Award under section 11 of the Land Acquisition Act, 1894 made by Shri M.D.Chinchole, Special Land Acquisition Officer, No. IV (Gen) Sangli in respect of the acquisition of lands for construction of Colony building Shed for Warana Canal Division Islampur at Peth Taluka Walwa.

No.SPL/LAQ/SR- 98
Sangli. 11-3-80

A W A R D

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

Acquisition of land for construction of Colony building shed for Warana Canal Division Islampur at Peth Taluka Walwa.

(B) NOTIFICATION UNDER SECTION 4 OF THE LAND ACQUISITION ACT:

The notification under section 4 of the Land Acquisition Act, which was sent to Govt. press without joint measurement and it was published in M.G.G. on 14-7-1977 on page 2581. But subsequently after joint measurement there was difference in the area to be acquired and therefore fresh section 4 notification was sent as per letter No. SPL/LAQ/III/158/78 dated 7-8-1978 and said notification was published in the M.G.G. on 7-9-1978 at page 2247 and 2248.

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

The notification under section 6 of the Land Acquisition Act, was approved and sent to Govt. press as per letter No. LAQ/RR-1278/SS/79 dated 9-10-1979 of Addl. Commissioner Pune Dn. Pune and the notification was also published in the M.G.G. dated 29-11-79 at page 2825.

(D) DETAILS OF THE LAND NOTIFIED FOR ACQUISITION:-

Sr.No.	S.No.	Area H. A.	Village	Taluka	District.
1.	115 part	0-80	Peth.	Walwa.	Sangli.
2.	116 "	1-64	"	"	"
3.	117 "	2-02	"	"	"
4.	118 "	0-40	"	"	"

(B) <u>Reasons for the Award.-</u>

The Executive Engineer, Warana Canal Division No. I, Islampur under his letter No.WCD I/ CB/309 dated 6-10-78 initiated a proposal for acquisition of lands for construction of Colony Building Shed for Warana Canal Division Islampur at Pethnaka vilu.
The Collector of Sangli vide his endorsement No. LAQ/SR-773 dated 12-10-78 directed the Special Land Acquisition Officer No.II Sangli to start the acquisition proceedings. 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 Division Pune accordingly notified the land under section 6 of the ~~xx~~ Land Acquisition Act under ordinary clause.

<u>AREA.-</u> The lands under acquisition were jointly measured by the representatives of Acquiring Body and Survey Dept. The result of measurement work has been mentioned in the Plan Table Sheet and Joint measurement ~~plan~~ 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 area for ~~the~~ the purpose of awarding compensation for the lands.

<u>NOTICES AND OWNERSHIP.</u> Public notices under section 4(1) and 9(1)(2) of the L.A. ACT were duly published in the village, Tahsil office as well as on the lands under acquisition. Similarly individual notices under section 4(1) and 9(3) (4) were also duly served on the persons known or believed to be interested in the lands under acquisition.

The entries in the V. F. VII-XII is the base for deciding the ownership of the lands under acquisition. Form the perusal of V.F VII-XII of the lands under acquisition it is seen that ownership of S.No. 115, 117 and 118 is disputed and not clear ownership. Ownership of S.No. 116 is only clear ownership. Whereas ownership of the

S. No.115, 117, and 118 cannot be divided unless the District Inspector of Land Record office effect measurement of whole lands as per the shares of claimant. There are no tenants in the lands under acquisition.

6) SITUATION AND DESCRIPTION:

The lands under acquisition is situated about half kilometer from Islampur and it is adjacent to the Pune Banglor national Highway. The quality of lands under acquisition from S.No. 115, 118, [illegible] 117 is Murmad Khatakal Jirayat and Low Category. Land from S. No. 116 under acquisition is also jirayat Tanbus murmad and some what better than the lands from S. No. 115, 117, and 118. The lands under acquisition is also between Islampur Pune and Islampur Kolhapur road.

SITE INSPECTION:- I have personally inspected the site alongwith the representative of Acquiring Body on 6-2-80 and found that the lands under acquisition is inferior jirayat land and there is near by no land of superior quality. It is also seen that there is no trend of people to start constructions nearly of the lands under acquisition due to scarcity of water etc.

CLAIMS:- A statement showing the claims made by the interested persons in reponse to the notices under section 9 (3)(4) of the Land - Acquisition Act, is enclosed. (Annexture '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 sec. 9 of the L. A. Act, have not presented any documentary evidence for valuation of the land under acquisition. However they have stated that the lands may be valued according to the present market rates prevelling in the vicinity.

EVIDENCE BY THE ACQUIRING BODY:- The acquiring body has not produced any evidence [illegible] regarding the valuation of the lands under acquisition.

PANCH VALUATION:-

In the panchanama dated 27-1-1977 made by the Circle Inspector the valuation of the lands under acquisition is made at the rate of of Rs. 5000/- and Rs. 10,000/- per hectar inrespect of Malran and Jirayat lands respectively. The valuation made is according to the estimation of panches. However it is an estimation and no correct valuation. The base on which the panchanama is drawn is not known and hence it is not useful for fixing proper valuation of the lands under acquisition. I therefore discard the panch valuation.

CLASSIFICATION AND VALUATION OF LANDS UNDER ACQUISITION:

According to the instructions contained in the Land Acquisition Act the material date for valuing the land is the date of publication of notification under section 4. of The Land Acquisition Act. The notification under section 4 in this case was published in the M.G.G. on 7-8-1978 and therefore this date is material date for valuing the lands under acquisition.

There are three methods of valuing the Agricultural lands. First method is on the basis of the sales of lands under acquisition itself. The second method is on the basis of sales of lands in the vicinity of recent past. The third method is to valuate on income basis i.e. capitalisation of net income.

I have collected the 11 sales instances of the lands from village Path, for discussion and none of the sales is inrespect of lands under acquisition itself. I am therefore adopting the second method of valuing the lands under acquisition. The relevancy of these sales in valuing the lands is discussed below. The sales are of jirayat lands. The sales are discussed below.

At the time of site inspection it is revealed that the lands under acquisition were jirayat lands. At present there is construction of Colony Buildings. Hence jirayat rates of compensation will have to be awarded in this case.

It is seen from the sale statistics that the transaction at Sr. No. 1,2,3,4,5,7, 10, are of jirayat lands but these lands are not adjacent but faraway from the lands under acquisition and moreover these sales are of the different assessment lands. Such type of sale transactions will not be useful, for proper valuation of the lands under acquisition. Hence these transactions are discarded for purpose of valuation.

Further it is seen that the transaction at Sr. No. 11 2t is a transaction effected after the material date of section 4 notification Hence this transaction is not useful for valuation of lands to be acquired hence discarded.

Now there are three sales transaction remained for discussion for valuing the land under acquisition. Out of these three transaction Sr. No. 8 and 9 sale transactions are not adjacent but these are nearer to the land under acquisition. These two sale transactions are effected in 1977 and average assessment of sale transactions at Sr. No. 8 and 9 are Rs. 1-29 and Rs. 1-25 only and the average assessment of the lands under acquisition is more than the average assessment of the sale transactions at Sr. No. 8 and 9. Hence these sale transaction are not useful for proper valuation of the lands under acquisition. Hence these sale transactions are discarded being low average assessment.

Consequent upon the discardation of the transactions at Sr. No. 1,2,3,4,5,7,8,9,10 and 11 there is only one transaction at Sr. No. 6 which is remained for discussion for valuing the land under acquisiti. Average assessment of the lands of sale transaction at Sr. No. 6 is Rs. 6 and 50 paise per hector while the average assessment of the lands under acquisition is Rs. 2 to 4 only which is less than the lands of sale transaction. This sale transaction is adjacent to the S. No. 115 and 116 of the. The price per hector of the land of sale transaction at Sr. No. 6 is Rs. 10,000/-. Since the average assessment of the land of of sale transaction at Sr. No. 6 is high, naturally the market price of the said land will fetch more than the lands under acquisition.

Since the lands under acquisition is adjacent to the sale transaction at Sr. No. 6 it is helpful for taking base and idea for valuing the lands under acquisition. Actually same market price [illegible] will not fetch the lands under acquisition like the market price of sale transaction at Sr. No. 6. Only some what importance to the lands under acquisition is that the said land is adjacent to the National Highway from Pune to Banglore. Eventhough this site is adjacent to the national Highway it is about one and half kilometer from Islampur Town and there is no heavy demand of public either for agricultural land or for N. A. purpose.

Taking into consideration of the superiorness of transacted and lands under acquisition on the basis of average assessment, so also the different quality of the lands under acquisition, and as the land under acquisition is adjacent to National Highway, I have come to the conclusion and fix the rate of compensation of the lands under acquisi-tion as under. Looking to the quality of lands, it is seen that lands from S. No. 118/2 is some what superior than the lands under acquisition from S. No. 115,117 and 118.

I therefore order that the rate of the compensation to the lands under acquisition per hector should be awarded in this case as under:-

S.No/Gat No.		Area under acquisition H. A.	Rate per hector.
118/2	part	1-04	Rs. 7000/-
117	part	2-02	Rs. 6000/-
118	part	0-40	Rs. 6000/-
115	part	0-40	Rs. 6000/-

POT KHARAB :

On the site inspection it is noticed that all the lands under acquisition is shown under cultivation in the Joint Measurement Plan and Joint Measurement Certificate . Hence I am not valuing the Pot Kharab land.

TALS,WELLS,TREES, AND STRUCTURES:-

There are no wells, valuable trees and structure in the lands under acquisition. However interested persons stated at the time of enquiry for claims that there were tals in the lands under acquisition. At the time of site inspection nothing is found as per their statement. After enquiry with the representative of Acquiring Body and Dy. Engineer, it is told by the Dy. Engineer that there were some tals in the lands under acquistion and measurements of these Tals are recorded by his Junior Engineer. The valuation of these tals is to be made by the Acquiring Body it-self and hence payment should be made by Acquiring Body seperately by working out the valuation of these tals seperately and paid to the interested persons directly.

FENCING, COMPOUND WALLS ETC.: Fencing or Compound walls are not constru-cted by the interested persons in the lands under acquisition hence no co compensation amount is therefore to be awarded on this account.

INAM LAND: The land under acquisition is not belonging to Inam Category The question of fixing the valuation as Inam land or the question of recovery of Nazarana etc therefore does not arise.

DAMAGES ON ACCOUNT OF SEVERANCE 2) INJURIOUS AFFECTION 3)LOSS OF BUSINESS OR GOOD WILL :

The interested persons are not entitled to receive compensation on these factors as no severance are formed on account of present acquisition nor there is loss of business or good will and injurious affection.

APPORTIONMENT: A statement showing the apportionment of compensation payable to the interested persons is enclosed. (Annexture "C")

ENCUMBRANCE: As per extract of V. F. VII-XII of the lands under acquisition it is seen that there are no encumbrances on the lands. However payment shall be made after verification of present position of dues and on production of no dues certificate.

TENANTS: There are no tenants in the lands under acquisition. The question of apportionment of the amount of compensation between landlord and tenants therefore does not arise.

SOLATIUM: The statutory solatium of fifteen percent should be paid to interested persons for compulsory nature of acquisition as per section 23(2) of the Land Acquisition Act, 1894.

POSSESSION AND CROP COMPENSATION:

The possession of the lands has not been taken under the provisions of the Land Acquisition Act and hence question of payment of interest does not arise. However the possession was taken earlier by Acquiring Body with private negotiation. The question of payment of Rent Rental compensation, Crop compensation etc. if any should be decided by Acquiring Body with reference to the actual facts and Acquiring Body should make payment directly to interested persons.

ADVANCE PAYMENT: On the request of the interested person Smt. Nurbi Abdul Rahiman Fakir, advance payment of Rs. 6,500/- was made to Smt. Nurbi Abdul Rahiman Fakir on 30-8-1979. This amount of advance payment will be deducted from the final compensation to be paid to interested person Smt. Nurbi Rahiman Fakir. Advance payment to the other interested persons was not made as the title in V. F. VII-XII was not clear. Moreover interested persons also given in writting that they should be given final compensation.

MEASUREMENT AND PERCENTAGE CHARGES:

The Acquiring Body is the Government project and hence the measurement and percentage charges are not leviable on the Acquiring Body in this case.

The details of the valuation are as under:-

Land Value	:-	27,450-00
Value of Trees, Wells, Structures	:-	---
Severance and damages	:-	---
Solatium	:-	4,117-50
5. Interest.	:-	---
Total:-		31,567-50

I therefore declare that,

(a) The total area acquired is 4 Hector and 55 Ares.

(b) The total amount of compensation payable to the interested persons is Rs. Thirty one thousand five hundred sixty seven and paise fifty only.

(c) The apportionment of compensation between co-shares be made as per Award Statement after measurement and preparation of K.F. XII by District Inspector of Land Record.

The Executive Engineer, Warana Canal Division Islampur at Peth Taluka Islampur has made the provisions of the funds.

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

W.D.Chinchale

(W. D. Chinchale)
Special Land Acquisition Officer,
No. IV (Gen) Sangli.

Sangli.
11-1-80.