

Award under section 11 of the Land Acquisition Act, 1894, made by Shri P.N. Joshi, Special Land Acquisition Officer, No. IV (Gen) Sangli in respect of acquisition for construction of Peth Surul Nigadi Wakurde road village Peth.

No. SPL/LAQ/SR-64
Sangli.

31 MAR 1981

A W A R D.

TITLE AND PARTICULARS OF NOTIFICATION AND DETAILS OF LANDS :-

Acquisition of land for construction of Peth-Surul-Nigadi-Wakurde road village Peth Tahsil Walwa.

NOTIFICATION UNDER SECTION 4 OF THE L.A. ACT, 1894 :-

1. No. and date :- Special Land Acquisition Officer No. IV (Gen) Sangli's letter No. SPL/LAQ/SR-64 dated 4/9/1979.
2. Date and page of Gazette in which notification was published. Maharashtra Govt. Gazette Pune Dn., Pune Supplement Part I dated 20/9/1979 at page 2987, 2988.

NOTIFICATION UNDER SECTION 6 OF THE L.A. ACT, 1894 :-

1. No and date :- Commissioner Pune Dn., Pune's notification No. LAQ/RR-1048-SS-80 dated 4/9/1980.
2. Date and page of Gazette in which notification was published. Maharashtra Govt. Gazette Pune Dn., Supplement Part I dated 23/10/1980.

LANDS NOTIFIED FOR ACQUISITION :-

The below mentioned lands of village Peth, Tahsil Walwa have been notified under Sec. 6 of the L.A. Act, 1894.

Survey No.	Area.
	H.A.
82/1 Part	0-08
339 "	0-17
340/14"	0-01
344/12 "	0-00.25
344/13 "	0-03
344/15 "	0-02
344/16A Part	0-07
344/16B/1 "	0-06
344/16B/2 "	0-01
344/16C/1 "	0-00.25
344/16C/2 "	0-00.25
344/16C/3 "	0-00.25
345/4A "	0-01
345/4B "	0-01
345/5 "	0-02
345/6A "	0-01.50
358/2 "	0-05

Survey No.	Area H.A.	Survey No.	Area H.A.
370/3	0-02	378/3+4+5B	0-01
370/4D+4E	0-02	378/3+4+5C	0-01
371/1C	0-02	378/3+4+5D	0-01
372	0-04	378/6+7	0-03
373/1+2A+2B	0-03	378/8	0-03
377/7	0-05	378/10+12	0-10
378/1+2	0-04	379/1A	0-06
378/3+4+5A	0-01	379/2	0-06
380/1	0-01	384/1	0-16
384/2	0-00.50	384/3A	0-06
397/1	0-06	397/2	0-06
397/3A	0-03	397/3B	0-07
397/4	0-03	397/5	0-05
397/6	0-05	397/7	0-05
398/8	0-04	398/9	0-13
433/1+2	0-10	433/1	0-03
433/8A	0-00.50	433/8B	0-00.50
433/8C	0-00.75	433/9	0-0.25
433/12+13	0-04	433/14	0-01
433/15+16+17	0-03	434/3	0-05
434/4	0-04	434/5	0-03
447/1	0-01	447/2	0-00.50
447/3	0-00.25	447/4	0-00.25
447/5	0-00.25	447/6	0-02
447/7	0-03.50	447/8	0-01.50
447/9	0-01.50	447/10	0-01.25
447/11	0-05	447/12	0-05
447/13	0-01.50	447/14	0-02
447/15	0-01.75	41416+17	0-37
469/1+2+3+4+5	0-03	460/1	0-00.50
460/2	0-00.25	460/3	0-00.25
461/1	0-01	461/2	0-00.50
461/3	0-01.50	462	0-02
465/4-B	0-08	465/5	0-11
465/7	0-03	471/1	0-01
471/2	0-03	472	0-01.50
473/1	0-00.75	473/2	0-00.50
473/3	0-00.75	474/4C	0-01.50
474/4B	0-01.25	474/4A	0-01.25
474/5B	0-09	465/3	0-00.50

REASONS FOR AWARD :-

The Executive Engineer, Sangli Zilla Parishad Sangli vide his letter No. Works/EA/WS/2336 dated 29/6/1970 has initiated land acquisition proposal for construction of Peth Surul Nigadi Wakurde Bk. road village Peth Tahsil Walwa and the Collector Sangli vide hid endt. No. LAQ/SR24/70 dated 8/7/1970 has directed the Special Land Acquisition Officer, to start the land acquisition proceedings in this case as usual. The Purpose of acquisition 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 Manual. The lands were accordingly notified under Sec.6 of the L.A.Act 1894 under ordinary clause and the Commissioner, Pune Division, Pune has appointed the Special Land Acquisition Officer, No.IV (Gen) Sangli under clause (c) of section 3 of the Land Acquisition Act, to perform the functions of a Collector for all proceedings hereafter to be taken in respect of the said 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 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 :-

Public notices under Sec.4(1) of the L.A.Act, 1894 were published in Tahsil Office, Village Chavadi and on the lands under acquisition. Similar individual notices were also served on the interested persons calling upon them to give their objections if any to the acquisition and hence the land was notified under Sec.6 of the L.A.Act, 1894.

OWNERSHIP :-

The entries in the R. of R of lands under acquisition are taken as basis for deciding the ownership and for Awarding compensation to the interested persons.

SITUATION AND DESCRIPTION :-

The lands under acquisition have been inspected by me alongwith the representatives of the Acquiring Body

-4-

on 16/10/1980 the lands under acquisition are mostly jirayat lands some lands are fallow. The possession of lands has been taken over by the Acquiring Body prior to 10 years back the construction of the road has also been completed.

CLAIMS :-

In response to the notices under Sec.3(3)(4) the following interested persons have claimed the amount of compensation.

NAME	S.NO.	AREA	PRICE DEMANDED
Shri Shripati Daynu Khadam	370/4D 371/1C/1B/2 397/1	0-02 0-02 0-06	Rs.60000/- (including value of one mango xxxx tree)
" Krishanaji Vishanu Kulkarni.	273 1+2+3B	Part 0-03	Rs.35,000/-
" Vithu Daynu Patil	378/1+2 378/6+7	0-04 0-05	Rs.15,000/- per acre
" Vasant Tukaram Jadhav	433/1+2 Part	0-10	(Rs.20,000 including one mango trees and 25 Karanj trees)
" Kisan Bala Jadhav	433/7 433/12+13 433/15+16+17 433/14	0-02 0-04 0-03 0-01	Rs.23,000/- plus compensation of 33 mango trees
" Madhau Tukaram Jadhav	433/8C	0-00.75	RS.3000/-
" Pandurang Ramchandra Nandhi (Jadhav)	434/4 Part	0-03	Rs.20,000/- per acre.
" Laxman Shambu Aundhakar	339 Part 340/14 Part	0-17 0-01	Rs.15,000/-

The above interested persons have not produced any documentary evidence in support of their claimed and hence their claims have been rejected.

EVIDENCE BY THE ACQUIRING BODY :-

The Acquiring Body has not produced valuation note in respect of lands under acquisition.

PANCHANAMA:-

PANCHANAMA :-

In the panchanama made by the Circle Inspector by this office dated 25/12/1970 is from Rs.2500/- to 10,000/- and from Rs.5/- to 800/- for valuation of fruit bearing trees. The panchanama have not produced any evidence either oral or ducementary in support of their estimation. 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.	1-25 to 2-50
Group No.II.	2-50 to 3.75
Group No.III.	3-75 to 5-00
Group No.IV.	5-00 to 7-50
Group No.V.	7-50 to 10-00
Group No.VI.	10-00 to 12-50
Group No.VII.	12-50 to 15-00

In this case Sec.4 notification has been published in November 1973. Therefore this is the material date for determining the valuation of lands under acquisition. The sales price of 5 years for the date of publication of Sec.4 notification have been collected from village Peth as well as adjacent village of IslampurUran and Sakharale which will be considered for determining the value of lands under acquisition.

GROUP NO.I

For determining the value of lands from this group we shall consider the following sale instance..

Sr.No.	S.No.	Assessment	Year of sale	Price fetched.
--------	-------	------------	--------------	----------------

PETH.

Sr.No.	S.No.	Assessment Peth.	Year of sale	Price fetched.
2.	<u>14111</u> 1+3C	1-31	1975	Rs. 6,000/-
3.	113	1-29	1977	Rs. 2340/-
4.	<u>112</u> 4	1-25	1977	Rs. 1850/-
5.	619	1-40	1972	Rs. 4450/-
<u>URAN.</u>				
6.	76/2	2-33	1975	Rs.20,000/-
7.	<u>345</u> 56	2-50	1975	Rs. 9000/-

The sales at Sr.No.1,2,6,7 we discarded as they have fetched abnormally high prices and also they are after the date of Sec.4 notification. Now only 2 sales i.e sales at Sr.No. 3,4 remain for our consideration. Sale at Sr.No.5 is before the date of Sec.4 notification but this sale is also not worth consideration as it has fetched abnormally high price. Now only 2 sales at Sr.No.3 and 4 remains for our consideration. But these sales took place in the year 1977 and have fetched a price of 2340 and 1850 respectively. The sale at Sr.No.3 is strictly on higher side but it is some where useful to determine the value of lands under acquisition. But the most suitable sale from our private view is sale at Sr.No.4. This sale has fetched a price of Rs.1850 in the year 1977. But the material date for us in the year 1973. ~~But~~ Taking this aspect into consideration the price of lands for this fixed at Rs.1650 P.H. and the same is awarded.

GROUP NO.II?

To determine the value of lands in this group we ~~shall~~ shall consider the following sales.

Sr.No.	S.No.	Assessment	Year of sale	Price fetched.
1.	<u>761</u>			
		Rs.3-00	1977	Rs.13,500/-

Sr.No.	S.No.	Assessment	Year of sale	Price fetched.
--------	-------	------------	--------------	----------------

2.	8/24	3-50	1973	Rs.5880-00
----	------	------	------	------------

There are only the above 2 sales available for our consideration. The sale at Sr.No.1 can't be considered as it is after the date of notification. The sale at Sr.No.3 is useful for us to arrive at somewhat rough valuation of the lands under acquisition. This sale took place in the year 1973 which is material date for us. But this sale also ~~represents~~ represents abnormally high price. For the lands in Group I we have fixed a price of 1650/- P.H. The lands in Group II strictly superior. Taking this aspect into consideration the price of lands from this group is fixed at Rs.3200/- P.H. and the same is awarded.

GROUP III.

For arriving at the valuation for lands in this group we shall consider the following sales.

Sr.No.	S.No.	Assessment	Year of sale	Price fetched
--------	-------	------------	--------------	---------------

1.	171/3	5-00	1977	Rs. 4700-/-
2.	361	4-25	1978	Rs. 8350/-
3.	206/A	4-00	1979	Rs. 18,500/-

Islampur.

4.	47/1A	4-17	1977	Rs. 21154/-
5.	106/3	4-75	1978	Rs. 50,000/-

Shakarale.

6.	38	4-07	1975	Rs. 5143/-
7.	1206	4-96	1976	Rs. 3704/-

In this group there are no sales available before the year 1973. But many times we have to take into consideration

---B---

the sales after the material date if they are suitable. The sales at Sr.No.2,3,4,5 we are rejected as they have fetched abnormally high price similar the sale at Sr.No.7 is also rejected as it has fetched very low price. Now only 2 sales i.e sales at Sr.No.1 and 6 remains for our consideration. The sale at Sr.No.1 took place in the year 1977 and has fetched a price of Rs. 4700 P.H. whereas the sale at Sr.No.6 took place in the year 1975 and has fetched a price of Rs.5143. Both these sales give the general trend of valuation of lands in this group. Here we have to bear in mind that the material date for us is 1973. Taking this aspect into consideration the price of Rs.50000/- P.H. for lands in this group will be just and proper and hence the same is awarded.

Group IV.

To determine the value of lands in this group we shall discuss the following sales.

Sr.No.	S.No.	Assessment	Year of sale	Price fetched.
1.	160/1	7-00	1974	Rs. 21200/-
2.	148/3	7-00	1975	Rs. 2200/-
3.	469/1	6-00	1976	Rs. 10,000/- 2500/-
4.	43/8	6-00	1977	Rs. 4700/- 10,000/-
5.	171/3	5-00	1977	Rs. 10,000/-
6.	114/8	6-00	1975	Rs. 11,000/-
7.	110/1B/1	6-00	1977	Rs. 12,500/-
8.	146/3	5-85	1978	Rs. 8333/-

The sales at Sr.No.1,7,8 have been discarded as they have fetched abnormally high price. The sales at Sr.No.2,3,5,9 are also discarded as they have fetched abnormally low price. Now only 4 sales namely sales at Sr.No. 4,6,7,9 remain for our consideration. All these sales are after the date of

Sec.4 notification. Thus all these sales represent comparatively higher value than the lands under acquisition still these sales are useful for coming at reasonable valuation of lands under acquisition. Granting the allowance for this time lag the price of the lands in this group is fixed at Rs.8000/- P.H. and the same is awarded.

Group V.

For arriving at the valuation of the lands from this group we shall discuss the following sales.

Sr.No.	S.No.	Assessment	Year of sale	Price fetched.
1.	423/1	9-00	1975	Rs. 16,600-00
2.	474/4C	8-00	1975	Rs. 17,200-00
3.	420	8-00	1978	Rs. 16,000-00
4.	447 154-17	8-00	1978	Rs. 12,250-00
5.	102/9	8-00	1978	Rs. 15,600-00
6.	42/11	10-00	1978	Rs. 18,500-00
7.	596	9.50	1977	Rs. 10,000-00

The sales at Sr.No. 1,2,3,5,6 are abnormally high and do not represent the correct prices of lands under acquisition. Hence all these sale instances are rejected. Now ~~only~~ only 2 sales i.e the sale Sr.No.4 and sale at Sr.No.72(from village Shakarale) Remains for our consideration. Both these sales are after the material date i.e 1973. Moreover the sale Sr.No.4 is of Bagayat lands. Taking this aspect into consideration the prices of lands in this group is fixed at Rs.9500/- and the same is awarded.

GROUP NO.VI.

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

Sr.No.	S.No.	Assessment	Year of sale	Price fetched.
1.	377/b	12-00	1978	Rs. 12,000-00
2.	564	12-00	1978	Rs. 220-00 12,000-00
3.	42/11	10-00	1978	Rs. 18,500-00
4.	308 1+2	10-10	1980	Rs. 28,410-00
5.	82	11-76 <u>Islampur.</u>	1977	36,363-00
6.	70/c	12-00	1979	75,000-00
7.	2/1A	10-00	1979	50,000-00
8.	125/1	12-11	1978	18,513-00

All the sales except the sale at Sr.No.2 have fetched abnormally high prices as we are they are after 1973. Hence all these sales are rejected. The sale at Sr.No.2 gives some what rough idea for determining the prices of lands in this group. For the lands in Group V which are inferior to lands in Group VI we have fixed a price of Rs.9,500/-. Taking this as a base the price of lands in Group VI is fixed at Rs. 11,000/- P.H. and the same is awarded.

GROUP NO.VII.

For determining the prices of lands in this group we shall consider the following sales.

Sr.No.	S.No.	Assessment	Year of sale	Price fetched
1.	225	12-65	1977	Rs. 2200-00
2.	316/5	14-25	1978	Rs.30,000-00
3.	213	13-39	1978	Rs.37,500-00
4.	922/7	13-25 <u>Uran.</u>	1979	Rs.45,000-00
5.	742/2	13-08	1978	Rs. 5769-00

The sales at Sr.No.1 and 3 are discarded as they have fetched very meager value. The remaining sales are after

1973 and have fetched abnormally high prices hence these sales are also discarded. The lands in this group are most fertile. For the lands in Group VI we have a fixed a price of Rs.11,000/- P.H.. On the lands of this price, the value for the lands is Group VII is fixed at Rs.15,000/- and the same is awarded.

TRESS.

There are 17 fruit bearing tress viz Mango. The valuation of the trees have obtained from the Assistant Director of Agriculture (Cash Crops) Miraj. The statement showing the valuation of fruit bearing trees is enclosed with the awarded. The total value of fruit bearing trees comesto Rs.14,221-05 Ps.

STRUCTURES :-

There are no structures in the lands under acquisition and hence no compensation is awarded for it.

WIRE FENCINGS OR COMPOUND WALLS ETC :-

Fencing of compound walls are not constructed by the interested persons in the lands under acquisition. No compensation is therefore to be awarded on this account.

DAMAGES ON ACCOUNT OF SEVERANCE AND INJURIOUS AFFECTION :-

The interested persons are not entitled for compensation as no severance is formed and there is loss of business of goodwill and injurious affection in this case.

POT KHARAB LANDS :-

From perusal of the J.M.C. and J.M. Plan it is seen that no Pot Kharab lands are under acquisition. Hence valuation of Pot Kharab Lands does not arise.

TAIS AND WELLS :-

There are no tais, bunds etc. constructed in the lands under acquisition and hence question of payment of compensation in this respect does not arise.

EATAM LANDS :-

The following S.Nos are of Inam Class 6-A lands :-

S.No 397/2 and 397/6 have been granted on new and impartiable tenure. Therefore 10% market value will have to be recovered from Shri Sakharan Krishana Shinde and remaining amount will be paid to him.

S.Nos 382/2, 397/3A, 397/3B, 397/8, 471, 471/1, 472/2 have not been regranted so far. The conversion value 1.6 26 times the assessment will be recovered and the remaining amount will be paid to them.

It is seen that there are permanent tenant shown in Kabjeders c in respect of S.No. 472/2, 472/3, 472/4, 472/5, 472/6, 472/7. The occupancy price has not been credited in time. The conversion value 1.5 26 times the assessment will be recovered from the permanent tenant and remaining amount be paid to them.

INAM LANDS :-

S.No. 462 is Inam Class III category. The cash allowance proposal will be submitted to the Collector. In view this compensation, Cash Allowance will be paid to the Wahiwatdar.

SOLATUM :-

Besides the compensation, the statutory at fifteen percent will be paid to the interested persons for the compulsory nature of acquisition as per section 23(2) of the Land Acquisition Act, 1894.

POSSESSION :-

If the Acquiring Body has taken possession prior to December 1979 the Acquiring Body will pay rent @ 6½% and if the possession is taken after December the Acquiring Body will pay the rent @ Rs.8% from the date of taking over possession till the final payment of compensation.

PAYMENT OF ADVANCE COMPENSATION :-

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

-----13-----

MEASUREMENT AND PERCENTAGE CHARGES :-

This is not Govt. project hence measurement and percentage charges are leviable and same should be recovered from the Acquiring Body i.e Executive Engineer, B & C Division Zilla Parishad, Sangli as shown below.

1. Measurement charges :-	Rs. 1250-00
2. Percentage charges :-	Rs. 1452.65

	Rs. 2702-65

DETAILS OF VALUATION :-

The details of valuation are given as under.

1. Land value.	Rs. 27,882-00
2. Trees.	Rs. 14,221-05
3. Soilatium.	Rs. 6,315-40

	Rs. 48,418-45

AWARD :-

I, therefore, declare that total area acquired H. A 3.50.00 and amount of compensation paid to interested persons is Rs. 48,418.45 Forty eight thousand four hundred eighteen and paise fourty five only.00

The lands is having been finally acquired shall vest in Govt. free from all encumbrances, equities and tenure and lawfully subsisting in favour of any other persons other than Government.

The statement of award under section 11 of the Land Acquisition Act showing the details of valuation and apportionment statement of compensation awarded to each interested persons are prepared and enclosed herewith.

Sangli.
Dated :- 31/3/1981.

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