

of the Land Acquisition Act 1894 by Shri L. Harisich
I.A.S. Assistant Collector. Chorasi Prant.

XX

Case No. D.A.Q./ S.R. 11/71.

Subject:- Land Acquisition: Surat
for construction of houses and Development
scheme of Gujarat Housing Board village Pandesara,
Tal. Chorasi.

AWARD:

1. History :-

In this case the proposed for acquisition of lands for the above purpose was received from the Housing Commissioner Gujarat Housing Board Ahmedabad vide his letter No. Land-203/2708/H.P.II dated 26-3-'70 by the Special Land Acquisition Officer Br. No. I Surat through the Collector Surat. Subsequently this proposal was transferred to this office vide Collector Surat's order No. LAQ/ Transfer of cases dated 1-10-'71.

The lands coming under acquisition as per the joint measurement and the final notification under section 6 of attached herewith.

2. Publication of notification and issue of notices :-

Notification under section 4 of the Land Acquisition Act 1894 was published in G.G.G. as shown below:-

No and date of notification.	Date of G.G.G. Part I (Supply)	Page Nos.
No. AM 4359/M LSU-1570/118999- IA.I. dated 27-11-1970	7-1-1971.	11 to 13.

Exemption:-

No. AM-71-2804- M-LSU-1570-60255- IA-I dated 7-7-1971	22-7-'71	4195.
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The public notices under section 4(i) of the notification were published as shown below:-

<u>Places:</u>	<u>Date of publication</u>
1. On the talika notice Board	10-2-'71.
2. On the village Chavdi	18-1-'71.

The said notices were also served individually
notice were also served indi their objections against the
acquisition.

...2....

1. Revaben Hirabhai G/O minor Hanubhai Hirabhai.	S.No. 110/2
2. Shri Khusalbhai Keshavbhai etc.	98 to 116
3. " Ratilal Bhanabhai	108/1
4. " Dhirubhai Bhanabhai	108/2
5. " Bechar-Bhai Vallabhabhai	102/ paiki.

Remaining interested persons have not raised any objection to the acquisition of the said lands. The persons who have raised objection have been heard by the then Special Land Acquisition Officer Br.No. 1 Surat.

The possession of the land under acquisition was not obtained by the Acquiring Body by private negotiation and as such 3/4th advance compensation was not paid to the persons interested.

After considering the objections of the interested persons Government in Revenue Department was pleased to release the final notification under section 6 of the Land Acquisition Act which was published in the G.G.G. as shown below :-

No. and date of notification.	G.G.G. part I (Supply) date of publication.	Pages.
No. AM/4359/M LSU 1570/38210-IA- I dated 28-9-'71.	14-10-'71	6510-to 6511

After publication of the notification under section 6 public notices as required under section 9(1) and (2) were issued and published as below :-

Place.	Date of publication.
1. On the Taluka notice board.	10-3-'72
2. On the village Chavdi and site	13-3-'72

Individual notices as per section 9(3) and (4) the said Act have also been served on the occupants of the lands. The details showing the names of interested persons who appeared before the undersigned and submitted their claim is shown in appendix 'B'.

3. Occupancy rights:-

The names of the persons in whose the lands under acquisition are standing in the Revenue records are given in the statement below:-

S.No.	Name of occupant.	Other right	Tenure of land.
98.	Durlabhabhai Becharbhai	-	N. T.
99.	Ranchhodji Dahyebhai and Kanjibhai Dahayabhai	-	N. T.
100/1	Becharbahi Vallabhabhai and Ichhubhai Pahayabhai	-	O. T.

...3....

S.Nos.	Name of occupant	other right	Sender of land
100/2	Durlabbhai Becharbhai	-	O.T.
100/3	-do-	-	O.T.
100/4	Becharbhai Vallabbhabhai Ichhubhai Vallabbhabhai	-	O.T.
100/5	Durlabbhabhai Becharbhai	-	O.T.
100/P	Becharbhai Vallabbhabhai	-	O.T.
103	Kashiben W/o Manibhai Jivanji	-	O.T.
104	Khusalbhai Kesharbhai	-	O.T.
105	Becharbhai Vallabbhabhai	-	N.T.
106/1	Bai Chhimi W/o Nathubhai Parsoottambhai	-	O.T.
106/2	Bai Revaben d/o Keshavbhai Parbhaubhai	-	O.T.
106/3	-do-	-	O.T.
107	Dhaniben wd/o Kalidas "auji	-	O.T.
108/1	Fatilal Dajibhai	-	O.T.
108/2	Lalbhai Bhanabhai	-	N.T.
109/1	Chhimiben d/o Hirtbhai and W/o Nathubhai Parsoottambhai	-	O.T.
109/2	Khusalbhai Keshavbhai	-	N.T.
110/1	Ranchhodibhai Bahyabhai	-	N.T.
110/2	Bai Revaben w/o Hirabhai Natrangi g/o minor Manubhai Hirabhai.	-	O.T.
111/1	Bhikabhai Hirtbhai	-	N.T.
111/2	Bhikhiben wd/o Manubhai Paganlal.	-	N.T.
116	Rambhai Jivanji	-	O.T.

The representation made by the owners of the lands as regards their shares are given in appendix 'B'. None of the persons who presented themselves at the time of inquiry under sanction 11 represented any dispute regarding ownership of any lands under acquisition. Moreover, there are no tenancy rights and encumbr noted in the other right column in the village records.

(4) Measurement:

Joint measurement was made by the D.I.L.R. Surat and no objections have been raised by any of the persons to the joint measurement statement and to the area as shown in the section 6 notification. I therefore hold that the area notified under section 6 of the Land Acquisition Act. is true and correct. and the compensation will be awarded accordingly

(5) Situation of the lands:

The lands under acquisition forms a compact block situated to the west of gamathan of village Pandesara and about 1.5 K.M. to 2 K.M. as away and in interior from Surat-Mavardi State Highway. Lands acquired by the Gujarat Industrial Dev. Corporation industrial township are to the south west and very close to the

lands under acquisition are bounded by Nala to their south the village boundary of Udhana to their north, and the village boundary of Dantora and Govalak to their West and ganthan of Pandesara to their east. G.I.D.C. has acquired the land to the south West of lands under acquisition in 1968-69. Big Industrial concern like Baroda Rayon Corporation, NavinFlourine, Shri Ram Estate etc, are about 1.5 to 2 K.m. from and to the east of the lands under acquisition, on the Surat-Navsari State Highway. As existing Katcha Road takes off from the Navsari state highway and runs along the common boundaries of village Pandesara and Udhana giving approach to provided through the lands under acquisition is laid out by giving the private land of the concerned S.No. to the panchayat and that the area of road still stands in the name of the owner in the record of rights.

The immediate surrounding lands to the north, south and west of the lands under acquisition have not yet been developed

The lands under acquisition are jarayat. The total population of village is 223. The total area of village is A.698 3 G out of which A.653. 11-G is cultivable and the remaining A.44 G.32 is uncultivable.

6 and 7 Claims for compensation by the interested persons.

All the interested persons of the lands under acquisition except S.No. 108/2 remained present before me as shown in appendix 'B'. The owners of the S.Nos. 100/4, 102 p. 105, 100/ , 100/3 , 100/2 98 , 100/5 did not make any claims under sanction 9. *At the time of inquiry under section 9. Their claims have been*
(8) Value proposed by the A.B.

The A.B. has not proposed any valuation for the land coming under acquisition.

(9) and (10) sales noted in the records:

The section 4 notification was published on 27-11-70. The sales of lands in the village during the five years prior to that have been taken into consideration for arriving at the market value of the lands under acquisitions. The details of the sales as noted in the village record are shown in appendix 'C' with approximate remarks against each ~~entry~~.

In addition to the above three more sales are collected as described below and in statement B-1(1) S.No. 36/3 of village Govalak measuring 4 A 31 G was sold for Rs. ~~16610/-~~ 31730/- on 27-8-70, giving land value of Rs. 6644/- i.e. Rs. 166 10 p. per gunthas. It is uneven waste land and lies to the north of and away from the block of lands under acquisition.

2. and (3) S.No. 225p admeasuring 8833 sq.yds. and 4840 sq.yds. of Udhana sold on 19-5-1969 at the rate of Rs. 29040/- per acre i.e. 726/- per guntha and Rs. 28999/- per acre i.e. Rs. 724/- per Guntha respectively. The date of agreement in these sales is 20-2-69. These lands are situated very close to the state high way and they are the sales of N.A. k lands. They are also just opposite to the developed Industrial area of Baroda Rayon Adarsha Chemicals etc.

Sale at serial No 2 is of S.No. 36/3 of village Govalak which is situated about 300' to 350' to the north of Rs. 6644/- per acre i.e. 16.610/- per hecters, on 27-8-70 for there is no development in the surrounding area and is away from gaothan of Pandesara.

Sale at Sr.No. 2 and 3 are of Udhana village little interior to the State High way and very near to the developed industrial area and hence are much superior that the sales very near to the state High way give high land rates of Rs. 28999/- per acre i.e. 72500/- P.H. to Rs. 29040/- per acre i.e. Rs. 72600/- p.h. on 20-2-1969 and this rate decreases to Rs. 6644/- per acre i.e. 16.610/- P.H. on 27-8-70. toward undeveloped area if one proceeds away from High way which can be seen from at Sr.No. 1 of statement 'B'.

Further G.I.D.C. has acquired in 1968 and 1969 certain lands of village Pandesara laying to the South east of the Block of Lands under acquisition for the industrial township. These lands are very near to the land under acquisition and the proposed development of Industrial ownership has given certain N.A. potentiality to the land under acquisition.

Considering the sale instances discussed in appendings that the following rates of market value for the lands under acquisition would be reasonable market value for awarding compensation and I award according.

* 'c' and factors as discussed above, I come to the conclusion

Survey No. Rate of market value per hectare as approved in Government.

	Rs.
98	18000/-
99	21000/-
100/1, 100/2, 100/3, 100/4, 100/5.	20000/-
116	>19000/-
102/P.	>21000/-
103/P	>24000/-
104	>24000/-
105	>23000/-
105/1	23000/-

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106/1		22500/-
106/2	22500/-	22000/-
106/3	22000/-	19000/-
107	22000/-	22000/-
108/1	22000/-	20000/-
108/2	22000/-	18000/-
109/1	18000/-	18500/-
109/2		18500/-
110/1		18500/-
110/2		21000/-
111/1/P		20000/-
111/2		21000/-

Other claims tree wells etc.

The following ^{trees} taxes are coming under acquisition as per the joint measurement statements.

S.No.	Trees
99	1 Babul
110/1	1 Sandi
116	5 Babul 1 Sandi
102/P	1 Khajuri
110/2	1 Sandi

Total: 10 Trees.

There are no wells or super structures on the lands under acquisition.

Since the possession of the lands coming under acquisition are not taken by private negotiation by the Acquiring Body the value of the trees which are coming under the acquisition required to be determined. Accordingly the value of the tree as shown against each is hereby awarded.

1. Babul trees at Rs. 15/- per tree.
2. Khajuri Trees at 5/- per tree.
3. Sandi tree at 10/- per tree.

In the following S.No. the pot K. shown against are also coming under the Acquisition as such kind value as Rs. 1 for the said p.K. is hereby awarded as compensation Sr.No.99 & 100/P.

12(a) Severance Charges.

No. S.No.s have been served on account of acquisition and not formed a fragment as shown in the joint measurement statement. A such no severance charges is to be paid.

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12(b) Solatium:-

15% of the market value of the land is awarded as solatium for the compulsory nature of acquisition.

12(c) Rental compensation:-

Since the possession of the lands coming under acquisition has not been taken over by a private negotiation by the A.B. the question of payment of rental compensation will not arise.

12(d) Interest:-

As the possession of the lands coming under acquisition has not been taken the question of payment of interest would not arise.

13. Apportionment amongst the interested persons:-

(i) Old tenure lands:-

S. Nos. 100/1, 100/2, 100/3, 100/4, 100/5, 102/Paiki 103, 104, 106/1, 106/2, 106/3, 107, 108/1, 109/1, 110/1, 110/2, 116, are of old tenure lands and as such full compensation is to be paid to the interested persons.

(ii) New tenure lands:-

S. Nos. 98, 99, 105, 109/2, 111/1, 111/2, 108/2 are new tenure lands and as such 1/3rd share of the compensation is to be credited to Government with 2/3rd share being paid to the parties concerned.

(iii) Tenanted lands:-

There are no tenanted lands coming under present acquisition.

(iv) Encumbrances:-

There are no encumbrances are not noted on the lands coming under acquisition in the village record as discussed in para 3 as such the question of deducting encumbrance amount would not arise.

(v) Measurement and percentage charges:-

The acquisition is done by the Housing Board, as such measurements and percentage charges are to be recovered.

(vi) Survey Corrections:-

Necessary Survey corrections should be carried out by the D.T.L.R. Surat.

(vii) Land Revenue Reduction:-

The Mamlatdar Chorani should be requested to reduce the land revenue for the lands coming under acquisition pending survey corrections.

Chalan of Cash paid into the Treasury/Sub-Treasury/State/Reserve Bank of India at
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To be filled in by the remitter
અર્થ મુજબ ભરવું

To be filled in by the Departmental Officer of the Treasury
વડતી મુજબ ભરવું

By whom rendered (Name) અર્થ મુજબ ભરવું (નંદ નામ)	
Name (or designation) and address of the person on whose behalf money is paid. જેના નામ અર્થ મુજબ ભરવું અને તે વડે ભરવાનું સ્થાન (અર્થ મુજબ ભરવું)	
Full particulars of the remittance and the authority (if any) પૂર્ણ વિગતો આપવાની પૂરેપૂરી વિગત અને તે અંગેના હુકમ (જો હોય તો)	Amount રકમ
Compensation of land of S. 109.98, 99 etc. of village Pandesara, Taluka Chorasi, as per Asstt. Collector's No. LA-1/SR/11/71 dt. 27-12-72.	8,24,933.80

Head of Account } S. Deposit & Advance
.....
Order to the
Correct, Receive and grant receipt
.....
Date
Signature and full designation of the Officer
ordering the money to be paid in.
.....

Received payment of Rs. eighty only.
(અર્થ મુજબ)

To be used only in the case of remittance to bank
through an officer of the Government.

Accountant—(અર્થ મુજબ)

Treasury Officer/Agent—(અર્થ મુજબ)

Chalan of Cash paid into the Treasury/Sub-Treasury/State/Reserve Bank of India at
.....

To be filled in by the remitter
અર્થ મુજબ ભરવું

To be filled in by the Departmental Officer of the Treasury
વડતી મુજબ ભરવું

By whom rendered (Name) અર્થ મુજબ ભરવું (નંદ નામ)	
Name (or designation) and address of the person on whose behalf money is paid. જેના નામ અર્થ મુજબ ભરવું અને તે વડે ભરવાનું સ્થાન (અર્થ મુજબ ભરવું)	
Full particulars of the remittance and the authority (if any) પૂર્ણ વિગતો આપવાની પૂરેપૂરી વિગત અને તે અંગેના હુકમ (જો હોય તો)	Amount રકમ
Establishment charges for the land acquired within of S. No. 93, 90 etc. of village Pandesara Taluka Chorasi Dist. Surat.	14000 00
Signature	Total Rs. 14000 00

Head of Account } S. Deposit & Advance
.....
Order to the Bank
Correct, Receive and grant receipt
.....
Date
Signature and full designation of the Officer
ordering the money to be paid in.
.....

Received payment of Rs.

To be used only in the case of remittance to bank
through an officer of the Government.

Treasurer—(અર્થ મુજબ)

Accountant—(અર્થ મુજબ)

Treasury Officer/Agent—(અર્થ મુજબ)

Housing Sub Division No. 1
SURAT

50/- IPT.O. મુજબ ભરવું

AGREEMENT

An agreement made this 20th day of June one thousand nine hundred and seventy between the Gujarat Housing Board, a Board constituted by the Government of Gujarat under the Gujarat Housing Board Act, 1961 (hereinafter referred to as "the Board") which expression shall unless the context does not so admit include its successor (or successors) of the one part and the Governor of Gujarat (hereinafter referred to as "the Government" which expression shall unless excluded by, or repugnant to the context be deemed to include his successor or successor in office and assigns) of the other part.

Whereas the Board is desirous of acquiring all that land situate in the village of Pandesara in the registration of CIDRASI taluka in the District of Surat bearing Survey No. 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111 and 116 bounded on:-

Survey P.R. ~~S.No. 37, 240 & 239 of Udhna~~

NORTH S.No. 37, 240 & 239 of Udhna.

SOUTH S.No. 39, 93, 94 & 96 of Pandesara

WEST S.No. 39, 32, 33, 34 & 35 of Dantara

EAST S.No. 1, 2, 3, 67 & 68 of Pandesara & village site

For construction of tenements under the land acquisition & development Scheme of Gujarat Housing Board more particularly described in the schedule hereunder written, hereafter called 'the said land' together with the trees, houses and all other things whatsoever standing on the same or attached there to or permanently fastened to anything attached to the same.

And whereas the Board has applied to the Government to acquire the said land under provision of the Land Acquisition Act, 1894 (hereinafter called "the said Act").

And whereas the Government has consented to acquire the said land under the said Act on behalf of the Board on the Board agreeing in the manner hereinafter appearing.

Now these presents witness that the Board doth hereby bind itself to pay to the Government the cost of the acquisition of the said land alongwith and including therein an amount equivalent to the difference between the market value and rental value of the said land as compensation payable to Government for conversion of tenure of the said land and all such charges as may be incurred by the Government or by any officer of the Government in respect of the said acquisition at such time or times as the Collector of Surat (hereinafter referred to as "the Collector") shall require on the amount of the said cost being certified by the Collector and doth agree that in the event of its making default in any such payment it shall be lawful for the Government to recover the same as arrears of land revenue and the Government doth hereby agree with the Board that as soon as all the costs and charges of the said acquisition shall be paid by or recovered from it as aforesaid land together with the trees, houses and other things standing thereon or attached thereto or permanently fastened to anything attached thereto shall vest in the Board and be henceforth held by it for the purpose of the Gujarat Housing Board Act, 1961, free from all claims or charges whatsoever on the part of the Government.

The Schedule above referred to:

SCHEDULE

District Surat Taluka Chorasi Village Pandesara

Village	Survey Number	Area Approximate H - RA - Sq. meter.	Purpose of the Acquisition.
Pandesara	98	0 - 39 - 81	LAND ACQUISITION AND DEVELOPMENT SCHEME OF GUJARAT HOUSING BOARD.
	99	3 - 03 - 52	
	100/1	0 - 29 - 34	
	2	0 - 29 - 34	
	3	0 - 20 - 23	
	4	0 - 61 - 71	
	5	0 - 68 - 80	
	102/Part	1 - 61 - 88	
	103	2 - 11 - 45	
	104	1 - 35 - 37	
	105	1 - 76 - 04	
	106/1	1 - 25 - 45	
	2	1 - 12 - 30	
	3	1 - 11 - 29	
	107	2 - 77 - 21	
	108/1	1 - 22 - 42	
	2	2 - 20 - 55	
	109/1	1 - 18 - 37	
	2	2 - 03 - 36	
	110/1	3 - 77 - 37	
	2	2 - 33 - 71	
	111/1	1 - 61 - 88	
	2	1 - 21 - 41	
	116/Part	2 - 02 - 34	
		<u>36 - 55 - 15</u>	

In witness whereof the Executive Engineer, Housing Division, Gujarat Housing Board, Baroda has for and on behalf of the Board set his hand and affixed the seal of the Board, and the Collector of Surat hath on behalf of the Governor of Gujarat set his hand and affixed the seal hereto the day and year first above written.

The Executive Engineer of the Gujarat Housing Board has set his hand and affixed the seal of the Board, pursuant to a resolution of the Board, dated _____

Executive Engineer
Housing Division,
Gujarat Housing Board,
in presence of -

F. R. Patel
10/6/56
Executive Engineer,
Housing Division Baroda.

(1) *[Signature]*
(T.N. JOSHI)

(2) *[Signature]*
(C.H.B. THAKER)

SIGNED SEALED AND DELIVERED

By

The Collector of
in presence of -

(1)

(2)

Common Seal of the Gujarat Housing Board
was affixed in presence of _____
Member, Gujarat Housing Board, who has
signed in presence of _____

ORDER

In conclusion I declare that

- (1) The area finally notified under section 6 of the Land Acquisition Act is the true and correct area of the land acquired.
- (1i) The total amount of compensation awarded is Rs. (824933-80) Eight lac twenty four thousand nine hundred thirty three and paise eight only.

As shown in statement 'C' and it should be paid to the persons as shown there in.

Surat

Dated 12-1972

(L. Mansingh).
Assistant Collector,
Chorasi Prant, Surat.

Award declare on 3-2-73 in open Court.

Sd/-
L. Mansingh
Assistant Collector
Chorasi Prant, Surat.

// TRUE COPY //

Habib/-
17774.

I, Shri G. U. Palil Circle Officer, Athva Taluka Chorasi Dist:- Surat on behalf of the Govt of Gujarat to hereby hand over, I Shri P. S. Chhikniwala, Deputy Engineer, Housing Sub. Division, NO. I. Surat on behalf of the Housing Commissioner Gujarat Housing Board, Ahmedabad to hereby take over on site clear and vacant possession of Land as shown in the schedule below to day the 2nd May 1973

SCHEDULE.

Dist	Taluka	Village	S. No.	Area	Sq.
Surat	Chorasi	Pandavara	68	0- 59 -	81'
"	"	"	69	2- 53 -	46'
"	"	"	P.E.	0- 5 -	05'
"	"	"	100/1	0- 29 -	34'
"	"	"	100/2	0- 20 -	34'
"	"	"	100/3	0- 20 -	33'
"	"	"	100/4	0- 51 -	71'
"	"	"	100/5	0- 65 -	26'
"	"	"	P. S.	0- 07 -	01'
"	"	"	102/1	1- 34 -	57'
"	"	"	103	2- 07 -	40'
"	"	"	104	1- 35 -	57'
"	"	"	105	1- 25 -	04'
"	"	"	106/1	1- 13 -	37'
"	"	"	106/2	1- 12 -	30'
"	"	"	106/3	1- 11 -	29'
"	"	"	107	2- 53 -	05'
"	"	"	108/1	1- 28 -	42'
"	"	"	108/2	2- 20 -	55'
"	"	"	109/1	1- 18 -	39'
"	"	"	109/2	2- 03 -	35'
"	"	"	110/1	3- 65 -	23'
"	"	"	110/2	2- 11 -	45'
"	"	"	111/1	1- 28 -	49'
"	"	"	112/2	0- 81 -	95'
"	"	"	116/2	1- 54 -	13'
				34- 77 -	28

Taken over

P. S. Chhikniwala
Deputy Engineer,
Housing Sub. Division, NO. I.
Surat.

On behalf

Housing Commissioner,
Gujarat Housing Board,
AHMEDABAD.

Handed over

G. U. Palil
21/5/73
Circle Officer,
Athva, Taluka Chorasi,
Distt. Surat.

On behalf

Government of Gujarat.