance to the estimates and panchas and not a valuation based on any method. Also the panchas have not

adduced any evidence in support of their say. The panchanama therefore, will not be useful for fixing the valuation of the lands under acquisition. Though it represents the expectations of the villagers in respect of compensation, I therefore, discard the panchanama.

PREPARATION OF SALES PLAN :-

A map of the sale transactions that took place in the vicinity of the lands under acquisition and kept on the record.

CLASSIFICATION AND VALUATION :-

I have seen the site along with the interested persons, Talathi Talathi, ~~Circle~~ Circle Inspector etc. The lands are situated on the bank of Warna river at distance of 2 K.M. from village Kundalwadi gaon. All the lands under acquisition are jirayat ones. The some lands are black and medium lands. Their assessment range from Rs. 10-04 to Rs. 15-31 per hectare.

I have classified the lands based on the assessment groups as follows.

<u>Group of lands.</u>	<u>Range of Assessment,</u>
Jirayat Group No. I	Rs. 0-01 to Rs. 1-25
" Group No. II	Rs. 1-26 to Rs. 2-50
" Group No. III	Rs. 2-51 to Rs. 3-75
" Group No. IV	Rs. 3-76 to Rs. 5-00
" Group No. V	Rs. 5-01 to Rs. 7-50
" Group No. VI	Rs. 7-51 to Rs. 10-00
" Group No. VII	Rs. 10-01 to Rs. 12-50
" Group No. VIII	Rs. 12-51 and above.

After assuming the above classification let us how the valuation of the lands under acquisition could be offered with reference to above classification.

There are three methods for valuing the agricultural First ~~in~~ method is on the basis of the sales of lands under acquisition. The second method is on the basis of sales of lands in the vicinity of recent past and the third method is on the income basis. Out of the above three method the third method is

on the income basis. Out of the above three method is to maintain account is not followed by them as the agriculturist do not maintain the farm account a statement showing sales, recorded in the vicinity of lands under acquisition (Annexure 'B') is enclosed. The statement will go to show that there are in all 11 sales instances are available for discussion and I am adopting the second method for valuing the lands under acquisition. The relevancy of these sales in valuing the land is discussed below. The sales are for jirayat lands. I have collected 11 sales from village Kundalwadi for the purpose of valuation in this case. The lands under sales have been classified groupwise, from Group No. II to VIII taking into account their assessment. The sales are discussed below

Sr. No.	Gat No.	Rate of assessment per hectare.	Rate per hectare.	Date of transaction.	Kind of land.	Remarks
		Rs. Ps.	Rs. Ps.			
1.	984	12-42	19,231-00	10/3/78	Jirayat Group No.VIII	
2.	526	11-93	36,842-00	29/5/78	"	
3.	905/2	11-25	25,000-00	9/5/79	"	
4.	617	11-64	31,250-00	7/7/82	"	
5.	624	12-06	50,000-00	24/7/82	"	
6.	761	12-18	20,000-00	20/2/80	"	
7.	625 626	12-24	16,666-00	3/7/79	"	

In all there are seven sales have been selected for determination of compensation of the lands under acquisition. The lands covered by the sales are Group No. VII land. The value fetched per hectare from Rs. 16,666-00 to Rs. 50,000-00 per hectare. The average rate of these seven sales comes to Rs. 28,427-00 per hectare. These sales have taken place from 3-7-79 to 24/7/82. After taking into consideration the date of publication of notification under section 4. It would be not be out of way if the rate of Rs. 29,000/- per hectare has been fixed for Group No. VII. I therefore, fix the price of Rs.29,000/- per hectare.

GROUP NO. VIII

Sr. Gat No. No.	Rate of asstt. per hectare.	Rate for hectare.	Date of transaction.	Kind of of land.	Remark
1. 614	12-80	15,000/-	23/1/1978	Jirayat	-
2. 662	12-75	12,500/-	10/8/1981	"	-
3. 432	12-92	7,140/-	9/7/1981	"	-
4. 40	12-72	51,724/-	14/4/1982	"	-

Sales at Sr. No. 1 to 3.

These sales have taken place from 23/1/1978 to 9/7/1981. The value fetched by three sales seems to be very low as compared which the other sales of the same type of lands i.e group No. VIII lands. Moreover the value fixed for group No. VII is Rs. 29,000/- per hectare. These sales are therefore not useful for determination of price. They are therefore discarded. Now there remains only the sale at Sr. No. 4. It has fetched very high price as compared with other sales and hence it can not be considered. Taking into consideration the rate fixed for Group No. VII land and increase in the price of land it would be reasonable if rate of Rs. 35,000/- per hectare for group No. VIII land

POT KHARAB

As regards pot kharab area compensation should be paid at the rate of Rs. 80/- per acre i.e Rs. 200/- per hectare.

TREES :-

At the time of site inspection it was noticed that the trees ~~the~~ as shown below are coming within the portion of the lands under acquisition.

Name of the owner.	Gat No.	Kind of and No of trees.	Remarks.
1. Shri Hari Gangaram Kadam and other.	597	1. Mango tree	-
2. Shri Ganapat S Kadam.	1111	1. Mango tree 1 Bambhul.	-

They have further requested that they are willing to cut the trees with their own cost

cut the trees with their own costs their request are granted and allowed them to cut the trees.

STRUCTURES AND CONSTRUCTION.

There are no structures and constructions coming under acquisition hence question of fixation of price is not arise.

WELLS AND TAL :-

There are no well and Tal in the lands under acquisition as such the question of payment of compensation in this respect does not arise.

PIPE LINES :-

There are no pipe line in the lands under acquisition. The question of payment of compensation in this factor does not arise.

FENCING OR COMPOUND WALLS :-

Fencing or compound walls were not constructed by the interested persons in the lands under acquisition. No compensation is therefore, required to be awarded on this factor.

DAMAGES ON ACCOUNT OF SEVERANCE AND INJURIOUS AFFECTION.

The interested persons are not entitled to Damages in form of compensation as there is loss of goodwill injurious affections

INAM LANDS :-

There are no Inam lands under acquisition.

APPORTIONMENT.

Statement showing the apportionment of compensation amount ~~xxx~~ payable to the interested persons is enclosed.

ENCUMBRANCES.

There are various type of encumbrances on the lands.

VILLAGE SOCIETY DUES :-

On perusal of the V.F. VII-XII it is seen that there is encumbrances of village society on the below mentioned lands.

Gat Numbers 597,603,1111,1128

In respect of these lands the compensation amount should be paid to satisfaction of Society dues first and balance if any to respective Society is produced by the concerned persons, compensation amount will be paid to them in full.

TAGAI DUES.

On perusal of the V.F. VII-XII it is seen that there is encumbrances of Tagai loan on the below mentioned lands. The compensation amount should be paid for satisfaction of Govt. dues first and balance if any should be paid to the interested persons.

Gat No. 597.

HIRES WITHOUT POSSESSION.

In other right column of V.F. VII-XII the names of below mentioned persons are shown as heirs without possession.

Gat Nos.

Name of persons.

597,599,1128

Sou Prabhawati Uttam Jadhav and others three.

The compensation amount in respect of the above lands should be paid if consent is given by the persons shown in other right of V.F. VII-XII or if entries of their names are removed from the V.F. VII-XII otherwise reference under section 30 of the Land Acquisition Act, 1894 should be sent to the District Court, Sangli for decision and compensation amount should be deposited to the Civil Court Deposit of Senior Division, Sangli.

TENANTS :-

The lands below mentioned are tenanted lands. Details of which are discussed individually.

GAT NUMBER 1122

There is tenant in other right of V.F. VII-XII on perusal of the column tenant and Rent it is seen that the lands are being cultivated personally. In the circumstances compensation amount should be paid to the respective land owners on consent of so called tenant or after their names is removed from the record of rights. Otherwise reference under section 30 of the Land Acquisition Act, 1894 should be sent to the District Court Sangli for decision and compensation amount should be deposited to the Civil court of Senior Division, Sangli. ~~for~~

OTHER ENCUMBRANCES

Sr. Gat No.
No.

Name of encumbrance holder.

1. 599

Shri Bajrang Pani Purawatha Irrign. Limited.

Sr. No.	Gat Number	Name of encumbrances holder.
2.	603	Shri Bajrang Padi Purawatha Irrigation Limited.
3.	1111	-do-
4.	1122	Shri Narsu Krishana Kadam and Krishana Tatyia Nalwade.

The concerned khatadars should obtain no objection certificate from the above encumbrances holders, without which the payment cannot be made to them. Else the matter will be referred to Court for decision.

SOLATIUM :-

Besides the market value of the lands under acquisition statutory solatium at 30% of the market value should be paid to the interested persons for compulsory nature of acquisition as per section 23(2) of the Land Acquisition Act, 1894.

POSSESSION.

The possession of the lands under acquisition has not taken under the provision of the Land Acquisition Act, 1894. There is therefore no compensation of awarding interest on the compensation amount the Acquiring Body is however advised to pay the interest in the form of rent to the interested persons from the date of possession by private negotiations to the date of payment of compensation amount.

PAYMENT OF ADVANCE COMPENSATION.

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

MEASUREMENT AND PERCENTAGE CHARGES :-

This is Government Project hence measurement and percentage charges are therefore not leviable from the Acquiring Body i.e. Executive Engineer, Minor Irrigation Division, Kolhapur in this case.

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COMPOUNT :-

The new compount @ 12% should be paid to the Int. persons from the date of section 4 notification of the Land Acquisition Act, 1894 till the date of payment.

Details of valuation :-

1. Land value.	:- Rs. 15,960-00
2. Structures.	:- -
3. 30% solatium.	:- 4,788-00
4. Compount.	:- 7,341-60
Total :-	:- Rs. 28,089-60

AWARD :-

I, therefore declare that :-

- (a) Total area of land under acquisition is H.R. 0-48 28,089-60)
- (b) Total amount of compensation payable is Rs. (28,089-60)
- (c) Twenty eight thousand eighty nine and paise sixty only
- (cc) Amount of compensation payable to the interested person as per the apportionment statement.

The lands under acquisition have been finally acquired shall vest in Government free from all encumbrances and tenures lawfully subsisting in favour of any persons other than the Government.

Sangli.

Dated :-

02/12/1966

5/12/66

(B.K. Kamble)

Special Land Acquisition Officer,
No. 4 Sangli.

SPL/LAG/SB-209
 101-1-5/2/1959

Based on the interested persons.

Statement showing compensation under Section 11 of the Land Acquisition Act, 1894, made by
 Shri B.T. Kachhe, Special Agent, District Officer, No. 4 Sangli.
 Name of work - Kolhapur Type mill - Change village Kumbhwar, Taluk Kolhapur, Dist. Sangli.

	Sl. No.	Age.	Sex.	Religion.	20% Solatim	25% Interest.	Total compensation payable.
1. Shri Hindurao Chaturang Kachhe.	0-4-0	897 899 1128	0-10 0-05 0-09		2100-00	630-00	2730-00
2. Shri Raju Kachhe.	0-2-0	897 899 1128	0-10 0-05 0-09		2100-00	215-00	2315-00
3. Shri Kachhe.	0-2-0	897 899 1128	0-10 0-05 0-09		1600-00	215-00	1815-00
4. Shri Kachhe.	0-4-0	*	*		2100-00	630-00	2730-00
5. Shri Kachhe.	0-4-0	*	*		2100-00	630-00	2730-00
6. Shri Kachhe.	0-4-0	1128 Part	0-05		362-50	108-75	471-25
7. Shri Kachhe.	0-4-0	*	*		362-50	108-75	471-25
8. Shri Kachhe.	0-4-0	*	*		362-50	108-75	471-25
9. Shri Kachhe.	0-4-0	*	*		362-50	108-75	471-25
10. Shri Kachhe.	0-4-0	1111 Part	0-10		3600-00	1060-00	4660-00
11. Shri Kachhe.	0-03	603	0-03		1120-00	783-00	1903-00
12. Shri Kachhe.	23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100				4,728-00	7,341-00	12,069-00

Sangli.
 Dated 1-5-1959

(S. K. Kachhe)
 Special Agent, District Officer,
 No. 4 Sangli.