

IN THE OFFICE OF THE DEPUTY COLLECTOR(LAO), PANAJI.

Case No.3/120/84-LAO.

Project:- Land Acquisition for the rehabilitation of slum dwellers in site and service scheme under 20 point programme.

A W A R D

The Land Acquisition proceeding commenced with the publication of Notification issued under section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) bearing No.22/81/84-ED dated 17-4-1984 published on page 128 to 129 of Series II, No.7 of the Government Gazette dated 17-5-1984. The Public Notices under section 4(1) of the Land Acquisition Act, 1894 were published at the appropriate places.

In reply to the public notices, objections were received from the villagers of Sancoale and from the Sarpanch, Village Panchayat Cansaulim-Arossim-Cuelim, both addressed to the Hon'ble Chief Minister, Govt. of Goa, Daman and Diu, Secretariat-Panaji. The objections filed were examined and accordingly 5-A report was made. Thereafter Govt. made a declaration under section 6 of the said Act, vide Government Notification No.22/81/84-ED dated 10-5-1985 published on page 97 of Series II No.6 of the Government Gazette dated 10-5-1985 declaring Government decision to acquire for public purposes the land specified in the schedule with description (hereinafter referred to as the said land) attached to the said Notification. This land is to be acquired for public purposes for land acquisition at Sancoale Village for the rehabilitation of slum dwellers in site and service scheme under 20 point programme by invoking urgency clause under section 17 of the said Act. I was appointed to perform the functions of the Collector for all proceedings in respect of the said land and was directed under section 7 of the said Act to take order for the acquisition of the said land; and was also directed under sub-section (1) of section 17 of the said Act to take possession of all the land on expiry of fifteen days from the publication of notice relating to the said land under sub-section(1)

.... 2/-

of section 9 of the said Act.

The land to be acquired has been properly surveyed and demarcated with boundary stones and the Plans and survey reports were prepared. The Survey report incorporates the particulars of the land to be acquired. The Plan so prepared which has been referred to in the last para of the Govt. Notification dated 10-5-1985 was kept for public inspection along with the survey report.

The requisite notices under section 9 and 10 of the Act were issued and published at the appropriate places on 27-5-1985 through the Mamlatdar of Mormugao Taluka, Vasco-da-Gama and individual notices were also served on the interested persons in the manner prescribed under section 45 of the Land Acquisition Act, 1894.

TRUE AREA AND NATURE OF THE LAND

The area proposed to be acquired is $\approx 1,89,300.00$ sq.mtrs. as shown in Notification dated 10-5-1985. As none of the interested parties have challenged the measurement of the area and correctness of the same by valid documentary evidence, I therefore, hold that the true and correct area for the determination of compensation in the present case is $1,89,300.00$ sq.mtrs.

COMPENSATION

The notice under section 9 and 10 was served on the Procurador Comunidade of Sancoale, Mormugao, Vasco-da-Gama on 27-5-85 to remain present in this office on 28-5-85 at 10.30 a.m. to file their claim. However, neither the representative of Comunidade of Sancoale remained present nor any claim was filed by the said Comunidade.

The Mamlatdar of Mormugao, Vasco-da-Gama who was requested to furnish sales statistics report, furnished five sales transactions under his letter No.MAM/MOR/CI/SAL-STC5/70/84/1423 dated 1-6-84. The details of said sales transactions are as under:-

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1. No.	2. Date of Execution	3. Area in Sq.mtrs.	4. Rate per sq.mtr.	5. Total value of the land	6. Survey No.
1.	24-7-82	3450	26-00	90,000-00	238/1
2.	24-2-82	29847	1-61	48,325-00	39/1
3.	6-3-82	3555-50	4-50	16,000-00	1/1
4.	13-6-83	600-00	26-67	16,000-00	
5.	19-9-83	300-00	60-00	18,000-00	268/11

From the above transactions it can be seen that there are no sales transactions effected during the year 1984. Taking into consideration the date of issue of section 4 Notification in the Gazette dated 17-5-1984 the nearest sales transaction that took place was at Sr.No.5 effected 8 months prior. This is too at a distance of 11 kms. from the acquired site.

The sale transactions which have been referred above by the Sanltar of Margao, Vasco-da-Gama, have also been inspected by me on 28-3-85 and I am to submit as under:-

i) As regards the sales transaction at Sr.No.1 above involving survey No.238/1, the said plot is situated at Sancoale Village. It is at a distance of about 11 kms. from the proposed acquisitioned site. It is bounded on the North by River Zuari and to the South by National Highway Road i.e. Vasco-Cortalim-Margao Road. It is presently utilised for workshop purposes.

ii) As regards the sales transaction at Sr.No.2 above involving survey No.39/1 the said plot is situated at Dabolim Village. It is a steep slope where the Valley starts from the hill top plateau. It is at a distance of about 300 metres from the main road Vasco-Dabolim Airport-Chicalim-Zuari Agro Chemical Sancoale-Margao and about 4 kms. from the acquisitioned site.

iii) As regards the sales transaction at Sr.No.3 above it is involving Dabolim Village Survey No.1/1

... 4/-

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and is situated at a distance of about 50 mtrs. from Sogmale Diversion Road and about 200 metres from the main road from Vasco Airport road - Zuari Agro Chemical Sanceale-Margao. It is absolutely rocky land. It is at a distance of about 0.5 kms. from the acquisitioned site.

iv) As regards the sales transaction at Sr.No.4 above, the said plot could not be identified.

v) As regards the sales transaction at Sr.No.5 above, involving Survey No.268/11, the said plot is situated at Sanceale Village and lies opposite to Plot of sales transaction at Sr.No.1 at a distance of 100 metres. It falls in survey No.235/1 and bounded to the North by National Highway Road. It is at a distance of about 10 kms. from the acquisitioned site.

I inspected the proposed land to be acquired on 5-3-1985 alongwith Shri Pal G.A. and Shri A.V. Radhakrishna both Assistant Engineer of the Housing Board, Panaji, and Shri Carlito M.F. Fernandes, Field Surveyor of this office and again on 23-3-85 alongwith Shri A.V. Radhakrishna, Asstt. Engineer of the Housing Board, Panaji to inspect the sales transaction lands. The proposed land is situated at Sanceale Village and is approximately 10 kms. away from Vasco Town. It is adjacent and contiguous to the main road Vasco-Sanceale which connects to Margao-Cortalim road. The Zuari Agro Chemical Factory is at a distance of 1 km. from this land. It is a rocky uncultivable land with 11 small cashew trees and few small shrubs. Some portion of land is plain and some is slopy with contours.

After having a glance at the sale transaction effected as detailed above in the surrounding area of the acquisitioned site it is seen that the sale transactions from serial No.1 to 3 have been effected in the year 1982 and the sale transactions at serial No.4 and 5 in the year 1983. However, the latest sale transaction which is at serial No.5 has been effected 8 months prior to the issue of section 4 Notification in the Official Gazette on 17-5-84. The rates of lands given per square metre in 1983 are Rs.26-67 and Rs.50/- and in 1982 from Rs.26-00 to Rs.4-50 and Rs.1-61. All the above said lands are rocky similar to that to the acquisitioned land. They are also quite at a long distance by road from the acquisitioned land. For example the land at serial No.5 of sale transaction is at a distance of approximately 11 kms. from the acquisitioned land. The land at serial No.4 of sales transaction could not be identified. Similarly the lands at serial No.1, 2 and 3 are at the distance of 11, 4 and 5 kms respectively. The land at Serial No.1 and 5 are very near to each other. However, since these sales transactions have taken place within a duration of 14 months the rates per sq.mtr. have changed from Rs.26/- to Rs.50/-. From this circumstances it is not reasonable and justifiable to draw an average of the rates. Besides, the sales transactions which have taken place at serial No.2 and 3 are almost before 2 years and have also little relevance in arriving at the market value of the acquisitioned land on the ground that serial No.2 land is a big junk of land measuring 29847 sq.mtrs. area comprising of steep sloppy area of a valley which cannot be used for construction purpose. Similarly the area at Serial No.3 falls at Bognale diversion and little inside from the main road like Serial No.2. The land to be acquired falls adjoining the road Vasco-Dabolim Airport-Zuari Agro Chemical Factory-Verna and Margao. This road joins the Highway road Cortalim-Margao at a distance of about a kilometre. In the circumstances we cannot arrive at the average rate of market value under any circumstance. Now in order to arrive at a fair and reasonable market value of the acquisitioned plot I feel that the land shown in sale transaction at Sr.No.3 could be the

guiding factor as it is on the same plateau and little adjacent to the same road at a distance of 5 kms. Besides, the potential value of the land is also the same from the point of rocky nature and development from the point of growing industrialisation of the area in the wake of urbanisation due to Mormugao Harbour and Vasco city. This is an Industrial belt area where there is a multi-crore Fertiliser Factory, Industrial Estate and the Mormugao City nearby, it is developing rapidly. The land at Serial No.2 cannot be taken into consideration because it is a steep sloppy Valley land not fit for construction purpose. Now since the sale transaction at Serial No.3 took place on 6-8-82 and since the issue of section 4 Notification is dated 17-5-84 i.e. almost about 2 years after, it would be highly justifiable as the land to be acquisitioned is falling on the main road proper that the market value per square metre may be fixed at Rs.3/- because it is likely that within a period of 2 years the rate of land which is at a lower abn of Rs.1.61 may double at the most. I therefore fix the market value of the land per sq.mtr. at Rs.3/-. The Comenidade of Sancoale has also not given any rate per sq.mtr. of the land to be acquired. This also well settles with the rates shown in other sale transactions. Based on this rate ~~xxxxxxxxxxxxxxxxxxxx~~ the total compensation comes to Rs.5,69,400-00 (Rupees five lakhs sixty nine thousand four hundred only).

There are 11 cashew trees and two soft wood trees in the acquisitioned land. The Zonal Agricultural Officer, Margao has valued the trees for the purpose of fruit valuation at Rs.2900-00 and the Dy. Conservator of Forests, South Goa Division, Margao has valued the same trees for wood value at Rs.287-50 communicated vide their letter No.3/4/1/85-ZAOM/361 dt. 28-6-85 and No.5/66-SUE/85-86/6 dated 31-7-85 respectively. The total value of wood and trees works out at Rs.3187-50 (Rupees three thousand one hundred eighty seven and paise fifty only).

Thus the total value of land and trees

including 30% solatium charges and interest comes to Rs.8,41,099-65 (Rupees eight lakhs forty one thousand ninety nine and paise sixty five only) which I hereby award.

In view of the above the compensation in this proceeding is calculated as under:-

- 1) Value of the 1,85,800 sq.mtrs. of land @ Rs.3/- per sq.mtr. - Rs.5,69,400-00
- 2) Value of the trees (fruit value+wood value) - Rs. 3,187-50
- 3) Total value of the land u/s 23(1). - Rs.5,72,587-50
- 4) Add interest @ 12% per annum on the market value u/s 23(1A) for the period from 17-8-84 to 28-5-85 i.e. from the date of publication of the Notification u/s 1 to the date of taking over possession. - Rs. 70,909-45
- 5) Add solatium charges @ 30% on the market value. - Rs.1,71,776-25
- 6) Add interest @ 9% per annum on the market value of land from 29-8-85 to 29-11-85 i.e. from the date of taking over possession of the land till the date of payment u/s 23. - Rs. 25,766-45
- 7) Grand Total of the compensation to be awarded. - Rs.8,41,099-65

APPURTENANCE

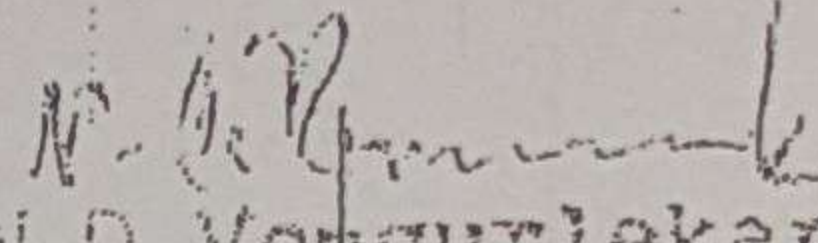
The above awarded compensation has been apportioned to the Comandante of Lancetale being the only party involved in the said Acquisition.

This award is declared with the prior approval of the Collector of Goa in terms of Section 11(1) of the said Act vide his Office Memorandum No.12/1/35-CONF/71 dated 3-10-1983.

The Acquiring Department should ensure that the records of rights and ownership of lands are accordingly modified showing the transfer of the property under this Award to the Government consequent to taking over of the possession of the land and payment of the awarded amount in due course.

All the interested persons who will be receiving the compensation under this Award shall be given to understand that they will be liable under the third proviso of section 31(2) of the said Act to refund the said compensation or a portion thereof, in the event of any other person being adjudged to be lawfully entitled thereto.

Place: Panaji.
Date:- 18/10/1985


(N.D. Vengurlekar)
Dy. Collector (L&O)
Panaji.

Case No. LAO/

CERTIFICATE

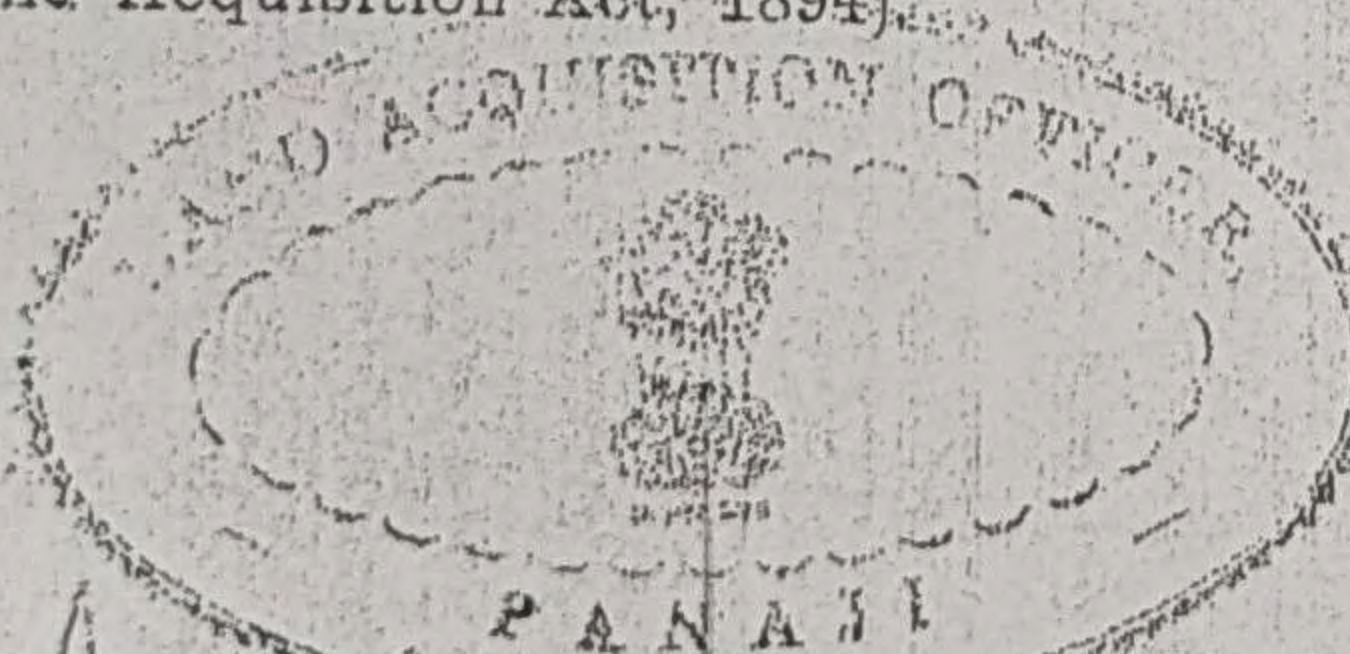
Certified that the possession of the below mentioned land, trees and structures have been taken over today i.e. 23/5/85 at 4.00 a.m./p.m. under section 16 of the Land Acquisition Act, 1894.

Sr. No.	Taluka	Village	Plot No.	Survey No.	Area in sq. mts.	Trees		Structures
						No.	Kind	
1	2	3	4	5	6	7	8	9
1.	Canagass	Sancoale	-	39	189800.00	11	(small cashew trees)	-

The above land, trees and structures vest absolutely in the Govt. free from all encumbrances vide section 16 of the (Land Acquisition Act, 1894).

Place: Sancoale

Dated: 23/5/85



N. B. Vengurikar
Dy. Collector (L. A. O.)
Panaji-Goa.

IN OUR PRESENCE: (1) *[Signature]*
(2) *[Signature]*

The possession of the land, trees and structures mentioned in this Certificate has been taken over on the behalf of the acquiring Department viz. The Chairman, Goa Daman and Diu Housing Board, Panaji.

today from the Dy. Collector (L.A.O.), Panaji.

Place: Sancoale

Dated: 23/5/85

[Signature]
Representative of the Acquiring Dept.

[Signature]