

A W A R D

A). Title and Particulars of Notification and details of the lands.
acquisition of lands out of village Petlong, gaathan Tahsil
Shirala, District Sangli for submergence area of Chandoli Dam.

a). Notification u/s 4 of the
L.A. Act 1894.

i) No. and date.

= The notification issued by the
Special Land Acquisition Officer
No.7 Sangli under his No.LAQ/SR/
137, dated 1-12-1981.

ii) Date & pages of Gazette
in which notification was
published.

Published in M.G.G.Pune Div.
suppliment part 1, dated 17-12-81
on page No.3639 and 3640.

b) Notification u/s 6 of L.A.
Act.

i) No. and dated-

The notification issued by the
Divisional Commissioner, Pune Dn.
Pune under his letter No.LAQ/SS/
RR/364/82 dated 18-3-1982.

ii) Date & page of gazette
in which the said notifi-
cation is published.

Published in M.G.G.Pune Dn.Suppli-
ment part I dated 8-4-1982 on page
No.1102 to 1104.

C) Details of the lands finally notified on acquisition:-
District:Sangli Tahsil:Shirala Village:Petlong.

Get.No.	Area.	Gat No.	Area.
1.	2.	3.	4.
1	0.1.70	11	0,1.40
2	0.3.15	12	0.3.65
3	0.1.15	13	0.2.50
4	0.1.15	14	0.2.50
5	0.1.65	15	0.2.40
6	0.0.80	16	0.3.60
7	0.3.10	17	0.7.00
8	0.2.10	18	0.0.90
9	0.1.60	19	0.35
10	0.1.10	20	0.35

1.	2.	3.	4.
21	0.35	56	35
22	0.35	57	0.25
23	0.35	58	0.40
24	0.35	59	0.80
25	0.75	60	0.80
26	0.75	61	0.85
27	0.75	62	0.85
28	0.1.50	63	0.85
29	0.65	64	0.55
30	0.65	65	0.40
31	0.60	66	0.40
32	0.60	67	0.40
33	0.60	68	0.40
34	0.60	69	0.2.00
35	0.7.50	70	0.2.55
36	0.50	71	0.0.90
37	0.50	72	0.1.45
38	0.50	73	0.0.10
39	0.60	74	0.10
40	0.60	75	0.23
41	0.60	76	0.90
42	0.60	77	0.66
43	0.45	78	0.30
44	0.45	79	0.30
45	0.45	80	0.34
46	0.40	81	0.20
47	0.200	82	0.2.10
48	0.1.09	83	0.90
49	0.01.05	84	0.1.45
50	0.65		

GAOTHAN PART 11.

1.	2.	3.	4.
51	0.65	1	0.1.80
52	0.3.10	2	0.65
53	0.35	3	0.35
54	0.35	4	0.70
55	0.35	5	0.3.90
GAOTHAN PART II			
6	0.95	21	0.3.15
7	0.50	22	0.60
8	0.90	23	0.60
9	0.1.80	24	0.60
10	0.1.10	25	0.55
11	0.35	26	0.60
12	0.45	27	0.60
13	0.2.10	28	0.95
14	0.75	29	0.90
15	0.1.50	30	0.95
16	0.1.50	31	0.80
17	0.1.50	32	0.80
18	0.60	33	0.2.25
19	0.15	34	0.75
20	0.70	35	0.25

B) REASON FOR AWARD:-

1) Introduction: The Executive Engineer, Warna Dam Dn. Kolhapur, who is the representative of the Irrigation and Power Department is the acquiring body has under his letter No. WARna/AlM/LAQ/S-78 dated 15-5-1979 initiated the proposal to acquire certain lands at village patlond Tahsil Shirala, District: Sangli for the submergence area due to Chandoli Dam.

27

The Collector under his endorsement No. LA Q/RR-129 dated the 25-6-1979 directed the Special Land Acquisition Officer No.7, Sangli to start the Land Acquisition Proceeding. The purpose of acquisition as stated in the proposal forwarded by the Executive Engineer Warna Dam Division Warnawati is for the submergence due to Chandoli at village petlond Tahsil Shirala, Dist:Sangli which is in the interest of public in general and hence it is a public purpose.

The Commissioner, Pune Division Pune under his notification No. LA Q/RR/SS-364 dated the 18th March 1982 under section 6 of the Land Acquisition Published in the Maharashtra Government Gazette Pune Dn. supplement dated the 8-4-1982 on pages 1101, 1103, 1105, declared that the lands notified in the schedule to the above notification area required for the purpose of submergence area due to Chandoli and appointed the Special Land Acquisition Officer No.7 Sangli under clause 'C' of section 3 of the Land Acquisition Act. 1894 to perform the functions of a Collector for all the proceedings hereafter to be taken in respect of the said lands and also directed the Special Land Acquisition Officer to take order for acquisition of the said lands under section 7 of the Land Acquisition Act.

2) ~~XXXXXX~~ Area: The lands under acquisition were got measured jointly by the representatives of the Acquiring body and the Survey Department. The result of the measurement work has been mentioned in the Plano-Table sheet and the Joint Measurement Certificate. None of the interested persons raised any objection to the measurement so carried out and hence the area shown in the joint measurement certificate in respect of the land under acquisition is taken as true area for purpose of awarding compensation amount. The total area under acquisition is 1.34.43 Sq.mtrs.

23
3) Notices and Ownership:- After publication of notification under section 6 of public notice under section 9(1)(2) of the Land Acquisition Act was published in the village Chawadi, Tahsil office and the land under acquisition. Similarly individual notices under section 9(3)(4) were served on the interested persons requiring them to state the nature of their interest in the land under acquisition and their claims for compensation and objections if any to the measurement made under section 8 of the land acquisition Act.

In response to the notices the Khatedars have not raised any objection to the proposed acquisition.

4) Ownership:- The entries in the Record of Rights /Gram Panchayat record viz. property register. are taken as base for deciding ownership. There is no dispute about the ownership of the land under acquisition.

5) Situation and Description:- At the western end of the Shirala Tahsil at a distance of 45 km. from proper Shirala a construction of earthen dam at Chandoli is taking place. The Dam's centre line exactly crosses the two villages (Gaonhan i.e. Chandoliwadi in Shirala on one hand and Amboli in Phahuwadi Taluka of Kolhapur district) on the other. The Warna river on which this construction is being made takes its recourse in the mountain Sahyadri at an altitude of 3000/- At their point the boundaries of Kolhapur, Satara, Sangli and Natanagiri meet sharply. The rainfall at the origin of the river is 275 " while near the Dam site is in ~~125~~ 125" and gradually it decreases as we proceed to the eastern down stream of the river.

After the construction of the Dam the lake would be deep between the two hilly sides of the valley and would be spread 5 miles towards the upstream of the Dam. This lake will submerge 18 villages from Sangli District and 7 villages from Kolhapur district respectively on the left and right sides of the river. Out of the 18 villages from Sangli Dist.

gaothans of below mentioned 11 villages are coming under submergence.

1) Chandoli Ek. 2) Khundlapur. 3) Mandoli 4) Konoli
5) Devare 6) Kholi 7) Zolambi 8) Sidheshwar 9) Bhogiv
10) Pethlond 11) Zolambi (Wadi).

The houses in this tract are not multifloored houses. They are small in size and are covered by manglore or country tile or by tin sheets. In these houses the support for the roof is found to be mainly by wooden pillars, being available amply in the near about forest. As we proceed to the up stream of the Dam, the rainfall increases and therefore, dwarf houses covered by them are seen of which four walls are a sort of wall built out of Bamboos and such other material. These are actually huts where the human life is just protected without much facility.

Mostly these villages are situated on the bank of the river. There are two azar centres, Arale and Petlond, where from the things of daily need are bought by the villagers of these 11 villages. The village Petlond is a centre place for the villagers of Bhogiv, Aoli, Sidheshwar and Zolambi while for the villagers of Konoli, Mandoli, Khundlapur and Chandoli the Bazar place of Arale is more convenient. Charan is also a bazar place for these villages which is about 17 Km. from Chandoli Ek. village.

Postal Service is not available in any of the 11 villages. Arale, is the nearest post office for these villages.

It is wonderful to note that, out of these 11 villages primary schools that go up to standard V are in the villages, Chandoli Ek, Khundlapur, Mandoli and Petlond only and the villagers of the rest of the villages are dependant on the 'Ashram Shala' at Petlond. For the schooling facilities after 5th standard the villagers have to run down to Arale where full fledged Primary school and a High School are available.

This situation will give an ideal of educational backwardness in this area. u

The S.T. Bus plys between Shirala and Petlond covering Chandoli Ek. Khundlapur, Nandoli, Konoli, Devare, Zolambi, Takale, and Petlond, S.T. route is not available for villages. Ambole, Bhogive, Siddeshwar etc. This S.T. facility is available in the fair season only. The villagers of Bhogive, Siddeshwar and Ambole do not have any facility to cross the river in the rainy season for weekly bazar etc.

6) Description of Lands:-

The Nandoli gaathan is situated 1/2 mile away from the bank of Warna River. A plot in this village could be at the beginning or at the extreme corner of the village (From south to North or East to West BUT it carries more or less same importance from the point of view of market value. This is due to the fact that there are no internal roads, no street lights, no Bus stands no shops or other amenities in the gaathan area. Due to this background it was not appropriate to have classes among the gaathan plots. All the plots are therefore, treated alike. The population of village Petlond is _____ according to 1971 census.

The lands under village Roads, foot path, court tract which equal to Ch. 18.25 A has not been included in the area meant for payment of compensation.

7) CLAIMS: The interested persons have not claimed any specified amount. They have demanded compensation amount for lands, structures and fruit bearing trees at the present market rates. They have further stated that, their resettlement should be made at proper place.

As regards compensation amount same is awarded taking into account all the formalities as discussed in the concerned paragraphs.

As regards resettlement, the necessary action is being taken the Resettlement, Officer, Warana project sangli separately.

8) Evidence in support of claims:

The interested persons have not given any evidence for valuation of the lands under acquisition.

9) Evidence by acquiring body:

The acquiring body has not adduced any evidence regarding valuation of the land under acquisition.

10) Panch Valuation:

In the panchanama dated 12-2-1979, the Circle Inspector has made the valuation of the lands under acquisition at the rate of Rs. 20/- per square metre, However, the reasons not the panchas came to the conclusion about this rate are not mentioned ~~in~~ in the Panchanama. Hence in my opinion, said panchanama is not useful for valuing the lands under acquisition. I, therefore, discard the same.

11) Valuation:

The material date for valuing the lands under acquisition is the date of publication of the notification under section 4 of the land acquisition act. In this case notification under sec.4 of the land acquisition act was published in the Maharashtra Govt. Gazette on 31-5-1979 and therefore, this date is the material date for valuing the lands under acquisition.

For valuing the lands under acquisition I have collected sales pertaining to the gaathanplots from the register office. available as no transaction was registered. These villages in Shirala, Tansil are as under 1) Chandoli 2) Nondoli, 3) Devare, 4) Khundlapur 5) Meni 6) Gudhe, 7) Kharale, 8) Sonawade, 10) Mohare.

Sales in respect of the following villages were available

and these

and these sales have been tabulated in Appendix I.

39

The distance in Kms. of these village from the dam seat villages is shown against the name of the village concerned.

Sr.No.	Village	Distance.
1.	Mandue	3
2.	Charan	13
3.	Nathawade	16
4.	Arale	8

If Chandoli dam seat is taken to be the centre, the ^{sub} ~~seat~~ transactions right upto the village petlond on up stroup whole on down stream they are collected upto the village Nathawade. All these villages are no the main road and many a things are of similar nature in all these villages, The sales in the villages such as Bhedasgaon, Mangaon, Bambwase and Kapashi from Kolhapur district and village Kokarud of Sangli are available. But they are not considered because they are located at a longer distance. The sale in these villages cannot therefore, be conveniently. compared with the sales in the adjoining villages more over the sales in the near about villages are available and they are throwing proper light, on the price line of the open plots.

12) Village Petlond:

Only two sales are available from the said villages. The first is of 29-7-1967 while the other is of dated 9-12-70. The rate indicated by these sales is as under.

Date of sale.	Rate per sq.ft.
29-7-67	Rs.0.14
9-12-70	Rs.0.34

The village petlond is also coming under submergence area of Chandoli Dam. The situation and other factors of this villages are almost same i.e. of Nandoli village. Therefore, the sales from this village are more preferable than any other. The sale dated 9-12-76 which has taken place at the rate of Rs. 0.34 ft. a/pears to be reasonable. The rate could have increased in futher years.

12) Village Mandur:

The village Mandur is only at a distance of 3 Km. from Dam seat. Due to present work regarding construction of Warna Project colony site at this village, There are some future prospects in increasing the value of the gaathan as well as well as agricultural lands in this village.

There are in all 3 sales available in this most comparable and nearest village. The sales are raiging from Rs.0.33 per sq.ft. to Rs. 2.32 per sq.ft. The sales at a rate of Rs. 32 per sq.ft is really exhorbitant beacause such a rate is not existing even at a taluka plalika Shirala There must be some special reason why such a rate is offered by the purchaser. The sale at a rate of Rs. 59 is dependable. The sale at the rate of Rs. 0.33 per sq.ft. is also considerable.

14) Village Arale:-

There are 4 sales available in this village and they ~~might be~~ either too low or too higher. Showing prices as Rs. 0.09 per sq.ft and Rs. 6.19 per sq.ft at other end. This

abnormality is because of the peculiar situation of village Arale. The higher price indicates how the price of a plot increases because of the needs of the floating population of the labourers, engineers, and constructor is this village, while the low price of the plot indicates original villagers usual sale transactions. The sales in this village are showing abnormal tendency in price line and hence they are discarded.

15) Village Charan:

There are in all 12 sales available for discussion from village charan. This village is 14 km. away from dam seat. This village is a place of market and bazars and next to this village is Arale which has importance from market point of view. The sale instances have taken place requiring the period.

from 3-6-71 to 13-1-77. The minimum selling rate is of Rs.0.10 per sq.ft. while the maximum sealing price is Rs. 1.35 per sq.ft. The sale transaction do not give clear idea of market value of the open plots from this village. However, on persual of the sales date it is seen that one open plot is sold by Shri. Maruti Vishnu Kulkarni to Shri. Maruti Sawale Kumbhar on 23-12-74 at the rate of Rs.0.52 per sq.ft. The same plot is sold by Shri. Maruti Sawale Kumbhar to Shri. Jamal Rahiman Nayakwadi etc. 3 on 18-12-75 at the same rate i.e. at the rate of Rs. 0.52 per sq.ft. Thus the sale appears to be genuine sale. The sale transaction, which took place on 10-4-73 at the rate of Rs. 0.62 per sq.ft. is also a free sale and rather helpful for fixing the land value of the lands under acquisition. Here one point will have to be borne in the mind that the village Charan is a central place from commercial point of view and therefore, the selling rates of open plots might show rather higher price line.

16) village Nathawade:

The village Nathawade is about 16 km. away from the dam seat. This village is 2 km. away from village Charan which is a commercial place.

There are all four sales available from this village during the period from 14-12-72 to 30-12-75. Out of these sales one sale has taken place on 26-7-74 at the rate of Rs.0.67 per sq.ft. Looking to the vicinity of this village to Charan the sale seems to be dependable and comparable. However, the sale price at the rate of Rs. 0.46 per sq.ft. for the sale dated 30-12-75 appears to be more reasonable.

This according to my opinion the reasonable rates will be as shown ~~mixx~~ below.

Sr.No.	Name of village	Distance from dam seat-km.	Rate per		Date of transactions.
			sq.ft.	sq.m.	
1.	Patlond.	14	0.34	3.70	9-12-70
2.	Nathawade	16	0.46	5.00	30-12-75
3.	Charan		0.67	7.16	26-7-74
4.	xxxxx	14	0.62	6.67	10-4-73

1.	2.	3.	4.	5.	6.
4.	Charan	14	0.52	5.36	23-1-74
5.	Charan	14	0.52	5.56	18-12-74

In the above sales, the sale pertaining to village Nathawade is no doubt genuine, but is not much useful for fixing the value of the lands under acquisition from the point of view of distance factor.

In this case the notification under section 4 has been issued in the year 1979, But sales are taken into consideration upto the period ending 1975 only because after the publication of notification under section 4 in respect of chandoliwadi gaathan and chandoli Bk. gaathan no sales have taken place in the submergence area. As regards sales in the village at down stream of the dam seat, sale will not be useful for fixing rates of gaathan plots in submergence area. Therefore, sales data which was taken into consideration for fixing valuing of gaathan plots in chandoli gaathan has been taken into accounts in the present case.

Moreover, in the submergence area the rates would go down hereafter because of the set future of the area.

The genuine selling rates recorded at village charan is Rs. 0.62, Rs. 0.52 and Rs. 0.52 per sq.ft on 10-4-73, 23.12.74 and 12.12.75 respectively. The village charan is discussed earlier is a market place and hence can stand as correct compensation for valuation purpose. The sale dated 18-12-75 indicates the sale price at Rs. 0.52 per sq.ft Thus it is clear that, the market value at the petlond village gaathan will be slightly less than that of the village charan.

The section 4 notification of village petlond gaathan is published in the year 1979 () in the proper valuation at a village like Charan (which is a market place) is Rs. 0.52

per sq.ft in the year 1975, the reasonable price in the year 1979 at a place like petlond gaathan which is in submergence area cannot be more than Rs. 0.50 per ft. when a comparable rate in the year 1975 at village Mandur can be seen at Rs. 0.50 per sq.ft.

From the detailed discussion regarding the sales from the possible village, I have come to the conclusion that it will be Just and reasonable to offer a rate of Rs. 0.50 per sq.ft. i.e., Rs. 5.38 per sq.metre for the plots in petlond gaathan.

I, therefore, order that the compensation at the rate of Rs. 0.50 per sq.ft i.e. Rs. 5.38 per sq.metre rounded to Rs.5.40 per sq.metre should be paid to the plot holders.

Thus the per hectare of the plots in petlond gaathan will be Rs. 54,000/-

17) Structures:

A statement showing structures and constructions coming under the acquisition is enclosed of Annexure 'A'.

The said structures have been inspected by the then special Land Acquisition Officer No.7 Sangli on 21-5-1982, I have visited the site, but now all the site is submerged under the water of Dam. The Executive Engineer, Warna Dam Division Warnawati has made the valuation of the structures which is reasonable accept the sale and order that the compensation at these rates should be paid to the respective owners.

18) Wells:-

There are not wells in the lands under acquisition. The question of awarding compensation on this account will not therefore, arise.

19) Trees:-

There are fruit bearing trees in the gaathan which are owned by the individuals. A statement showing such trees is enclosed at Annexure 'B' The valuation of the fruit bearing trees has been not done from the Dy.director, of Horticultural which is reasonable accept the same and order that compensation of fruit

bearing trees estimated by the DyvDirector should be paid to the respective owners.

20) Tals:-

There are no Tals in the lands under acquisition. The question of awarding compensation of this account does not arise.

21) Damages on account of (i) Servence (ii) ~~Engineous~~ Affection (iii) Loss of Business, Good well etc.:-

The interested persons are not entitled to damages in form of compensation in this respect, as no servence are formal nor there is loss of business or good will and injurious affection on account of present acquisition.

22) Inam-Lands:-

In the following plots, there are Maruti temple and public Majid respectively.

<u>S.No.</u>	<u>Plot No.</u>	<u>Name of Temple</u>	<u>Remarks.</u>
1)	71	Maruti Temple	Mangalore tile roofing.
2)	10	Public Majid Majid	-"

It should be ascertained from the Asstt. Charity Commissioner Sangli another these Devasthan are registered under Bombay public compensation in lump sum should be paid only after bearing the Asstt. Charity Commissioner.

23) Apportionment:-

A Statement showing the apportionment of compensation payable to the interested persons is enclosed.

24) Solatum:-

Besides the market value by the land under acquisition statutory solatium at 30% should be paid to the interested persons as per amended section 23(2) of the Land Acquisition Act.

In addition to the market value of the lands, an amount

calculated at the rate of twelve percent per annum on such market value for the period commencing on and from date of the publication of the notification under section 4(1) till the date of the award should be also be paid.

25) Payment of advance compensation:-

Advance compensation inx paid to the interested persons

26) Details of valuation:-

1)	Land Value	Rs. 72,592-20
2)	Structures.	Rs. 10,96,456-90
3)	Trees.	Rs. 82,277-00
		Rs. 12,51,326-10
4)	30% solatium	Rs. 3,74,396-65
5)	12% on the total of 1 to 3	Rs. 5,63,096-45
		Grand Total Rs. 21,83,819-20

A W A R D :-

I, therefore, declared that at the true area of the land under acquisition is 1-34.43 sq.m.

b) The total amount of compensation payable is Rs. 21,88,819-20 Rs. Twenty one lack eighty eight thousand eight hundred nineteen and paise twenty only and,

c) is payable to the interested persons as shown in 'Appendix' 'A' attached to this award.

d) Previous approval of the Divisional Commissioner, Pune Division Pune has been obtained for this award as required by section 11 of the Land Acquisition 1894.

Sangli.

Declared on.

Sd/-
52.10.10
True copy
Special Land Acquisition
Officer No. 5, Sangli.