

Award under section 11 of the Land Acquisition Act, 1894 made by Shri P.N. Jeshi, Special Land Acquisition Officer, No. 4, Sangli in respect of Warna Left Bank Canal village Mandur Tahsil Shirala Dist. Sangli.

No. SPL/LAQ/SR-215
Dated :- 31/3/1982.

A W A R D

(A) Title and particulars of notification and details of land.

Acquisition of land for Warna Left Bank Canal village Mandur Tahsil Shirala Dist. Sangli.

(A) Notification under section 4 of the Land Acquisition Act,

Notification under section 4 was sent to the Manager, Yerewada Prison Press, Pune by the Special Land Acquisition Officer, No. 7 Sangli vide his letter No. SPL/LAQ/SR-107 dated 24/9/1982 and it was published in the M.G.G. Part I Pune Division supplement dated 12/11/1981 at page 3204 to 3206. Corrigendum to section 4 notification was issued by the Special Land Acquisition Officer, No. 7 Sangli on 20/11/1981 and published in the Govt. Gazette on 3/12/1982.

(b) Notification under section 6 of the Land Acquisition Act.

Notification under section 6 was approved and sent by the Commissioner, Pune Division, Pune to the Govt. Press vide his No. LAQpRR/227/SS/82 dated 18/2/1982 and published in the M.G.G. Part I Pune Division Supplement dated 18/3/1982 at pages 876 to 879.

(c) Land notified for acquisition.

The following lands from village Mandur were finally notified under section 6 of the Land Acquisition Act, 1894 under ordinary clause.

S.No.	Area acquired. H.A.	S.No.	Area acquired H.A.
3 Part 22	0-31	4/36	Part 0-02
4/31"	0-00.50	4/37	" 0-01.10
4/32"	0-00.50	4/38	Part 0-07
4/33	Part 0-02	4/39	" 0-03
4/34	" 0-03	4/40	0-06.1
4/35	" 0-02		
4/36	" 0-01.10		
4/37	" 0-10		
4/38	" 0-07		
4/39	" 0-03		
4/40	" 0-06.1		
4/41	0-03		
4/42	0-02		

S.R.No.		Area acquired. H.A.	S.No.		Area acquired. H.A.
4/41		0-03	26/18		0-02
4/42		0-02	26/19		0-19
4/43		0-03	26/20		0-16
4/44		0-06	26/21		0-03
5/45		0-04	26/22	Part	0-27
5/	Part	0-20	26/23	"	0-09
9/2	"	0-03	27/1		0-05.1
9/3	"	0-02	22/2		0-02
24	"	0-36	22/3		0-03
25/9	"	0-12	22/4		0-04
25/10		0-22	22/5	Part	0-13
25/20		0-10.25	27/6	"	0-03
25/21	"	0-19	27/7		0-02
25/22		0-19	27/8		0-03
25/23		0-12	27/9		0-03
25/24	Part	0-06	27/10		0-03
25/25	"	0-53	27/11		0-05.1
25/26	"	0-14	27/12		0-05
25/27	"	0-07	27/13		0-04
25/28		0-22	27/14		0-07.2
25/29		0-20	27/15		0-04
25/30		0-40	27/16		0-01
25/31		0-40	27/17	Part	0-04
25/32	Part	0-06	27/18		0-02
26/1	"	0-00.50	27/19		0-02
26/2	"	0-02	27/20		0-02
26/3	"	0-01.50	27/21		0-01
26/4		0-02	27/22		0-02
26/5	Part	0-02	27/23		0-06.2
26/6		0-02	27/24	Part	0-05
26/7	Part	0-01	27/25		0-03
26/8		0-02	27/26		0-03
26/9		0-09	27/27	Part	0-01
26/10		0-02	27/28	"	0-01
26/11		0-02	27/29	"	0-03
26/12		0-02	27/30		0-01
26/13		0-02	27/31		0-03
26/14		0-05	27/32		0-02
26/15		0-02	27/33	Part	0-04
26/16		0-02	27/37		0-02
26/17		0-11	185/3	Part	0-35
30-22	Part	0-40	185/4	"	0-32
30/31	"	0-52	186/3	"	0-02
30/1	"	0-53	186/7	"	0-42
33/2	"	0-70	187/1	"	0-86
33/3	"	0-05	188/1		0-47
33/6		0-03	188/2	Part	0-05
34/1		0-04	190/1		0-85.2
34/2		0-16	190/2		0-04
34/3	Part	0-01	190/3		0-06
34/4	"	0-49	190/4		0-08.1
35/1		0-20	190/5		0-08
35/2 A		1-25	190/6	Part	0-05.1
35/2 B	Part	0-95	191/	Part	0-48.7
43/	"	1-33	192	"	0-23
183	"	0-87	193	"	0-57
185/1+2	"				

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S.No.		Area acquired H.A.	S.No.		Area acquired. H.A.
194/1		0-04	279/7		0-03
194/2		0-04	29/8		0-02
194/3	Part	0-06	279/9		0-02
194/6		0-02	280	Part	0-10
194/5		0-04	281/1		0-02.2
194/7	Part	0-07	281/2		0-05.1
194/		0-02	281/3		0-12
194/8	Part	0-03	282/1	Part	0-33
195/1	"	0-14	283/2		0-02
195/2	"	0-01	283/2		0-02
196/1		0-03.1	283/4		0-01
196/2		0-34.4	283/6	Part	0-01
197/2	Part	0-16.2	283/12		0-04
197/3		0-07	283/13		0-03
201/1	Part	0-73	283/15	Part	0-03
2101/5	"	0-12	283/16		0-05.1
198/	Part	0-07	283/17		0-02
279/2	"	0-01	283/19		0-03
279/3	"	0-06	283/20		0-11.2
279/4	"	0-10	283/21		0-05.1
279/5	"	0-13.2	283.22		0.03
279/6	"	0-05			

Reasons for award :-

The Executive Engineer, Warana Canal Division, I Islampur vide his letter No. WCD-I/CB/E/849/ of 78 dated 5/4/1978 initiated a proposal for acquisition of lands from village Mandur for canal. The Collector of Sangli vide his endt No. LAQ/RR-230 dated 14/4/78 directed the Special Land Acquisition Officer (Warana) Sangli to start land acquisition proceedings in this case. After the publication of notification the proposal was transferred on my file. The purpose of acquisition as stated in the acquisition proposal in the the interest of public in general hence it is a public purpose as defined in the Land Acquisition Act, 1894. The Commissioner, Pune Division, Pune accordingly notified the lands under section 6 of the Land Acquisition Act, 1894 under ordinary clause.

Area :-

The lands to be acquired finally were jointly measured by the representative of the Acquiring Body and Survey Department

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The result of measurement work has been mentioned in the Plan Table and Sheet and Joint Measurement Certificate. None of the interested persons have raised any objection to the measurement work carried out jointly and hence the area shown in the Joint Measurement Certificate has been accepted as the correct area for the purpose of awarding compensation.

Notices and ownership :-

Public notice under section 4(1) and 9(1)(2) of the Land Acquisition Act was duly published in the village Tahsil office as well as on the land under acquisition. Similar individual notices under section 5-A and 9(3)(4) of the Act were also duly served on the persons known or believed to be interested in the land under acquisition.

The entries in the V.F.VII-XII are taken as base for deciding the ownership of the land under acquisition and for awarding compensation to the interested persons.

Situation and description :-

The lands are situated adjacent to the village Mandur. One small mango tree and 17 miscellaneous trees are coming under acquisition. 6 tals are also coming under acquisition. Except there are no structure is coming under acquisition.

Site Inspection :-

I have inspected the site alongwith the representative of the Acquiring Body on 2/3/1982. The lands under acquisition are having an assessment from Rs. 1-25 to 20-00.

Claims :-

In response to notice under Section 9(3)(4) only 30 interested persons have demanded land compensation that the amount of compensation be made as per Govt. orders.

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Evidence by the Acquiring Body :-

The Acquiring Body has not produced any oral or documentary evidence regarding the valuation of the land under acquisition.

Panch valuation :-

In panchanama made by Circle Inspector from Special Land Acquisition Officer, No. 4 Sangli of jirayat/b gayat lands has been made. As per V.F. No. 1 the per hector assessment of Jirayat lands is Rs. 4-94. The panchanama is not useful for fixing the proper valuation of the lands under acquisition. I, therefore, discard the panchanama.

Classification and valuation of lands :-

There are three methods of valuing the agricultural lands in the Land Acquisition Act, 1894. The first method is on the basis of the sales of lands under acquisition ~~of lands~~ ~~itself~~. The second method is on the basis of sales of lands in vicinity of recent past. The third method is on the basis of income i.e. capitalisation of net income. The third method is based on the details of accounts maintained by the farmer regarding compensation and yield on the cultivation of his land. Generally agriculturists do not maintain the farm accounts. Therefore it goes some-what difficult to follow this method. Hence I am adopting other method on the basis of the sales statistics for valuation of the lands under acquisition.

Lands in the acquisition have been grouped in the following groups on the basis of their assessment as under :-

Group No. I	having assessment	up to Rs. 1-25
Group No. II	-do-	from Rs. 1-26 to 2-50
Group No. III	-do-	from Rs. 2-51 to 5-00
Group No. IV	-do-	from Rs. 5-01 to 7-50
Group No. V	-do-	from Rs. 7-51 to 10-00
Group No. VI	-do-	12-50 Rs. 15-00
Group No. VII	-do-	from Rs. 15-00 to 20-00

In this case section 4 notification has been published in the Govt. Gazette of September 1981 and hence it is the material date for us. In view of this office decide to collect sales prior to 5 years from the material date. But this office could except only the following 3 sales which are as under

Sr. No.	S.No.	Asstt.	Year of sale	Price fetched.
1.	284	18-80	1977	Rs. 6000/- P.H.
2.	205	0-0-81	1978	Rs. 240/-
3.	205	0-081	1978	Rs. 240/-

Thus the above sales are not useful as they have fetched abnormally low price.

Not only we have resort to other ways and means determine the price of lands under acquisition. In respect of Mandor the Special Land Acquisition Office, No. 4 Sangli has prepared and submitted an award to Govt. for approval. The Govt. vide its letter No.

has approved the award and Special Land Acquisition Officer, No. 7 has accordingly declared the award. Here we have to keep one important thing in mind that there is a difference of 6 years in the material date. Because in the Mandor Colony case the material date is 1975 whereas in the Mandur Colony case the same is 1981. If we take note of this vital aspect and increase the rates accordingly (on the basis of Mandur Colony rates) we shall arrive at proper and reasonable prices for the lands under acquisition for Warna Canal.

The details showing rates approved by Govt. in Mandur Colony case and enhanced rates fixed in view of the time lag of 6 years are shown in the following table.

The rates awarded by Govt.

Group No. I	Rs. 4,000/-
Group No. II	Rs. 5,000/-
Group No. III	Rs. 6,000/-
Group No. IV	Rs. 10,000/-
Group No. V	Rs. 11,000/-
Group No. VI	Rs. 12,000/-
Group No. VII	Rs. 13,000/-

The rates awarded on the basis of above rates.

Rs. 5,000/- Rs. 6,400/- Rs. 8,000/- 11,500/- Rs. 13,000/-
14,500/. Rs. 16,500/-

Trees :-

There is one fruit bearing tree (Mango) and 19 miscellaneous trees. The mango tree is small in size and its valuation is fixed Rs. 500/- whereas the valuation of other trees (19) is fixed @ Rs. 350/- per tree.

Structure :- Wire fencing or compound walls etc.

Wire fencing or compound walls are not constructed by the interested persons in the land under acquisition. Hence the compensation amount is therefore to be awarded on this account.

Damages on account of severances and injurious affection :-

In the following S.Nos fragments have made due to present acquisition

Survey No.	Area as per VII-XII. H.A.	Area acquired H.A.	Area remained with the land owner. H.A.
4/31	0-01	0.00.50	0.00.50
4/32	0-01	0-00.50	0-00.50
4/33	0.02	0-02	Nil
4/34	0-03	0-03	Nil.
4/36	0-02	0-02	Nil.
4/36	0-05.10	0-01.10	0-04
4/37	0-08	0-10	Nil.
	0-02 P.K.		
	0-10		0-02
4/38	0-06	0-04	-
	0-03 P.K.	0-03 P.K.	
	0-09		0-01
4/39	0-04	0-03	Nil
4/40	0-06	0-6.1	0-03
25/24	0-14	0-06	0-04
282/1	0-37	0-33	0-03
283/1	0-04	0-01	0-03
283/6	0-04	0-01	0-03
283/15	0-06	0-03	0-08
279/3	0-14	0-06	0-06
279/4	0-16	0-10	0-02
25/32	0-24	0-22	

Survey No.	Area as per VII-XII. H.A.	Area acquired H.A.	Area remained with the land owner. H.A.
25/35	0-45	0-40	0-05
26/1	0-08	0-06	0-02
26/2	0-08	0-00.50	0-07.50
26/3	0-04	0-02	0-02
26/4	0-03	0-01.50	0-01.50
26/6	0-03	0-02	0-01
26/8	0-12	0-10	0-02
26/22	2-97	1-27	1-70
27/5	0-16	0-13	0-03
27/6	0-09	0-03	0-06
27/24	0-06	0-05	0-01
27/27	0-02	0-01	0-01
27/28	0-02	0-01	0-01
27/29	0-07	0-03	0-06
27/33	0-12	0-04	0-08
34/3	0-20	0-16	0-04
192	0-25	0-23	0-02

The area remained with the landowners are less than 10 guanthas and hence I award valuation at 1/10th of the market value of the fragments according to the provisions of Sec, 23(1) third fourthly of the Land Acquisition Act, 1894.

No injurious affection is caused due to present acquisition and hence the interested persons are not entitled for compensation on this account.

Pot Kharab Lands :-

In the following S.Nos Pot Kharab area has been acquired. The details are as under

S.No.	Area of P.K. acquired. H.A.	S.Nos.	Area of P.K. acquired. H.A.
188/1	0-04	4/38	0-03
194/6	0-01	196/2	0-01
25/32	0-02	279/4	0-05
25/33	0-01	194/1	0-02
25/25	0-04	194/2	0-02
190/1	0-02	194/3	0-01
195/1	0-02	279/5	0-01
279/3	0-01	279/6	0-01
283/18	0-01	283/22	0-01
283/20	0-03	4/42	0-01
4/37	0-02	283/21	0-02
185/1+2	0-07	Total :-	0-54
190/5	0-01		
196/2			

For the Pet Kharab area I awarded compensation at the rate of 2/- per guntha.

Tals, wells and structures.

There are 6 tals coming under acquisition, owned by Shri Vithu, Gaghu Sutar. The valuation made by the Executive Engineer, Waarna Canal Division comes to 2324/-. The same valuation is accepted and I award the same

Inam Lands :-

S.Nos 195/1 and 195/2 are Devasthan Inam-3 Shri Mahadeo Deo Shri Hari Nayaran Patil and Shri Ramchandra Ganpati Patil are the wahiwatdar respectively. In respect, in lieu of compensation cash allowance will be paid to the wahiwatdar.

The following lands are Inam category No. 6 i.e Mahar Watan useful to Government.

To be Regranted

25/9, 25/10, 25/11, 25/23,
25/27, 25/33, 26/2, 26/3, 26/4
26/5, 26/6, 26/7, 26/9, 26/10
26/11, 26/13, 26/16, 26/17, 26/26
26/18, 26/22, 26/23, 27/1
27/2, 27/3, 27/4, 27/7, 27/8
27/9, 27/10, 27/11, 27/31,
27/15, 27/14, 27/18, 27/17,
27/20, 27/26, 27/28, 27/29.

To be Granted.

25/20, 25/22, 25/24, 25/29, 25/30, 25/32
25/34, 25/35, 26/1, 26/8A, 26/12, 26/14
26/15, 26/19, 26/20, 26/21, 27/5, 27/6
27/30, 27/32, 27/33, 27/37, 27/12, 27/13,
27/16, 27/19, 27/21, 27/22, 27/23, 27/24
27/25, 27/27.

It is seen from the V.F.VII-XII extracts of above lands that the landowners have not credited the occupy price i.e 26 times and 20 times the assessment respectively. Therefore, the amount of compensation will be paid to them after they recover of occupy price by the landowners concerned.

Solation :-

The statutory solation of 15% should be paid to the interested persons for compulsory nature of acquisition as per the section 23(2) of the Land Acquisition Act, 1894.

Possession :-

The Acquiring Body has taken over possession of lands under acquisition by private negotiations in September 1977

therefore the Acquiring Body is advised to make payment of interest to the landowners from the date of taking over possession till the date of payment of advance on the full amount and thereafter on the balance upto the date of payment.
Payment of advance compensation :-

In the present case an amount of Rs. 10,218.00 as advance compensation has been paid to the interested persons. The advance amount will be recovered from the final payment and remaining compensation will be paid to them.

Details of valuation :-

1. Land value (including trees and tals).	1,35,387-50
2. Solatium.	27,883-50
Total :-	2,13,771.00

I, therefore, declare that :-

- (a) total area acquired is ^{H. A} 24.66.70
- (b) the total amount of compensation payable to the interested persons is Rs. 2,13,771-00 Three lakhs ^{seven} thirtythree thousands three hundred seventy one only.

The Executive Engineer, Warna Canal Division-I, Islampur made the provisions of the funds.

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

Sangli.
31/3/1982

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