

Award No. 11/10/72

Name of village : Chhavo.

Nature of Acquisition: Permanent.

Purpose of acquisition: For Remodelling of Talasgarh Drain.

AWARD.

These are proceedings for determination of compensation u/s 11 of the L.A. Act. The land measuring 3 bighas 5 biswas situated in village Chhavo was notified u/s 4 read with section 17 and section 6 of the L.A. Act vide notification No. F.15(22)/67-LAW(I), F.15(22)/67-LAW(II) and F.15(22)/67-LAW(III) respectively dated 19.2.71 for a public purpose namely for remodelling of Talasgarh Drain from Chhavo Bridge to Kachla Regulator. In pursuance of the aforesaid notification notices u/s 9 & 10 of the L.A. Act were issued to all the persons interested in the land and claims filed by them are discussed hereafter under the heading compensation claims.

True and correct copy

The land was measured on the spot by the Land Acquisition Field staff and the area available found at the spot is 3 bighas 5 biswas as notified.

Ownership:

The details of ownership, tenancy, area and kind of soil are as under:

S. No.	Name of the owner	Qualification	Ch. No.	Area	Kind of soil.
1.	Shri. Govind Chandra Chhavo	Self cultivation	704/2/71	0.01	S. Abhash

2.	Shri. Govind Chandra Chhavo	Self cultivation	704/2/71	0.01	S. Abhash
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u. a. a.

1/2 share each share.
 Subh Ban s/o C share
 Par 2 share s/o C share
 s/o Ban 1 share.
 Hish Lal, Pulan sons
 of Anvit in equal share
 1 share. (See Exhibit 1)
 For sons of Mahan 2
 in equal shares each.
 Tag Osman s/o Mahan
 s/o Mahan Kala in equal
 share Par 1 share.)

- | | | | | | | |
|-----|---|---------|---------|------|------|------|
| 3. | Shree Singh Bahwan sons
of Mahan. | 100/100 | 733/8/1 | 0-10 | 1/10 | 1/10 |
| 4. | Jodha Lal s/o Mahan | -10- | 731/8/1 | 0-10 | 1/10 | 1/10 |
| 5. | Lal Chand s/o Mahan
in equal shares. | -10- | 796/2/1 | 0-10 | 1/10 | 1/10 |
| 6. | Shree Singh s/o Mahan | -10- | 795/2/1 | 0-10 | 1/10 | 1/10 |
| 7. | Shree Singh Bahwan sons
of Mahan s/o Mahan.
Lal Chand s/o Mahan
in equal shares each.
Lal Mahan, Sunita
Shree in equal shares
each. | -10- | 799/2/1 | 0-10 | 1/10 | 1/10 |
| 8. | Shree Singh s/o Mahan | -10- | 797/2/1 | 0-10 | 1/10 | 1/10 |
| 9. | Shree Singh s/o Mahan | -10- | 798/2/1 | 0-10 | 1/10 | 1/10 |
| 10. | Shree Singh s/o Mahan | -10- | 799/2/1 | 0-10 | 1/10 | 1/10 |

100/100 = 100% (100-100) = 0% (100-100) = 0%

CLAIMS AND EVIDENCE

The persons interested have each filed written claims.
 However, they stated in their statements that they were awarded
 the same compensation as to their share of the property of the
 deceased. The claims are as follows:

CLAIMS

The claimants are as follows:

potential value, and the demand for the land. The best evidence available to prove what a willing purchaser would pay for the land under acquisition would be evidence of genuine sales effected about the time of notification for acquisition either in respect of land under acquisition or a portion thereof or the sales of the land precisely parallel in all circumstances to the land in question. If the evidence of sales of similar land or the records of the court in the locality with similar adventures are available the market value can be fixed with reference to the price mentioned in them.

In the instant case, the claimants have put forward extravagant claims without any corroborative evidence whatsoever. The claimant that the Government has filed a copy of sale deed No. 4369 dated 16.4.37, the incidence of sale price being Rs. 16,666.67 per bigha. This sale transaction can not be taken as an example or to assess the market value of the land as the date of registration of this sale deed is 16.3.37 whereas the date of preliminary notification in respect of the land under acquisition is 19.9.71 i.e. the sale deed was executed 4 years earlier than the material date.

In the absence of any reason evidence whatsoever from the side of the claimants efforts were made at this time to find out the nearest parallel sale deeds in the village so as to evaluate the correct market value of the land. The records of the Sub-Registrar's Office reveal that the following sale transactions have been executed nearest to the material date:

S. No.	Sale deed No.	Date of Execn.	Consideration of money.	Average per bigha.
1.	5777	4-7-36	15,000/-	3000.00
2.	5774	4-7-36	5,000/-	5,000.00
3.	6779	27-5-36	10,400/-	1,000/00
4.	6780	27-5-36	10,400/-	1,000/00
5.	6087	27-5-36	15,000/-	10,000.00
6.	6980	1-12-36	1,500/-	5,000.00

The sale deeds at S.No. 2, 5, 6 do not bear any relevancy as the land involved in these transactions are apparently for residential sites which always fetch a very high price. Further the land involved in these sale deeds is in close proximity of the village chadi. Whereas the land under acquisition is purely agricultural land and is at a reasonable distance from the land of the sale deeds mentioned at serial No. 2, 5 & 6.

The sale deed at S.No. 1 is near the chadi of the village Chhadla and moreover its land is 'Chhadla'. The land under acquisition is 'Chhadla'. That means that the former is not submerged in water and the latter is most of the time under water. As the situation and conditions are not similar it is discarded.

The other sale deeds at S.No. 3 & 4 relate to land of 'Chhadla'. The average price fetched in 1970-71 was Rs. 1,000/- per bigha. The land under acquisition is 'Chhadla' and has been notified since 1972-73. Since the notification has been issued after about 21 years, some appreciation in price has to be taken into account. The value of the land concerned is assessed at Rs. 1,100/- per bigha which is assessed at a flat rate for all land covered in the notification.

There are no trees and structures on the land under acquisition.

CONCLUSION:

The interest of the people as the possessor of the land has not been taken into account.

RECOMMENDATION:

The land should be acquired at the market value of the land.

APPOINTMENT:

Compensation will be fixed on the basis of the talent exercised in the revenue record.

LAND REVENUE DEFECTS:

The land under cultivation is assessed at P. 1.10% as land revenue which will be deducted from the rent roll of the village from the date of taking over possession of the land. The assessed land will vest absolutely in the Government free from all encumbrances.

SUMMARY:

The award is summarized as under:

1. Compensation for 1207 1/2 acres of land @ the rate P. 110% per bidia bhaga.	P. 5,577.00
2. Taxation	P. 535.75
Total:	<u>P. 4,111.75</u>

(Copy of this award is being placed before the Revenue Officer for his signature and stamp.)

Revenue Officer
Taluk Office, ...