...der section 11 of the Land Acquisition Act 1894 made by Shri. ...ll, Special Land Acquisition Officer, No.V(Gen) Sangli in respect ... Acquisition for the construction of S.T.Bus Depot and Bus stand. ...uarters, Establishment from village Shirala, Tal.Shirala, Dist,

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No.SPL/LAQ/V-SR/10/79
Office of the S.L.A.O.No.V(Gen)
Sangli Dt. 10-7-1981

A W A R D

Title and particulars of Notification and details of Lands.

Acquisition of Lands from Village Shirala, Taluka Shirala, Dist. Sangli for construction of S. T.Bus Depot and Bus Stand, Staff quarters, eastablishment.

(a) Notification under section 4 of the Land ~~A cqui~~ AcquisitionAct

The notification under section 4 of the land acquisition Act, was published under the S.L.A.O.No.V.(Gen)Sangli's No.SPL /LAQ/ V/SR-10 dt. 1-9-1979 ~~at/page~~ in the Maharashtra Government Gazette part 1 Pune Division suppliment dated 11-10-79 at page 3465.

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

The notification under section 6 of the Land Acquisition Act was published under the Addl. Commissioner Pune Divn. Pune's No. LAQ/SR-136 /82-80 dt. 28-3-80 in the Maharashtra Government Gazettee part I, pune Divn, suppliment dated 24-4-80 at page 1234

(c) Land notified under acquisition

Village Shirala, Taluka Shirala Dist Sangli

Survey No.s : Out of S.No. 26/3, 26/4, 26/5. 26/6,

REASONS FOR THE AWARD

The Divisional Controller, S.T. Corporation Sangli Divn. Sangli who is the Acquiring Vody in this case has under letter No. ST/DC/SGL/ PLN/2189 dated 6-3-1979 has initiated the proposal for acquisition of lands for the construction of S.T.Bus Depot, and Bus stand , Staff Quarters, establishment etc. from raised any objections to the measurement work. corried out and hence ~~as the area shown in the joint measurement certificate is accepted as true~~ the area shown in the joint measurement certificate is accepted as true and final for awarding compensation for the lands.

Notices AND OWNERSHIP :

Public notices under section 9(1)(2) were published in the village Chavadi, Tahsil office and on the lands under acquisition. Similarly individual notices under section 9(3)(4) were served on interested persons requiring them to state the nature of their interested in the land and their claim for compensation and objection if any, to the measurement made under section 8 of the Land Acquisition Act.

The entries in the village form 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 land under acquisition are situated just near the village Geothan and the present S.T.Stand. The building activity near about the village is practically nil. This is the Taluka place, and there is weekly bazar, There is also me- medical facility at the village. There is also village panchayat, and telephone office. S.T.Bus is available. Population of the village is 6400 according to 1971 Census.

CLASSIFICATION OF LANDS :

The parcels of lands coming under acquisition in this case are of good quality Jirayat black soil lands. The average assessement of these lands is between Rs. 12/- per Hecter. There is a well in S.No.26/4 in delapilated condition. Crops such as ground nut, Jawar, Tur, Chillies, paddy were raised in the said lands. For convinience therefore the lands, are classified as under :-

08

ASSESSMENT		CLASS
Jirayat Lands		
Group I	0001 to 1-25	VIII
Group II	1-25 to 2-50	VII
Group III	2-51 to3-75	VI
Group IV	3-76 to 5-00	V
Group V	3-31 to 7-50	IV
Group VI	7-51 to 10-00	III
Group VII	10-01 to12-50	II
Group VIII	12-51 to 15-00	I

The lands pot kharab is a class by itself. The pot kharab area in the lands under acquisition is as under :-

Survey No.	pot kharab Area H. A.
26/4	0-01

CLAIMS

A statement showing claims made by the interested persons in response 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 section 9 of the Land Acquisition Act have not presented any evidence for valuation of the lands under acquisition. However they have said that the lands any be valued at the present market rates prevailing in the village and vicinity. Their request has to be consider on a merit after following necessary " formalities "

EVIDENCE BY THE ACQUIRING BODY :

The Acquiring Body i.e. The Divisional Controller, S.T. Sangli has under his letter No.ST/DC/SGL/ADM/PLN/6237 dated

(29)

19-6-80 has ~~under~~ intuated that having regard to the facts mentioned in the said letter and five sale statistic for the year 1973 to 1978 quoted for assessment it is felt that fair and reasonable market value of the lands would be Rs. 5000/- per Acre. i.e. Rs. ~~58,250~~ 12,500/- p.m. and thus total value for 4 H. 26 Ars. will be Rs53,250 /- approxiuately.

In para 3 of the said letter the Divisional Controller has stated that the notified land is ~~a st~~ situated away from Gaonthan area is black cotton soil classified as Jirayat. The land is on extreme and of village and development of the village are on Western side i.e. towards Gorakhanath Mal. The average depth of foundation will be about 5 feet thus it will require considerable expenditure on foundation. There is also one well (old pit) which is required to be filled in. The cost of filling the pit will be Rs. 10.000/- Approxinately. All the factors were adversly affect the utility of the notified land for building activity and thus it explains total lack of demand for site for building purposes. There factors therefore appreciable detract from its market value.

In para 5 of the letter The Divisional Controller has stated that interested persons have claimed compensation for the lands hyphothecation of Rs. 40,000/- per acre i.e. Rs. 1,00,000/- p.H. But they have not produced any documentary evidence in support of their clains ~~a~~ and as such they are exhorbitant.

The Acquiring Body has not also produced any documentary evidence to support its say. However, the facts narrated in the letter in question will be considered on merits in the discussion under valuation para separately.

PANCH VALUATION :

In the panchanama dated ~~18-479~~ 18-4-79 the Circle Inspector made the valuation of one survey No. 26/3 only and hence another panchanama was made by the Circle Inspector on 19-6-80. The

valuation of the lands under acquisition is made as under :-

S.No.	Area H.A.	Acquired	Kind of land	Valuation p.H.	Total value
26/3	2-52		Jirayat Black soil	Rs.7,000/-	17,990
26/54 p.k.	0-09 0-81 (old will)		---do---	Rs.7,000/-	700/- cost of well 1500/-
26/5	1-23		---do---	Rs.7,000/-	8,610/-
26/6	0-41		---do---	Rs.7,000/-	2,870
Total	4-26				Rs.31,670/-

The valuation made in according to estimation of panchas and not a valuation based on any method. The panchs have not adduced any evidence either oral, documentary in support of their say, The panchanama made by the Circle Inspector will not therefore, be useful, for fixing the proper valuation of the lands ~~uncdf~~ under acquisition. I therefore discard the panchnama.

PREPARATION OF SALES PLAN :

The map showing the sale transaction that took place in the vicinity of the land under acquisition is prepared and kept on record.

VALUTION :

As stated in the para for classification of the lands for convinience the lands are classified on the basis of assessment as under :-

Jirayat Lands	Assessment	Class of land
--do--	0-01 to 1-25	VIII
--do--	1-25 to 2-50	VII
--do--	2-51 to 3-75	VI

--do--	3-76 to 5-00	V
--do--	5-01 to 7-50	IV
--do--	7-51 to 10-00	III
--do--	10-01 to 12-50	II
--do--	12-51 to 15-00	I

The parcels of lands under acquisition have the following assessment per Hectre :-

Sr.No.	Survey No.		Area H.A.	Assessment P.H.
1	26/3		2-52	11-31
2	26/4	p. k.	0-09 0-01	11-11
3	26/5		1-23	11-13
4	26/6		0-41	11-15

There-fore, or the basis of the above assessment the parcels of lands being of good quality of Jirayat are classified as Jirayat Class- II ; lands.

The sale transaction which took place at the village during the Ten Year i.e. 1971 to 1980 are collected from the Sub- Registrar's Office Shirala . There are in all 27 sales transactions that took place during the above period.

Out of these 27 sales, most of the sales are not comparable as they show abnormally high land value (i.e.Sr.No. 14&19) and low land value (i.e.Sr.No. 22). Therefore, the sales at Sr. No. 14, 19, 22, have been discarded.

In the Statement of lale Transactions the sale at Sr.No. 10 effected in the year 1973 (26-3-73) fpr Rs. 25,000/- in respect of the land bearing survey No. 30 which is quite adjuscent to the lands under acquisition. The area under sale is only 0-03R. The ~~Survey No. under sale is quite adjuseent~~

Survey No. under sale is quite adjuscent to the lands under acquisition. and land is of Jirayat Class-II. But the said sale is between the Society and Member or some relative of the member of the ~~said-sicieyt-a~~ society and there being no stamp duty chargeable to the society and in order to give benefit to the said member or his relative this transaction might have been ~~-given-by-the~~ taken place and hence enhanced price for the land might have been given by the Society to its member or other person and hence though the sale is of land adjuscent to the land under acquisition it cannot be considered for the fixation of rates of compensation for the lands under acquisition. Similarly there are two sales of Jirayat Class-II lands at Sr.No. 1 & 25 viz. Rs. 40,000/- during 1971 and for Rs. 24719/- p.H. during 1971. ~~and~~ But as the lands are situated at 1 & 1/2 Miles from the lands under acquisition these sales are of no use for consideration and hence I discard these sales. Out of Six Sales transactions, available for Jirayat Class-II ; ~~ands~~ lands 3 sale transactions are of no use.

The Acquiring Body has suggested to offer the rates of Rs.12,500/- p.H. for the lands under acquisition for the ground stated therein. One of which is that the lands are situated away from Gaothan area and the land is on extreme end of village and developments of the villages are on Western side i.e. towards ~~G~~ Gorakhnath Mal. But this is not the case with these lands. They are situated just near previous St.T. stand and on the road side Shirala Chandoli Road. The soil also black soil of good quality as admitted by S.T. having avarage assessment of Rs. 11 /- per hectare.

The sale date on record, including the sales cited by the Acquiring Body are in adequate and as such I have collected additional sales from this group. However there are no comparable sales from some adjuscent villages. However, there are also no comparable sales available.

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On scrutiny of available sale data I find only following 2 sales as worth consideration.

Sr.No.of sale.	S.No.	Area	Asstt. Rs.P.H.	Rate P.H.	Date of sale.
13	117/1	0-87	7.90	8064/-	17-3-1975
3	38/8 38/6	0-23 0-23	8.41	14130/-	18-3-1974

The lands to be acquired are from higher assessment group falling between Rs. 10-01 ps. ~~/e~~ per Hector to Rs. 12.50 per Hectare Whereas the above sales are from next lower group of Rs. 7.51 to Rs. 10.00 p.H. Out of these two sale's the sale at Sr.No. 3 is important. If we assume this price to be true in the year 1974 (Rs. 14.130/-) P.H. the further increase in the rate approx- ~~imately Rs. 400~~ immately Rs. 400/- per year up to the date of Notification under section 4 of the Land Acquisition Act, (i.e.1979) could be Rs. 16,130/- i.e. 16000/- p.h. ~~inroundfigure~~ inround figure . Considering this and the land value approved in other land acquisition cases from this taluka it would be a fair and reasonable to award rate of Rs. 16,000/- P.H. for the lands to be acquired (as on 11.10 . 1979)

T R E E S :-
===========

There are no trees inthe lnad under acquisition and hence the question of payment of compensation therefor, does not arise.

STRUCTURES TALS AND WELLS :-
============================

In the Survey No. 26/3 under acquisition there is one old stone buiilt up construction of grave with dimensions 11 ft. in length 11 ft. in breadth and 3 feet in height. This is not an historical construction ~~of grave with dimensions 11~~ nor Deosthan as per local enquiry and also it is in delapidated ~~ee~~ condition.

Nobody has claimed for ownership rights on this grave or for compensation etc. hence question of taking away the material ~~ther~~ there of, after demolition ~~on~~ of A.B. does ~~mpt-ar~~not arise. No. compensation is proposed to be paid for this grave. In S.No. 26/4 under acquisition there is one old well pit which is in delapidated condition and it is not in use at present. The panch Valuation of this old well pit made by the panchas is about Rs. 1500/- made by the panchas as on 19-6-1980. There are no Tals, in the ~~1~~ land under acquisition. The EX. Engineer, p.w.D. Miraj under his letter No. VLU/1280/9216/(2)ADM/8279 dt. 15-9-80, has valued the well for Rs. 6984/- only. This valuation is accepted in the Award.

FENCING OR COMPOUND WALLS :-

Fencing and compound walls were not constructed by the interested persons in the land under ac-quisition. No comp-ensation is therefore, required to be awarded to ~~thi~~ this factor.

DAMAGES ON ACCOUNT OF SEVERENCE & INJURIOUS AFFECTION :

On account of the present acquisition small pieces of lands less than 10 gunthas are not remaining with the Khatedars and as such the question of payment of compensation on this factor does not arise.

INAM LANDS :

The lands under acquisition are not belonging to the Inam category. The question of fixing their valuation as Inam lands or question of recovery of Nazarana, does not arise.

A P P O R T I O N M E N T :-

Statement showing the apportionment of compensation payable to the interested persons is appended to the Award. Besides this, the point is discussed in the statement about claims and findings of Special Land A cquisition Officer, appended to the Award.

ENCUMBRANCES :

Tagai Dues :- Survey No. 26/6 : The encumbrance of Bullock Tagai Dues on Survey No. 26/6 should be cleared as it is reported by the Talathi that the dues have ~~all~~ already been satisfied by S Shri V.N. Patil. S

Survey No. 26/3 :- The name of shri Ganu Subhana Hirvadekar is shown as protected tenant in other rights. Aba Ganapati Hirvadekar who signed notice u/s 9(3)(4) for Shri Ganu Subhana was absent at the time of enquiry on 18-4-80. This encumbrance should either be got removed or consent of Shri ~~Gan~~ Ganu Subhana be obtained before payment of compensation to the land owners.

T E N A N T S :

There are following tenants in the lands bearing No. 26/3 and 26/4 Shri Khashaba Shivaram Hiravadekar etc. 6. The names of the Ganu Subhana Hiravadekar etc. 5 shown as protected tenant of S.No. 26/3 in other rights. The statements of the tenants are recorded in which they claim to be tenants of the S.No. 26/3 & 26/4. ~~was~~ The enquiry made with the Tahsildar reveals that on 28-10-66 the enquiry under section 32 G of the Survey No. 26/3 & 26/4 was postponed as the land lady was widow. The heirs of the deceased land lady has applied in the year.. 1968 for handing over possession of the suit lands from tenants and requested to postpone the enquiry u/s 32 (G) till the decision of the application for possession made in 1968

~~in~~ In the circumstances, it is decided to fix apportionmet-ent as follows. :-

a) Landlord's share :- 1/4th Market value
+
3/4 th Purchase Price
i.e.. 60 times the assessment of lands.

(4)

b) Tenant's share :- 3/4th (M. V. - P.P.)

In Shirala Taluka it is declared that 80 times of the assessment of the land should be paid as Purchase Price for the holding by the tenant to the landlord.

SOLATIUM :

Besides the market value of the lands under ~~acqu~~ acquisition ~~persons~~ statutory solatium at 15% should be paid to the interested persons for compulsory nature of acquisition as per section 23(2) of the Land Acquisition Act 1894.

P O S S E S S I O N :-

The possession of the lands under acquisition has not been handed over to the Acquiring Body so far, under the provisions of the L.A. Act.

PAYMENT OF ADVANCE COMPENSATION :-

No ~~advnce~~ advance compensation on account the lands under acquisition has been paid to the interested persons as an interinm ~~relife~~ relief.

DETAILS OF VALUATION :-

1) Land value :- Rs.		Rs. 68,002-00
2) Structures (old Well)		6.984-00
	Total Rs.	74,986-00
3) Trees		
4) 15% Solatium.		11,247-90
5) Severence		---
	Grant Total: Rs.	86,233-90

A W A R D : -

I therefore, declare that

a) the total area of the lands under acquisition is H.4-26 Rs.

b) the total amount of compensation payable is Rs. 86,233-90 ps.

(48)

(Rs Eighty Six thousand two hundred thirty three and paise ninety only)

c) is payable to the interested persons as per apportionment statement.

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

Sd/ xxx

(S. A. Patil)
Spl. Land~~s~~ Acquisition
Officer No. V. (Gen) Sangli.

True copy

Special Land Acquisition
Officer No. 5, Sangli

construction ...
(SPL/LAQ/V/SR-10/79).

S.No.	Survey No.	Name of Owners.	Kind of Structures	Estimated cost	Depreciated cost	Age	Total Valuation.
1.	26/4	1) Shri Hari Ganesh Kulkarni Mukhatyar of Smt. Janabai alis Laxmibai W/o.Hari Kulkarni. 0-5-4 Share	Old Well Pit in delapidated condition.	Rs. 9,133-25	Rs. 2149-05	60 Yrs.	Rs. 6,984-20 i.e. Rs. 6,984-00
		2) Pandurang Shivaram Hirawadekar etc. 6 0-5-4 share (Tenant to be decided)					
		3) Smt. Satyabhamabai w/o. Janardhan Hasbanis. 0-5-~~4~~ 4 share					
		4) Shri Vishnu Nana Patil 0-5-4 share	(The Executive Engineer, Public Works Dn. Miraj under his letter No. Vlu/1280/9216/(2)-ADM-8279 dated 15-9-80 has valued the ~~W~~ the Well for Rs. 6984-/- only.)				

-14-

sd/- xxx

(S. A. Patil.)
Special Land Acquisition
Officer No. V(Gen.) Sangli.

True copy

Special Land Acquisition
Officer No. 5, Sangli

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Statemnt showing the Jirayat Land (class II) under acquisition rates awarded Rs. 16000/- Per Hectare as compensation.

Survey No.	Area under acquisition.	Valuation
	H. A.	
26/3 part	2.~~2~~52	40,320.00
24/4 P.K.	0.09	1,440.00 2.00
26/5	1-23	19,680.00
26/6. part	0-41	6,560.00
Total	4.25 P.K. 01	68,0002.00 2.00
		68,002.00

Sd/xxx

(S. A. Patil)
Special Land Acquisition
Officer No, ~~I~~6 V (Gen) Sangli.

True copy

Special Land Acquisition
Officer No. 5, Sangli

Statement showing the Average Assessment of the lands to be acquired for construction of S.T. Bus Depot and Bus Stand Staff Quarter and Establishment from the village Shirala Tahsil Shirala District Sangli :-

Sr.No.	S.No.	Asstt. H.A.	Asstt Rs.Ps.	Per Hec. Asstt. Rs Ps.	Class of Land.
1.	26/3 part	2-52	26-98	11-31	Jirayat Class-II
2.	26/4 ~~P.K.~~ P.K.	0-09 0-01	1-00	11-11	--do--
3.	26/5	1-23	13- 69	11-13	--do--
4.	26/6 part	0-41	4-57	11-15	--do--
	Total P.K.	4-25 0-01			
	Grand Total	4-26			

Sd/ xxx

(S.A.Patil)
Special Land Acquisition
Officer No. V (Gen.) Sangli.

Special Land Acquisition
Officer No. 5, Sangli

Village, Shirala. Taluka - Shirala. Land Acquisition for S. T. Stand and establishment :- Appartionment statement L. A. 15/79

S.No.	Name of the Khatedar	Area under Acquisition S. No.	Area	Asstt.	Asstt. P. H.	Class of Land.	Rate P. H.	Details of compensation Land	Well	Structure	Total	15% Solatium	Others	Severance	Total	Remark
1.	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1.A	Janabai Alias Laxamibai w/o Hari Kulkarni . Land lord,	26/3 Part	2-52	26-9?	10-71	Jiravat	16000	10080-00 1678-80	-	-	11758-80	1763-82	-	-	13522-62	
1.B	Khashaba Shivram Hirawadekar. Tenant act.	"	"	"	"	"	"	[illegible]8561-80	-	-	28561-80	4284-18	-	-	32845-38	
								40320-0			40320-00	6048-00	-	-	4686/ 46368-00	
2.A	Janabai Alias Laxamibai Hari Kulkarni 0-6-4	26/4 Part P.K. 0-1	0-09	1-0	11-11	Well	"	120-16 19-80	582-00	-	721-96	108-30	-	-	830-26	
2.B	Tenant. Khashaba Hirawadekar. etc.	"	"	"	"	"	"	340-70	1746-00	-	2086-70	313-00	-	-	2399-70	
								[illegible]0-66	2328-00	-	2808-66	421-30	-	-	3229-96	
								[illegible]0-67	2328-00	-	2808-67	421-30	-	-	3229-97	
2.C	Satyabhamabai Janardan Hasbasnis.0-5/6-4	"	"	"	"	"	"	[illegible]0-67	2328-00	-	2808-67	421-30	-	-	3229-97	
2.D	Vishnu Nana Patil 0-5-4	"	"	"	"	"	"	[illegible]42-00	6984-00	-	8426-00	1263-90	-	-	9689-90	
								[illegible]-00		-	19680-00	2952-00	-	-	22632-00	
3.	Satyabhamabai Alias Janardan Hasbasnis	26-5	1-28	13-69	11-13	Jiravat	"	[illegible]-00		-	6560-00	984-00	-	-	7544-00	
4.	Vishnu Nanam Patil.	26/6 Part 4-25 P. K. 0-1	0-41	4-57	11-15	"	"	[illegible]002-00	6984-00	-	74986-00	11247-90	-	-	86233-90	

Special Land Acquisition Officer No. V
(General) Sangli