(1)

Award under section 11 of the Land Acquisition Act, 1894 made by Shri P.N. Joshi, Special Land Acquisition Officer No. IV (Gen) Sangli inrespect of L.A. for construction of Kasegaon Tamba ve Bahe road joining to Karad Tasgaon Road village Tambave Tah. Walwa Dist: Sangli.

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No. SPL/LAQ/SR- 87 Tambave
Sangli : 20-4-1981.

A W A R D

(A) TITLE AND PARTICULARS OF NOTIFICATION AND DETAILS OF LAND :

Land acquisition proceeding started for construction of Kasegaon Tambave Bahe road joining to Karad Tasgaon Road village Tambave Tahsil Walwa Dist: Sangli.

(a) NOTIFICATION UNDER SECTION 4 OF THE L.A.ACT :

In this case section 4 notification was sent to the Manager, Yerawada Prison Press as per letter No. SPL/LAQ/SR-87 T. dated 19-9-1979 and it was published in the M.G.G. dated 1-11-79 at page 3571 to 3574.

(b) NOTIFICATION UNDER SECTION 6 OF THE L.A.ACT, 1894 :

After enquiry under section 5-A, section 6 notification was submitted to the Commissioner, Pune Dn. Pune as per letter No. SPL/LAQ/SR-87 T. dated 31-7-1980 and it was approved by the Commissioner Pune under his letter No. LAQ/RR-886-SS-80 dated 7-8-80 and the said notification published in the M.G.G. on 25-9-1980 at page 2984, 2985.

(c) LAND NOTIFIED FOR ACQUISITION :

883,884,885,886,887,888,889A,889B,1960,1937,1961,883,884, 1943,1946
1950,1957,1958,1959,175,174,172,180,182,183,179,181,1911,185,187,
190,191,192,195,194,197,198,199,200,201,202,206,207,208,210,211,214
218B,198,199,200,219B,224,227,230,231,234,235,A,235B,238,389,390
391,394,395,396K,397,400,401,402,409,410,411,412,413,414,415,416,
417,419,420,424,425,42[illegible],428,429,430,431,432,433,434,435,436,437,
438,439,440,441,442,445,403,404,405,406,407,408,165,166,167,861,
862,870,869,868,872,592,593,594,595,596,597A,597B,602,603,382,386,

572,592,593,594,

[illegible]51,452A,452B,453,455,A,455B,456 all of parts expect Gat No.597B.

R[illegible]SONS FOR THE AWARD :-

[illegible] DESCRIPTION OF THE PURPOSE OF ACQUISITION.

The Executive Engineer,(B &C) Miraj under his letter No.GB/M-I-9160 dat[illegible] 29/9/1976 initiated a purposal for Kasegaon Tambave Baha Borgaon road joining to Kardd Tasgaon road village Tambave Tahsil,Walwa [illegible]st. Sangli. The Collector of Sangli vide his endt No.LAQ/SR-776 dated [illegible]/1976 directed the Special Land Acquisition Officer,No.II,Sangli [illegible] start the land acquisition proveeding. Subsequently the case was transferred from the file of Special Land Acquisition Officer,No.II, Sangli to this office. The purpose of acquisition as stated in the acquisition proposal is in the interest of public in general and hence it is a public purpose as defined in the Land Acquisition Act,1894. The Commissioner, Pune Dn., accordingly notified the land under section 6 of the Land Acquisition Act,1894 under ordinary clause.

AREA :-

DETAILS OF LANDS UNDER ACQUISITION.

Gat No.	Area H.A.	Gat No.	Area H.A.	Gat No.	Area. H.A.
883 Part	0-01	420 Part	0-03	190 Part.	0-06
886 "	0-02	427 "	0-03	195 "	0-02
88[illegible]A"	0-01	430 "	0-04.50	198 "	0-01.50
1937"	0-11	433 "	0-04	201 "	0-03
1946"	0-01	436 "	0-01.50	207 "	0-01.50
1958"	0-02	439 "	0-09	211A "	0-02
174 "	0-04	442 "	0-05	219B "	0-03
182 "	0-00.25	404 "	0-02	230 "	0-07
181 "	0-02	407 "	0-00.50	235A "	0-01.50
187 "	0-1.50	166 "	0-06	389 "	0-05
192 "	0-07	862 "	0-02	394 "	0-06
197 "	0-01.50	868 "	0-06	397 "	0-08
200 "	0-05	593 "	0-00.25	402 "	0-14
206 "	0-03	596 "	0-00.50	411 "	0-09
210 "	0-02	602 "	0-02	414 "	0-2.50
218B"	0-03	386 "	0-06	417 "	0-02
227 "	0-01.50	884 "	0-01	424 "	0-03
234 "	0-01.50	887 "	0-03	428 "	0-03
238 "	0-08	883B"	0-03	431 "	0-04
391 "	0-06	1961"	0-09	434 "	0-00.50
396K"	0-09	1956"	0-03	437 "	0-03
401	0-08	1959"	0-02	440 "	0-09
410 "	0-04.50	172 "	0-00.25	445 "	0-20
[illegible]3 "	0-01.50	183 "	0-00.25	405 "	0-02
[illegible]6 "	0-05.50	1911"	0-04	408 "	0-1[illegible]

Gat No.		Area H.A.	Gat No.		Area H.A.	Gat No.		Area H.A.
167	Part	0-20	191	Part	0-06	432	Part	0-03
870	"	0-08	194	"	0-01.50	435	"	0-00.50
872	"	0-41	199	"	0-01.50	438	"	0-03
594	"	0-00.50	202	"	0-03	441	"	0-03
597A	"	0-00.50	208	"	0-01.50	403	"	0-17
603	"	0-02.50	214	"	0-03	406	"	0-00.50
449	"	0-02.50	224	"	0-14	165	"	0-06
885	"	0-02	231	"	0-01.50	861	"	0-03
888	"	0-05	285B	"	0-01.50	592	"	0-00.25
1960	"	0-07	390	"	0-05	597B	"	0-00.50
1943	"	0-05	395	"	0-09	382	"	0-00.25
1957	"	0-07	400	"	0-09	450	"	0-01.50
175	"	0-02	409	"	0-00.25	451	"	0-01
180	"	0-02	412	0-2	0-03	453	"	0-01.50
179	"	0-02.50	415	"	0-02.50	456	"	0-30
185	"	0-02	419	"	0-04	452A	"	0-01
			425	"	0-03	455A	"	0-00.50
			429	"	0-03	452B	0-	0-01.50
						455B	"	0-00.50

The lands under acquisition were jointly measured by the Acquiring Body and Survey Depa... . The result of measurement work has been mentioned in the Plan Table ~~.........~~ Sheet and Joint Measurement Certificate. The interested persons have not raised any objection to the Joint Measurement certificate in respect of lands under acquisition is taken as true area for the purpose of awarding compensation.

Out of the above Gat.Nos, one G.t. No,872 will not be taken into consideration while framing this award. Because the Dy. Engineer, P.W.Division,Miraj vide letter No. ADM/MISC/1024 of1980 dated29/121980 has informed this office that the Govt. has accepted the change of alignment through Gat.No. 872 ... the new proposal of village Tambave diversion will be sent shortly. After receipt of fresh proposal withdrawal proposal in respect of Gat.N. 872 will be submitted to the Commissioner, Pune Dn.,P... approval.

NOTICES AND OWNERSHIP :-

Public notices under section 4(1) and under section 9(1)(2) were duly published in the village Tahsil Office as well as on the lands under acquisition. Similary individual notices under section 5-A and

9(3)(4) were also duly served on the persons known or belived to be interested in the lands under acquisition.

V.F.VII-XII of the lands under acquisition perused and the entries in the V.F.VII-XII are taken as base 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 about 7 K.M. inside from the village Kasegaon. Thus they do not have not potental. This point will be taken into consideration while fixing the valuation. The Lands under acquisition having assessment Rs. 7 to 22 P.H. to the back

SITE INSPECTION .

I have inspected the site personally alongwith the represen-tative of the Acquiring Body. During spot inspection it was noticed that the Acquiring Body had taken possession of the lands under acqui-sition by private negotiation and has constructed the road. No tress no construction, well etc. is there on the lands under acquisition.

CLAIMS :-

The interested persons who were present at the time of enquiry under section 9(3)(4) have merely stated that the compensatio amount may be given as per rules.

Evidence by Acquiring Body.

Acquiring Body has not adduced any oral or documentary evi dence and fixed market value of the lands under acquisition. Moreov Panch valuation is also not made in this respect.

VALUATION NOTE IN RESPECT OF LANDS UNDER ACQUISITION.

The lands under acquisition have been grouped in the foll groups as the lands of the a assessment as under.

Group No.I	7-50 to 10-00
Group No.II.	10-00 to 12-50
Group No.III.	12.50 to 15-00
Group No.IV.	Above 15-00 upto 22-00

For determining the value of lands in Group I we shall consider the following.

In this case the Sec.4 notification has been published in the Gazette dated November 1979. This this is the material date for us

Group I. For determining the value of lands in this group we shall consider the following sales.

Sr.No.	S.No.	Assessment	Year of sale	Price fetched.
1.	1771	Rs 7-71	1977	Rs 2000-00
2.	1982	Rs 7-98	1977	Rs 1630-00
3.	1416	Rs 8.21	1977	Rs23571-00

The sales at Sr.No.1 and 3 are too high price hence they are rejected. The sale at Sr.No.2 is also rejected as it has fetched very meager proce. Taking into consideration, the situation and the type of lands, the rate for alnds in this group is fixed at Rs.7000/- P. H., and the same is awarded.

For determining the price of lands in Group II we are got the following sales for our consideration.

Sr.No.	S.no.	Assessment	Year of sale	Price fetched.
1.	255	12-50	1977	12,500-00
2.	1291	12-14	1978	11,901-00
3.	387	12-06	1978	63,461-00
4.	112	11-54	1978	66,071-00
5.	918	12-50	1978	25,000-00

Sr.No.	S.No.	Assessment	Year of sale	Price fetched.
6	89	12-50	1978	71,431-00
7.	1701	12-14	1978	34.286-00
8.	412	12-00	1978	41,463-00

This sales at Sr.No.1,2,4,5,7,8 have fetched abonormally high price hence all these sales are rejected. Now only two sales i.e saales at Sr.No.3 and 6 remain. For our consideration. Both these have ~~tak~~ taken place in the year 1978. But material data for us is the year 1979. The prices of agricultural lands are increasing day by day. In view of this the prices of lands in this group to fixed at Rs.7500 P.H. and the same is awarded.

Group III.

The following sales are available to determine the value of lands in this group.

Sr.No.	S.No.	Assessment	Year of sale	Price fetched.
1.	1805	13-74	1978	1,49,431-00
2.	1188	13-54	1978	38,462-00
3.	1797	13-50	1978	20,833-00
4.	582	13-64	1978	1,27,271-00
5.	844	13-20	1979	40,000-00
6.	1304	13-20	1979	20,000-00
7.	469/A	13-12	1979	1,25,001-00

The sales at Sr.No. 1,2,3,5,6 have been rejected as they have abnormally high price. The remaining two sales i.e ~~xxxxxxxxx~~ sales Sr.No. 4 and 7 are also tending slightly towards higher side. For the inferior lands in to Group.II we have fixed a prices of 7500/- P.H. The lands in Group III are more fertile than the lands in Group II.

In view of this the price of lands in this group is fined at Rs.8000/- P.H. and the same is awarded.

Group IV.

For determining the value of lands in this group we shall discuss the following sales.

Sr.No.	S.No.	Assessment	Year of sale	Price fetched.
1.	1980	16-50	1978	1,2501-00
2.	241	15-33	1978	8,333-00
3.	1394	16-00	1979	6,034-00
4.	1273	15-00	1978	2,3,809-00

The sale at Sr.No.4 is rejected as it has fetched abnormally high price. Similary the sale at Sr.No.3 is also rejected as it has fetched very meager value. The remaining 2 sales i.e sales at Sr.No.1 and 2 are useful for our consideration. The sale at Sr.No.1 is slightly on higher side. But the most useful sale for our considertion is the Sr.No.2. This sale has taken place in the year 1978 whereas the material date for us is 1979. Taking this expect into consideration the prices of lands in this group is fined at Rs.10000/- P.H. and the same is awarded.

POT KHARAB LAND :-

From the perusal of the Joint Measurement Certificate and Joint Measurement Plan, it is seen that no Pot Kharab land is comming under acquisition. Hence I am not valuing the Pot Kharab lands separately.

TALS,WELLS,TREES AND STRUCTURES.

There are no tals in the lands under acquisition. Also there are no wells or trees in the lands under acquisition. Therefore question of payment of compensation in the respect does not arise.

FENCING COMPOUND WALLS :-

Fencing or compound walls are not constructed by the interested persons.

in the lands under acquisition. No compensation amount is therefore to be awarded on this account.

INAM LANDS :-

From the perusal of V.F.VII-XII of the lands under acquisition it is seen that the lands under acquisition are not belonging to Inam Lands (Category). The question of fixing the valuation as Inam land or the question of recovery of Nazarana etc. therefore does not arise.

TENANTS :-

Following lands are tenanted lands.

Gat.No.1911,384,395-C,396-B,431-B,386,883. The amount of compensation be apprtioned between land owners and the tenants as per recent Govt. Circular dated 8/12/1978.

ENCUMBRANCES :-

From the perusal of V.F.VII-XII of the lands under acquisiton it is seen that there are some Govt. dues in respect of earthquake tagai loans and Co-operative Society dues. These will be recovered at the time of payment.

POSSESSION AND CROP COMPENSATION .

It is seen thatthe possession of lands under acquisition have been taken over by the Acquiring Body by private negotiations. Therefore the Acquiring Body will pay rental compensation under Sec.34 of the L.A.Act @ Rs.8% from the date of taking over possession till the the date of final payment of compensation amount.

DAMEGES ON ACCOUNT OF 1) SEVERANCE (2)INJURIOUS (3) AFFECTION AND LOSS (4)BUSINESS OF GOOD WILL ETC.

Interested persons are not entitiled to receive compensation on these factors as no severances are formed on account of present acquisition nor there are loss of business or good will due injurious affections.

SOLATIUM.

The statutory solatium of 15% will be pais to the interested persons for compulsory nature of acquisition as per section 23(2) of the L.A.Act,1894.

The details of the valuation in this case are,as under :-

1. Land value 40,088-50
2. 15% Solatium charges ~~27~~ 6,011-85

Total :- 46,094-35

I, therefore, declare that :

(a) Total area acquired in the case is H.A. 5-45.50

(b) Total amount of compensation payble to the interested persons is Rs.(46,094-35) Fourty six thousand ninety four and paise thirty five only.

The lands having been finally acquired shall vest in Govt. free form all encubrances, equities and tenures lawfully subsisting in favour of any persons other than Government.

Sangli :
20/4/1981.

(P.N.Joshi)
Special Land Acquisition Officer,
No.IV (Gen) Sangli.

cmk/-

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No.SPL/LAQ/SR-87 (I)
Dated 20-4-1981

Statement showing compensation awarded by Special Land Acquisition Off-icer No IV (Gen) Sangli under section 11 of the Land Acquisition Act, 1894 to all the persons in the plot of land situated in the village Tambave Tah. Walwa.

Name of work: L.A. for Kasegaon Tambave Bahe Borgaon road village Tambave Tahsil Walwa. Dist: Sangli.
No. and date of Declaration in the Maharashtra Govt. Gazette Part I viz.No. : Commissioner Pune Dn. No. LAQ/RR-886-SS-80 dated 7-8-80 published in the Maharashtra Govt. Gazette dated 25-9-80 at page 2984,2985

Sr.No.	Name of the owner.	Hissa.	Gat No.	Area H. A.	Rate awarded. P.H.	Land value.	Solatium	Total	Remarks.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10

(P.N.Joshi)
Special Land Acquisition Officer,
No.IV (Gen) Sangli.