

15

AWARD UNDER SECTION 11 OF THE LAND ACQUISITION ACT 1894 FOR THE LAND ACQUIRED FOR THE CONSTRUCTION OF MAGAZINE NEAR BAGGI END OF P.B. TUNNEL OF PANDON BAGGI END IN VILLAGE KHEURI-II, TEHSIL SADAR.

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On the request of the Director of Inspection and Control, Beas Project, Sundernagar, the Himachal Pradesh Government issued notification No.4-41/68-Rev. II, dated the 29th November, 1968 under section 4 of the Land Acquisition Act, 1894, in respect of land comprising an area of 179-5-11 bighas, situated in village Kheuri-II, Tehsil Sadar, District Mandi, likely to be acquired for the construction of Magazine near Baggi End of P.B. Tunnel by Beas Sutlej Link Project authorities. Since no objection was received within the stipulated period hence report under section 5A(2) was submitted to the Himachal Pradesh Government for according necessary sanction with regard to proceedings. The Himachal Pradesh Government vide notification of even number dated the 25th October, 1969, under section 6&7 of the said Act directed the Collector, to proceed further in the matter.

Notices under section 9(1) of the Land Acquisition Act 1894 were issued to the interested persons and the enquiry was conducted by the undersigned at Kheuri on 17.7.70 and 22-10-70.

The interested persons pointed out that the rates proposed for compensation are low and in this connection Shri Hem Prabh an interested persons supplied a copy of judgement No.126 dated 9-4-70 of learned Additional District Judge Mandi, wherein the rates in Kheuri-II, village, have been enhanced by 70%. This fact cannot be accepted, because the rates were approved by the District Collector on the basis of five years average at the time of issue of notification under section 4 of the Act, which is given below:-

Contd. P. 2.

Classification of land.	Average five years rate per bigha.	Amount approved by the District Collector per bigha.
	Rs. P.	
Barani-I	473.60	760.00
Barani-II	339.20	640.00
Uncultivated	96.00	500.00
G.M. Abadi	473.60	1400.00

Therefore the rates approved by the District Collector are accepted as correct.

The affected persons had no objection about the measurement and apportionment of their land.

Sarvshri Sohan Lal, Raghbir Singh and Malip Chand R/O Mandi Town represented that they are in possession of khasra No. 513 measuring an area of 6-12-5 bighas which have been wrongly entered in the name of the Govt. and have produced a copy of mutation for the year, 1948-49, but the notification under section 4 was issued on 14.12.1968 and the revenue papers (Jamabandi) prepared during that time according to latest Settlement operations revealed that the said land belonging to Himachal Pradesh Government. The plea taken by Sarvshri Sohan Lal etc., therefore, cannot be accepted as correct.

Land comprising khata khatauni No. 53/168, khasra Nos. 516, 517 and 518 measuring an area of 8-3-10 bighas is recorded in the ownership of Sarvshri Hem Prabh etc. owners, and under the non-occupancy tenancy of Shri Chaiter S/O Sukru in the Jamabandi prepared during the current settlement but the said non-occupancy tenant has abandoned his non-occupancy tenancy rights with possession in favour of Sarvshri Hem Prabh etc., owners and this change of possession has been given effect from Kharif, 1964, in the khasra-girdawari, a copy of which has been produced by the owners. This fact that the non-occupancy tenant has given up the possession to the owners is further supported by

by Shri Chaitru, non-occupancy tenant through his statement recorded by me on the spot on 17.7.1970 during the enquiry in which he has clearly stated that he has abandoned the tenancy rights in favour of the owners with possession. I, therefore, hold that the entire amount of compensation concerning this khata-be paid to Sarvshri Hem Prabh etc., owners.

Sarvshri Gawanu, Nokhoo and Mat. Nagarji during my enquiry stated that all their lands has been proposed to be acquired for Beas Project and they were left a very negligible area say about 4 bighas after acquisition. As these owners reside in village Darbathu which is at a distance of 3 to 4 K.M. and it will not be possible for them to manage cultivation of this land. Moreover, they further stated that it would be uneconomic holding for them and besides this it would be injuriously affected for reasons of adjacent land having been acquired and there will be all sort of disturbances due to the Project work. Their statements have been recorded and there is considerable weight in their statements that the remaining land will certainly suffer from injurious affection and there will be all sort of disturbance to these owners due to the activities of the Project in the adjacent of the land. I, therefore, hold that besides injurious affection, this negligible piece of land be acquired by the Project.

Similarly, land belonging to Sarvshri Janku and Dagu Sa/O Ramdyal will be injuriously affected as the area which would be left after acquisition in khasra Nos. 549/2 and 550/2 would be an uneconomic holding and will be of little use because about 35 bighas of land belonging to them have already been acquired for the Project. Since this piece of land will be of little use to the owners besides the injurious affection and disturbances which will be constant and imminent there, I, therefore, hold that the

Contd.P.-4.

remaining area left be acquired for the reasons stated above, so that there is a natural boundary through a Wallah between village Kheuri-I and Kheuri-II, after this remaining piece of land belonging to aforesaid persons is acquired by the Project.

In khasra No.470/1, Khata-khatauni No. 43/135, land measuring 0-4-15 bighas has been given in the name of Smt. Mansa Wd/O Jai Dev while in column ~~mk~~ No. 3 is recorded as owner and Sh. Hem Prabh S/O Sauju R/O Nagar Mandi is also recorded, but his status has not been defined in this column. In ^{Remarks} column ~~No. 12~~ ¹² of the statement there is a note that during consolidation the possession has not been transferred and therefore, Sh. Hem Prabh is recorded in possession. The note reveals that in Consolidation Kh.No.470/1 has gone to the owner Smt. Mansa and the name of Sh. Hem Prabh here appears only due to non-transfer of possession. As a matter of fact Sh. Hem Prabh must have got his share during consolidation in some other khasra numbers and as such Sh. Hem Prabh has now no right in respect of khasra No.470/1, therefore, the compensation ~~x~~ of this khasra number is given to Smt. Mansha only.

HOUSES AND TREES:

There are 3 houses and 4 Cowsheds. The assessment of which have been done by the Project authorities based on 1962 Schedule. During the Course of scrutiny by the Assistant Engineer, Land Acquisition, Mandi, it was assessed according to the revised Schedule of 1968, but since the notification under section 4 of the Land Acquisition Act was issued on 14.12.1968 when the H.P. Schedule of rates were enforced ~~w~~ ^{1.1.1969}.

Assistant Engineer, Land Acquisition revised the assessment because the Project has supplied the estimates during the year, 1968 when the H.P. P.W.D. Schedule of rates was likely to be revised.

The assessment as supplied by the Project authorities and based on H.P. Schedule rates 1962 are accepted as correct and 15% compulsory acquisition charges over and above the value assessed by the Project is also allowed.

FRUIT TREES: There are 17 fruit trees for which the assessment has been done by the Horticulture Development Officer, Mandi, for Rs.1156.50P. This is accepted and compulsory acquisition charges @ 15% is allowed over and above this amount.

MODE OF PAYMENT AND APPORTIONMENT OF COMPENSATION:

The land under acquisition is partly with the owner and partly with the non-occupancy tenant. The proportion to the owners and N.O.T. is allowed in ratio of Rs.0.50P. ::Rs.0.50P. each.

There are also non-occupancy tenant 2nd to whom the proportion will be 50% to owner, 25% to N.O.T. Ist and 25% to N.O.T. Dom.

REHABILITATION GRANT:

There are 3 residential houses to whom rehabilitation grant @ Rs.250/- each is allowed. The owners of houses are allowed six months to take the material ~~from there~~ after the payment of compensation.

Amount of compensation: The compensation has been calculated as follows:-

S.No.	area	Class	Rate per	Amount.	
			bigha.	Rs.	P.
1.	Land: 13-16-7	bighas B.I.	760/-	10501.30	✓
2.	38-10-11	" B.II	640/-	24687.60	✓

(Rs. One ~~Lac~~ forty thousand six hundred eighty seven
and paise thirty) only.

LAND REVENUE
Land revenue Rs.44.69P. plus cesses
Rs.11.38P. total 56.07P. the annulment of which will
take effect from Rabi, 1971 and will further continue
to be chargeable from Beas Project.

POSSESSION OF LAND

The possession of the aforesaid land will be handedover to the Project authorities after Rabi 1971 and that of houses will be handed over after six months of the payment of compensation.

Dated the
17th March, 1971,
Camp at Kheuri.

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Copy alongwith the award and award statement forwarded to:-

- The Collector, Mandi District, Mandi;
The Executive Engineer, Control Survey
Division, Sundernagar;

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for information and necessary action.

copy To:

1) S. L. O. C. P. Sub Division
Zilla Darjeeling. Dist. (Hq.)

(P.R. CHAUDHARY)
Land Acquisition Collector,
BSL Project, Mandi (H.P.)

GOVERNMENT OF HIMACHAL PRADESH
REVENUE DEPARTMENT.

Award Announced

41/68-Rev.II. Dated Simla-2, the

17/138-B (1) 156
25th October, 1969.

NOTIFICATION

Whereas it appears to the Lieutenant Governor, Himachal Pradesh, that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Magazine near Baggi End of P.B. Tunnel in village Kheuri-II, Tehsil Sadar, District Mandi, it is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of Section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of Section 7 of the said Act, the Collector Land Acquisition, B.S.L. Project is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector Land Acquisition, B.S.L. Project, Mandi.

SPECIFICATION.

LOCALITY.			AREA			
District	Tehsil	Village	Khasra No.	Bigha	Biswa	Biswansi
1	2	3	4	5	6	7
Mandi	Sadar	Kheuri-II	451	0	4	11
			452	0	14	16
			453	2	11	18
			455	2	6	10
			456	0	16	11
			457	0	19	14
			458	2	16	1
			459	1	2	11
			460/1	0	8	12
			461/1	2	17	10
			462/1	0	3	15
			470/1	0	4	14
			469/2	1	6	13
			480/1	0	11	12
			481/1	0	11	6
			493/1	0	0	10
			494/1	0	8	15
			495/1	1	3	2
			496	1	8	18
			497	2	14	14
			498/1	1	4	0
			499	0	9	4
			500/1	0	4	2
			502	0	2	19
			503	0	4	10
			504	0	11	8
			505	0	14	9
			506	2	1	6
			507	3	6	14
			508	2	6	16
			510	4	16	18
			511	1	18	4
			512	6	6	5
			513	6	12	5

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Mandi Sadar Kheuri.II.

1	2	3	4	5	6	7
515	4	5				
516	8	1				
517	0	0				
518	0	1				
519	0	14				
520	0	+				17
521	0	17				4
522	1	15				2
523	0	17				8
524	0	3				19
525	1	19				5
526	0	8				9
527	0	13				6
528	0	4				15
529	0	7				2
530	0	3				4
531	0	5				6
532	0	9				12
533	1	7				4
534	1	19				8
535	3	11				0
536	0	10				11
537	2	9				15
538	0	2				13
539	0	5				4
541	7	7				4
542	0	19				11
543	4	19				8
544	2	3				2
548	0	7				10
549/1	+	3				13
550/1	16	7				13
551	0	1				4
552	3	14				16
553	4	0				6
554	2	2				12
556	0	9				10
557	0	14				12
558	20	5				16
559	4	13				8
560	0	0				16
561	0	11				16
563	1	17				3
564	3	19				2
565	1	3				8
566	0	15				3
567	2	18				19
568	0	5				2
569	1	4				6
570	1	10				0

TOTAL:-

179

5

11

By order

U.N.SHARMA
SECRETARY REVENUE TO THE
GOVERNMENT OF HIMACHAL
PRADESH.

No. 4-41/69-Rev.II. Dated Simla-2, the 25th October, 1969.

Copy forwarded to :-

- 1). The Manager, Himachal Pradesh Government Press, Simla-3, for favour of publication in the Rajpatra, Part.I.
- 2) The Deputy Commissioner(Collector)Mandi(with 5 spare copies).
- 3). The Land Acquisition Collector, Beas Sutlej Link Project, Mandi(H.P.)(with 20 spare copies).
- 4). The General Manager and Secretary Beas Project Talwara Township(with 5 spare copies).
- 5) The Chief Engineer, BSL Project, Sundernagar, District Mandi.
- 6). The Executive Engineer, Central Survey Division, BSL,Project, Sundernagar, District Mandi,Himachal Pradesh.

S. K. Singh
UNDER SECRETARY(REVENUE)TO THE
GOVERNMENT OF HIMACHAL PRADESH.

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"SR".
15.10.69.

No. _____/22-L Dated. _____/10/1969.
Copy of above forwarded to the Sub Divisional Officer,
Land Acquisition Sub Division, Sunder Nagar Township and Zilladar
Land Acquisition Beas Sutlej Link Project Mandi (H.P) for information.

Executive Engineer,
Control Survey Division,
Sundernagar.
"H.S." 28.10.69.
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GOVERNMENT OF HIMACHAL PRADESH

REVENUE DEPARTMENT

NO. 444/62 Rev. 12 (Draft) NOTIFICATION. Dated 29 Nov. 1952

Whereas it appears to the Lieutenant Governor, Himachal Pradesh, that land is likely to be required to be taken by the Himachal Pradesh Government at the Public expense for a Public purpose namely for the "Construction of Magazine near Baggi End of Pandoh Baggi in Village Kheuri-II

Tehsil Sadar, District Mandi," It is hereby notified that land in the Locality described below is likely to be acquired for the above purpose.

This Notification is made under the provision of Section 4 of Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid Section the Lieutenant Governor, Himachal Pradesh is pleased to ~~to another~~ authorise the Officers for the time being engaged in the undertaking with their servants and workmen to enter upon and Survey any land in the Locality and do all other Acts required OR permitted by that Section.

Any person interested who has any objection to the acquisition of the said land in the Locality may within thirty days of the Publication of this Notification File an objection in writing before the Land Acquisition Collector, Beas Sutlej Link Project, Mandi District, Mandi (H.P.).

SPECIFICATION

		LOCALITY.		ARSA.		
DISTRICT.	TEHSIL.	VILLAGE.	KHASRA NO.	BIGHAS.	BISWASIES.	
Mandi	Sadar	Kheuri-II.	451	0	4	0
		452	0	14	11	
		453	2	11	16	
		455	2	6	18	
		456	0	16	10	
		457	0	19	11	
		458	2	16	14	
		459	1	2	1	
		460/1	0	8	11	
		461/1	2	17	12	
		462/1	0	3	10	
		470/1	0	4	15	
		469/2	1	6	14	
		480/1	0	11	13	
		481/1	0	11	12	

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District	Tehsil	Village	Khasra No.	Bighas	12121	12121
Mandi	Sadar	Kheuri II.	493/1	0	0	6
			494/1	0	8	10
			495/1	1	3	15
			496	1	8	2
			497	2	14	18
			498/1	1	4	14
			499	0	9	0
			500/1	0	4	4
			502	0	2	2
			503	0	4	19
			504	0	11	10
			505	0	14	8
			506	2	1	9
			507	3	6	6
			508	2	6	14
			510	4	16	16
			511	1	18	0
			512	6	6	4
			513	6	12	5
			515	4	5	16
			516	8	1	10
			517	0	0	12
			518	0	1	8
			519	0	14	6
			520	0	4	17
			521	0	17	4
			522	1	15	2
			523	0	17	8
			524	0	3	19
			525	1	19	5
			526	0	8	9
			527	0	13	6
			528	0	4	15
			529	0	7	2
			530	0	3	4
			531	0	5	6
			532	0	9	12
			533	1	7	4
			534	1	19	8

DISTRICT	TAHSIL	VILLAGE	CHAS. NO.	RI	AS	RIWAS	SIWANSIES
Mandi	Badli	KHAKHAI-11	535	3	11	0	
			536	1	10	11	
			537	2	9	15	
			538	0	2	18	
			539	0	5	4	
			541	7	7	4	
			542	0	19	11	
			543	4	10	8	
			544	2	3	2	
			548	0	7	10	
			549/1	4	3	13	
			550/1	16	7	13	
			551	0	1	4	
			552	3	14	16	
			553	4	0	6	
			554	2	2	12	
			555	0	9	10	
			557	0	14	12	
			558	20	5	16	
			559	4	13	8	
			560	0	0	16	
			561	0	11	16	
			563	1	17	3	
			564	3	19	2	
			565	1	3	8	
			566	0	15	3	
			567	2	18	19	
			568	0	5	2	
			569	7	4	6	
			570	1	10	0	
Total:-				179	5	11	

By Order,

Sd/-

Prem Kumar Goel,
Secretary (Revenue) to
Himachal Pradesh.

Dated Simla-2. the 29th November, 1963.

No.4-41/68-Rev.II.

Copy forwarded to:-

- (1) The Manager, H.P.Govt. Press, Simla, for favour of publication in the Rajpatra Part.I.
- (2) The Collector Mandi Distt.(H.P)(with 20 spare copies with reference to his D.O. No.BSLM-3/64, dated the 9th October, 1963. The report under section 5A(2) of Land Acquisition Act, 1924, may please be sent to this office after the expiry of the prescribed period.
- (3) The General Manager and Secretary Beas Project Talwara Township (with 5 spare copies) for information.
- (4) The Chief Engineer, BSL Project, Sundernagar Distt. Mandi, H.P., for information.
- (5) The Executive Engineer, Beas Sutlej Link Survey Division, Mandi (H.P).

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Sd/-

Under Secretary (Revenue) to the Government of Himachal Pradesh.

Dated. _____/12/1963.

No. _____/22-L

Copy of above forwarded to:-

1. The Sub Divisional Officer Land Acquisition Sub Division, Sundernagar. He is requested to submit the list of structures, trees, houses etc coming in the land to be acquired immediately and their estimate in due course.
2. The Zilladar Land Acquisition Mandi. He is requested to workout rate of land classwise and submit with his comments for framing the estimates at an early date.

Executive Engineer,
Control Survey Division,
Sundernagar.

H.S. 7.12.1963.