

SR 290 ①

Award under section 11 of the Land Acquisition Act, 1894 made by Shri D.A. Mahajani, Special Land Acquisition Officer, No. 4 Sangli in respect of lands acquired for Kolhapur Type weir on Krishana river near village Nagthane lands from village Shirgaon Tahsil Walwa Dist. Sangli.

No. SPL/LAQ/SR-210
Sangli :- 30/12/1982.

(A) TITLE AND PARTICULARS OF NOTIFICATION AND DETAILS OF LANDS :-

Acquisition of lands for construction of Kolhapur Type Weir on Krishana river near village Nagthane lands from village Shirgaon Tahsil Walwa Dist. Sangli.

(a) NOTIFICATION UNDER SECTION 4 OF THE LAND ACQUISITION ACT, 1894

Notification under section 4 was sent to the Manager, Yerawada Prison Press, Pune by the Special Land Acquisition Officer, Minor Irrigation, Sangli vide his letter No. LAQ/MI/SR/221 dated 19/4/1979 it was published in the M.G.G. Part I Pune Division suppliment dated 7/6/1979 at page 1319.

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

Notification under section 6 was approved by Commissioner, Pune Division, Pune and sent to the Press vide his No. LAQ/RR/1583-SS-81 dated 23/11/1981 and published in the M.G.G. dated 19/11/1981 at page 3262, 3263.

(c) LAND NOTIFIED FOR ACQUISITION

The S.No.	336	Part	0.52 = 13
	355	"	0-26
	356	"	0-21
	357	"	0-06

Grignable by area of 0.52 R
The above S.No. were notified for acquisition but as per requested of Executive Engineer, Sangli Irrigation Division, Sangli, withdrawl proposal for 32 0-39 R out of S.No. 336 was submitted to Commissioner, Pune Division, Pune and Commissioner, Pune Division Pune was sanctioned withdrawl proposal vide his letter No. LAQ/RR/1683/SC/82 dated 31/8/1982 and finally only 0-13 R from S.No. 336 acquired.

REASONS FOR AWARD :-

The Executive Engineer, Sangli Irrigation Division vide his letter No. CB/LAQ/6449 of 1977 dated 16/11/1977 initiated a proposal for acquisition of lands for construction of Kolhapur Type Wiir on Krishana river lands from village Shirgaon Tahsil Walwa Dist. Sangli. The Collector Sangli vide his endt. No. LAQ/SP

LAQ/SR-901 dated 24/4/1978 directed to the Special Land Acquisition Officer, Minor Irrigation, Sangli to start Land Acquisition proceedings in this case. After publication of Section 4 notification this case was transferred on my file on 15/4/1981. The purpose of acquisition as stated in the acquisition proposal is in the interest of public in general and hence it was 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 was jointly measured by the representative of the acquiring Body and Survey Department. The result of measurement work has been mentioned in the Plane Table Sheet and Joint Measurement Certificate. None of the interested persons raised any objection to the measurement work carried out jointly and hence the area shown in the Joint Measurement Certificate is taken as true for the purpose of awarding compensation.

Notices and ownership :-

Public notices under section 4(1) and 9(1)(2) of the Land Acquisition Act was published in the village Talil office as well on the lands under acquisition. Similary individual notices under section 4(2) 9(3)(4) of the Land Acquisition Act were also duly served on the persons known or belived to be interested in the lands under acquisition.

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 are on the bank of Krishana river and it is of ~~1000~~ ⁹⁰⁰ ~~Black Soil~~ ^{Black} soil. Sugar Cane crops are taken in the adjoining lands which are served water by private Irrigation Scheme.

Site Inspection :-

The site was inspected by ^{predecessor} ~~my~~ on 24/12/1980 and also by me on 14/9/1982. There are no structures tress or Bunds in the

However it is noticed that good portion of land 26 ^{adjoining out of} 123 ghunthas ^{and 39} 123 ghunthas ~~was~~ originally proposed is ^{re-acquired} redquired from the ~~present~~ ^{proposed} and the portion of 13 ghunthas ^{is acquired}.

Valuation :-

The sales statistics of the lands in the village effected between 1975 to 1978 are collected wherein there are ^{statistics} of the adjoining lands. These are as under.

Sr No.	Area	Asstt.	Date	Average	Rate per hector
	H.A.	Rs. P			
332	1-29	17-00	18/1/1978	9000/-	6976/-
357	0-42	5-25	17/2/1978	6000/-	6895/-
294	0-45	5-50			
	0-87	10-75			
332	1-29	17-00	17/4/1978	13,000/-	10,700/-

Notification under section 4 of the Land Acquisition Act issued on 18/4/1979 and published on 7/6/1979 and hence material date is 7/6/1979. Average assessment of the lands under acquisition ^{ranges} from Rs. 12-23 to Rs. 12-50 per hector and hence there are considered in one group. ^{Considering} Covering by these sales ⁹ give maximum rate of Rs. 10,000/- per hector. However the holder of Gat No. 336 should be paid compensation less by Rs. 100/- because good portion of land of this land is released ^{here}.

Claim :-

At the time of enquiry under section 9(3)(4) of the Land Acquisition Act, 1894. The lands holders have claimed ~~abnormal~~ price as shown below :-

Name of land holder	S.N.	Price demanded.
Shri R.Y. Chavan	355/1	Rs. 25,000/-
Shri R.Y. Chavan 357	357 $\frac{1}{2}$ share	Rs. 2,000/-
Shri D.L. Chavan.	356	Rs. 20,000/-
Shri B.N. Chavan.	357 $\frac{1}{2}$ share	Rs. 12,000/-
Shri B.D. Mane.	336	Rs. 10,0000/-

None of the these holders have given any documentary evidence in support of their claim and hence these are rejected.

Shri V.K. Gramphadye the landlord has given an application in May 1980 at the time of enquiry under section 5-A that Shri Shri Bhanudas Dattatraya Mane is not a tenant and that he is cultivating the land unthriving. ^{relying on} perusal of the extract of V.F. VII-XII it is evident that Bhanudas is cultivating the land as tenant

and payment of compensation of S.No. 336 should therefore paid to the landlord and tenant after obtaining the proper ^{by the} from the tahsildar.

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 the panchanama dated 2/6/1980 made by Circle Inspector from Special Land Acquisition Officer, M.I. Sangli the valuation is made at the rate of Rs. 25,000/- per ~~hector~~ ^{hectare} of Bagayat lands, Rs. 20,000/- per hectare for jirayat lands. Sugar cane crops are taken in adjoining lands. The valuation made ^{by the} according to the estimation of panchas. However it is an estimation and not correct valuation. ~~The panchas have not produced any evidence either~~ ^{There is no} oral or documentary in support of his estimation. ^{made by the Panchas} The ~~panchas~~ ^{panchama} made by the Circle Inspector will not therefore be useful for fixing the proper valuation of the lands under acquisition. I, therefore discard the panch valuation.

Trees :-

There are no valuable or ~~miscellaneous~~ ^{other} trees coming under acquisition. The question of payment of compensation on this account therefore does not arise.

Structures :- Wire fencing or compound walls etc

Wire fencing or compound walls are not constructed by the interested persons in the lands under acquisition. Hence no compensation amount is therefore to be awarded on this account. ~~Damages on accounts is therefore to be awarded on this account.~~

Dmages on account of servrances and injurious affection :-

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

Pot Kharab lands :-

~~No pot Kharab lands~~
~~On site oms/ectopm and~~ after perusal of joint measurement certificate it is seen that there is no pot kharab lands recorded in the joint measurement plan and certificate and I am not valuing ^{and hence Guesting value of} the pot kharab lands. ~~does not arise~~

Tals, Wells and structures :-

There are no wells, Tals and stfucture in the land under acquisition. The question of payment of compensation on this account therefore, does not arise.

Inam lands :-

The land under acquisition not belonging to Inam category. The question of fixing the valuation as Inam land or the question or recovery of Nazarana etc. therefore does not arise in this case.

Solatum :-

The statutory solatium 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 the possession of land from the land owner by private negotiation ~~on~~. The acquiring Body should pay interest in the form of rent from the date of ~~xxxxxx~~ possession upto the date of date of payment of compensation at the appropriate rate.

Payment of advance compensation :-

In the present case no advance compensation has been paid to the interested persons.

Details of ~~xxxx~~ valuation :-

1. Land Value. :- Rs.	6500/-
2. 15% Solatium :- Rs.	975/-
Total	7475/-

I, therefore, declare that :-

- (a) total area acquires is 0-66 R.
- (b) the total amount of compensation payable to the interested persons is Rs. 7475-00 Seven thousands four hundred seventy five only.
- (c) the apportionment of compensation between coshares if any may be made as per award statement.

The Executive Engineer, Sangli Irrigation Division, Sangli has made provisons for the funds.

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

Sangli.

30/12/52

C D A. Mahajan
S. H. A. II Sangli.

SPL/LAQ/SR-210
Dated :- 30/12/1982

STATEMENT

Statement showing compensation awarded under section 11 of the Land Acquisition Act, 1894 by Sd/-
Mahaant, Special Land Acquisition Officer, No. 4 Sangli to the persons in the plot of land situated
Village Shitgaon Talasli Walwa Dist. Sangli.
Construction of Kolhapur Type Well on Krishna River near village Narkhane.
Declaration in the M.G.O. dated 19/11/1981 at page 3262, 3263 by Commissioner, Pune Division, Pune's No
LAQ/1583-85-81 dated 23/4/1981.

Name of work :-
No and date :-

No.	Name of the interested person	cat No.	Area	Rate awarded per hectore.	Land value	Solatum	Total	Total.
1.	Shri Rajendra Yashwant Chavan.	355	0-26	10,000/-	2600-00	390-00	2990-00	-
2.	" Datta Laxman Chavan.	356	0-21	"	2100-00	315-00	2415-00	-
3.	" Bahtrao Appa Gamphadga. Tenant Bhamudas Dattaya Mane.	336	0-13	less 100/-	1200-00	180-00	1380-00	-
4.	" Niturtti Yesu Chavan.	357	0-06	10,000/-	600-00	90-00	690-00	-
"	" Shankar Kashinath Chavan.	"	"	"	"	"	172-50	-
"	" Shamu Yesu Chavan.	"	"	"	"	"	690-00	-
Total :-		63-80	6500-00	975-00	7475-00			

Sangli.
Dated :- 30/12/1982

(D. A. Mahant)
Special Land Acquisition Officer,
No. 4 Sangli.

Award under section 11 of the Land Acquisition ~~Officer~~, No. 2 Act, 1894 made by Shri D.A. Mahajani, Special Land Acquisition Officer, No. 4 Sangli in respect of lands acquired for Kolhapur Type Weir on Krishana river near village Nagthane lands from village Shirgaon Tahsil Walwa Dist. Sangli.

No. SPL/LAQ/SR-210
Sangli :- 30/12/1982

AWARD

(A) TITLE AND PARTICULARS OF NOTIFICATION AND DETAILS OF LANDS :-

Acquisition of lands for construction of Kolhapur Weir on Krishana river near village Nagthane lands from village Shirgaon Tahsil Walwa Dist. Sangli.

(AD) NOTIFICATION UNDER SECTION 4 OF THE LAND ACQUISITION ACT, 1894.

Notification under section 4 was sent to Manager, Yerewada Prison Press, Pune by Special Land Acquisition Officer, Minor Irrigation, Sangli vide his letter No. LAQ/MI/SR/221 dated 19/4/1979 it was published in the Maharashtra Govt. Gazette Part I Pune Division Supplement dated 7/6/1979 at page 1319.

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

Notification under section 6 was approved by Commissioner, Pune Division, Pune and sent to the Press vide his No. LAQ/RR/1583-SS-81 dated 23/9/81 and published in the M.G. & dated 19/11/81 at page 3262, 3263.

(c) LAND NOTIFIED FOR ACQUISITION :-

S.No.	Part	Area
336		0-13
355	"	0-26
356	"	0-21
357	"	0-06

Originally area of 0-52 R notified for acquisition but as requested of Executive Engineer, Sangli Irrigation Division withdrawal proposal for 0-39 out of ^{SR} Gat No. 336 was submitted to the Commissioner, Pune Division, Pune and Commissioner, Pune Division Pune has sanctioned with ^{chaul} proposal vide his letter No. LAQ/RR/1683/SC/82 dated 31/8/1982 and finally only 0-13 R from S.No. 336 acquired.

REASONS FOR AWARD :-

The Executive Engineer, Sangli Irrigation Division, Sangli vide his No. GB/LAQ/6449 of 1977 dated 16/11/1977 initiated a proposal for acquisition of lands for construction of Kolhapur Type weir on Krishana river lands from village Shirgaon Tahsi Walwa Dist. Sangli ^{The Collector, Sangli} vide his endt No. LAQ/SR-901 dated 24/4/1978 directed Special Land Acquisition Officer, Minor Irrigation, Sangli to start the land acquisition proceedings

in this case. After publication of section 4 notification this case was transferred on my file on 15/4/1981. The purpose of acquisition as stated in the acquisition proposal is in the interest of public in general and hence it was 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 was jointly measured by the representative of the acquiring Body and Survey Department. The result of measurement work has been mentioned in the Plane Table Sheet and Joint Measurement Certificate. None of the interested persons raised any objection to the measurement work carried out jointly and hence the area shown in the Joint Measurement Certificate is taken as true for the purpose of awarding compensation.

Notices and ownership :-

Public notices under section 4(1) and 9(1)(2) under land acquisition Act, 1894 was published in the village Tahsil Office as well on the lands under acquisition. Similary individual notices under section 4(2) 9(3)(4) of the Land Acquisition Act were also duly served on the persons known or belived to be interested persons ~~known or belived~~ in the lands under acquisition.

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 are on the bank of Krishana river and it is of good blank soil. Sugar cane crops are taken in the adjoining lands which are served water by private irrigation scheme.

Site Inspection :-

The site ^{was} inspected by my predecessor on 24/12/1980 and also by me on 14/9/1982. There are no structures trees or bunds in the land under acquisition. However it is noticed that good portion of land admeasuring out of 39 ARs. gunthad orginally proposed is relinquished from the proposal and the portion of 13 gunthas is acquired.

Valuation :-

The sales statistics of the lands in the village effected between 1975 to 1978 are collected wherein there are transactions of the adjoining lands. These are as under.

S. No.	Area	Asstt.	Date	Average	Rate per hecter.
332	1-29	17-00	18/1/1978	9,000/-	Rs. 6976/-
357	0-42	5-25	17/2/78	6,000/-	Rs. 6895/-
294	0-45 0-87	5-50 10-75			
332	1-29	17-00	17/4/78	13,000/-	Rs. 10,700/-

Notification under section 4 of the Land Acquisition Act 1894 was issued on 18/4/1979 and published on 7/6/1979 and hence material date is 7/6/1979. Average assessment of the land under acquisition ranges from Rs. 12-23 to 12-50 per hectare and hence there are considered in one group. Considering these sales I give

maximam rate of Rs. 10,000/- per hactare. However the holder of Gat No. 336 should be paid compensation less by Rs. 100/- because good portion of land of this land is released from acquisition.

Claim :-

At the time of enquiry under section 9(3)(4) of the Land Acquisition Act 1894. The lands holders have claimed abnormally price as shown below.

Name of land holder	S.No	Price demanded
Shri R.Y. Chavan.	355/1	Rs. 25,000/-
Shri R.Y. Chavan.	357 1/2 share	R. 2,000/-
Shri D.L. Chavan.	356	Rs. 20,000/-
Shri B.N. Chavan.	357 1/2 share	Rs. 12,000/-
Shri B.D. Chavan. (Mare)	336	Rs. 10,000/-

None of the these holders have given any documentary evidence in support of their claim and hence these are rejected.

Shri V.K. Gramophadye the landlord has given an application in May 1980 at the time of enquiry under section 5-A that Shri - Bhanudas Dattraya Mane is not tenant and that he is cultivating the land unthorisisley on perusal of the extract of V. F. VII -XII it is evedent that Bhanudas is cultivating the land as tenant. And payment of compensation of S.No. 336 should therefore paid to the landlord and tenant after obtaining the proper certificate from Tahsildar.

Evidence by the Acquiring Body :-

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

Panch valuation :-

In the panchanama dated 2/6/1980 made by the Circle Inspector from Special Land Acquisition Officer, Minor Irrigation, Sangli/^{the valuation} made at the rate of Rs. 25,000/- per hector of Bagayat lands and Rs. 20,000/- per hector for Jirayat lands. Sugar cane crops are taken in adjoining lands. The valuation made by the Circle Inspector according to the estimation of panchas.^{However it is an estimation and not correct value} There is no evidence ether oral or documentary in support of his estimation mady by the panchas.. The panchanama made by the Circle Inspector will not therefore be usef^{ful} for fixing the proper valuation of the lands under acquisition. I, therefore discarded the panch valuation.

Trees :-

There are no valuable or other trees coming under acquisition. The q^{uest}ion of payment of compensation on this account therefore does not arise.

Structures :- Wire Fencing or compound walls etc :-

Wire fencing or compound walls are not constructed by the interested persons in the lands under acquisition. Hence no compensation amount 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 no loss of business og goodwill and injurious affection in this case.

Pot Kharab Lands :-

No Pot Kharab lands after perusal of joint measurement certificate it is seen that there is no pot kharab lands recorded in the joint measurement^{plan and} certificate and hence question of valuation of the pot kharab lands does not arise.

Tals, Wells and structures :-

There are no wells, Tals and structures in the lands under acquisition. The question of payment of compensation on this account therefore does not arise.

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Inam Lands :-

The land under acquisition are 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 in this case.

Solatium :-

The statutory solatium 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 the possession of land from the land owner by private negotiation. The Acquiring Body should pay interest in the form of rent from the date of taking over possession up to the date of payment of compensation at the appropriate rate.

Payment of advance compensation :-

In the present case no advance compensation has been paid to the interested persons.

Details of valuation :-

1. Land value :- Rs. 6500-00
2. 15% solatium :- Rs. 975-00

Total :- -----
 7475-00

Measurement and percentage charges.

This is Govt. Project therefore measurement and percentage charges are leaviabale and not recovered from Acquiring Body.

I, therefore declares that :-

- (a) total area acquire is 0-66 Rs.
- (b) the total amount of co-mpensation payable to the interested is Rs- (7475-00) Seven thousand four hundred seventy five only.
- (c) the apportionment statement of compensation between ~~nix~~ cospares if any may be made as per award statement.

The Executive Engineer, Sangli Irrigation Division, Sangli has made provision for the funds.

The lands having been finally acquired ~~for~~ shall vest in Govt free from all encumbrances and tenure lawfully subsisting in fav ur of any persons than Government.

(D. Mahajan)
Land Acquisition Officer

SPL/LAQ/SR-210
Dated :- 30/12/1982

G T A T E M E N T

Statement showing compensation awarded under section 11 of the Land Acquisition Act, 1894 by Mahajani, Special Land Acquisition Officer, No. 4 Sangli to the persons in the plot of land village Shrigaon Tahsil Walwa Dist. Sangli. Construction of Kolhapur Type weir on Krishna river near village Mahthane. Declaration in the M.G.G. dated 19/11/1981 at page 3262, 3263 by Commissioner, Pune Division, Pune's No. LAQ/1583-65-81 dated 23/4/1981.

Name of work :-
No and date :-

Sr No.	Name of the interested person	Gat No.	Area	Rate awarded per hecter.	Land value	Solatium	Total	Total.
1.	Shri Rajendra Yashwant Chavan.	355	0-26	10,000/-	2600-00	390-00	2990-00	-
2.	Datta Laxman Chavan.	356	0-21	"	2100-00	315-00	2415-00	-
3.	Bahrae Appa Gramphadye. Tenant Bhamudas Dattaraya Mane.	335	0-13	" less 100/-	1200-00	180-00	1380-00	-
4.	Nivuriti Yesu Chavan.	357	0-06	10,000/-	600-00	90-00	690-00	-
"	Shankar Keshinath Chavan.	"	"	"			172-00	
"	Shamu Yesu Chavan.	"	"	"			172-50	
							690-00	
Total :-					63-80	6500-00	975-00	7475-00

Sangli.
Dated :- 30/12/1982

(D. Mahajani)
Special Land Acquisition Officer,
No. 4 Sangli.