

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1185 OF 2026**

Vijaykumar Hariprasad Agarwal ... Petitioner
vs.
The Competent Authority
Special Land Acquisition Office, and another ... Respondents

Mr. Pramod Narayan Joshi for petitioner.

Ms. M. S. Bane, AGP for respondent No.1-State.

Mr. Rakesh L. Singh, i/b. M. V. Kini & Co. for respondent No.2-NHAI.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ**

DATE : 02nd FEBRUARY, 2026

P.C. :

. This writ petition raises an issue regarding non-payment of statutory benefits of solatium and interest, under Sections 23 and 28 of the Land Acquisition Act, 1894.

2. It is the case of the petitioner that the respondent No.2-National Highway Authority of India (NHAI), being the beneficiary of the acquisition along with the other respondent, failed to comply with the requirements of law, as specifically clarified by the Supreme Court in the case of *Union of India and another Vs. Tarsem Singh and others* [(2019) 9 SCC 304].

3. Since the respondents in the present case are the Special Land Acquisition Officer (SLAO) and the NHAI, who are represented by the learned AGP and the learned counsel appearing for the NHAI, the petition is taken up for disposal. This is particularly in the backdrop of the fact that this Court, in a number of such petitions, following

the law laid down by the Supreme Court in the case of **Union of India and another Vs. Tarsem Singh and others** (*supra*), has already granted relief as claimed in this petition.

4. In the series of orders passed by this Court, is an order dated 6th November, 2025, passed by a Division Bench of this Court (Coram: G. S. Kulkarni & Aarti Sathe, JJ) in Writ Petition No. 13634 of 2025 (Annapurna Prakash Buva Vs. Union of India), along with connected writ petitions. Perusal of the said order shows that the Division Bench of this Court referred to the said judgment of the Supreme Court in the case of **Union of India and another Vs. Tarsem Singh and others** (*supra*) as also a number of orders passed by coordinate Benches of this Court, such as in the case of *M/s. Manidhari Realtors Private Limited and another Vs. Union of India and others* (Writ Petition No. 7224 of 2022 dated 25.04.2025) and other such orders, reaching the conclusion that the reliefs sought by the petitioners were entirely covered by the said judgments and orders. Thereupon, the Division Bench of this Court also took note of the pendency of certain miscellaneous application before the Supreme Court, in the context of the earlier judgment in the case of **Union of India and another Vs. Tarsem Singh and others** (*supra*) and found that since the Supreme Court had not granted any interim order or stay, there was no impediment in granting relief to the petitioners therein. Accordingly, the Division Bench of this Court, allowed the writ petitions and directed the aforementioned statutory benefits to be calculated and deposited before the Competent Authority, which would then disburse the amounts to the petitioners. The learned counsel for the petitioner herein is seeking identical relief.

5. The learned counsel for the petitioner is seeking identical relief.

6. Mr. Singh, learned counsel appearing for NHAI, is unable to dispute the fact that the case of the petitioner herein is identical and hence, covered by the earlier orders passed by this Court, including the said order passed on 7th October, 2025, in the case of *Jagannath Vishnu Pawar Vs. Union of India and Ors* [**Writ Petition (C) No. 16370 of 2023 of Bombay High Court**] and connected writ petitions, by following the law laid down by the Supreme Court in the case of **Union of India and another Vs. Tarsem Singh and others** (*supra*). But, he submitted that instead of directing disbursal of the amount in favor of the petitioner, this Court may consider issuing only a direction of depositing the amount with the Competent Authority. In this context, reference was made to a recent order passed by the Supreme Court in Special Leave Petition (C) No.36306 of 2025, which arose out of an order passed by this Court, directing amounts to be disbursed to similarly situated petitioners. In the said order, the Supreme Court had directed that the amounts be deposited with the Competent Authority.

7. It was further submitted that although a review petition filed in the context of the judgment of the Supreme Court in the case of **Union of India and another Vs. Tarsem Singh and others** (*supra*), was dismissed in February 2025 by the Supreme Court, another miscellaneous application was pending. But, it was conceded that there was no interim stay or interim order passed by the Supreme Court.

8. We find that since the case of the petitioner herein is admittedly covered by the judgment of the Supreme Court in the case of **Union of India and another Vs. Tarsem Singh and others** (*supra*) and a number of orders passed by coordinate Benches of this Court, it is not necessary to discuss the facts of this petition. It is undisputed that the petitioner herein was also deprived of statutory benefits of solatium and interest, as payable under Sections 23 and 28 of the Land Acquisition Act, 1894. In terms of the law laid down by the Supreme Court in the case of **Union of India and another Vs. Tarsem Singh and others** (*supra*) and relief being granted to identically situated petitioners in a number of writ petitions, by coordinate Benches of this Court, we are inclined to allow this writ petition.

9. It is relevant to note that the Supreme Court, while rejecting an application seeking clarification/review of the judgment in the case of **Union of India and another Vs. Tarsem Singh and others** (*supra*), held that the principles established in the said judgment regarding the beneficial nature of granting solatium and interest, cannot be deviated from, and accordingly, the said principles were confirmed while dismissing the applications seeking clarifications/review.

10. It is also an admitted position that in the proceedings that may still be pending before the Supreme Court, in the context of the said judgment passed in the case of **Union of India and another Vs. Tarsem Singh and others** (*supra*), there is no interim stay or interim relief granted by the Supreme Court and hence, there is no impediment in allowing this petition on the very same lines, as the earlier writ petitions were allowed by the Coordinate Benches of this Court.

11. We find that merely directing respondent No.2-NHAI to calculate and deposit the amount payable towards such statutory benefits, before the Competent Authority would mean that although we accept the contention of the petitioner by applying the law laid down by the Supreme Court, yet he would stand deprived of enjoying the fruits of such relief.

12. We are not inclined to agree with the learned counsel appearing for respondent No.2-NHAI that the direction regarding disbursement of amount to the petitioner may not be granted, while the said respondent would be depositing the amount before the Competent Authority.

13. Hence, the writ petition is allowed and the respondents are directed to calculate the amounts towards statutory benefits of solatium and interest payable to the petitioner under Sections 23 and 28 of the Land Acquisition Act, 1894, alongwith further consequential directions.

14. The petition is disposed of as follows:

- (i) The petitioner shall furnish copy of award to the Competent Authority/Special Land Acquisition Officer within a period of two weeks from the date of uploading of this order, for the purpose of computing of the amount of solatium and interest, as may be payable to the petitioner, in terms what has been held by the Supreme Court in **Union of India and another Vs. Tarsem Singh and others** (*supra*);
- (ii) The Competent Authority shall, on receipt of copy of award, make appropriate computation of the amount payable to the

petitioner and intimate the same to the Project Director, NHAI, within a period of six weeks from the date of receipt of copy of award;

- (iii) The Project Director, NHAI, shall accept such computation and deposit with the Competent Authority the amount which become payable to the petitioner towards solatium and interest. Such amount be deposited within a period of six weeks from the date of receipt of computation from the Competent Authority.
- (iv) The Competent Authority thereafter shall proceed to disburse the amount to the petitioner as would be received from the Project Director, NHAI/acquiring body;
- (v) All contentions of the parties are expressly kept open with regard to the calculation of the quantum of amount payable towards solatium and interest under Sections 23 and 28 of the Land Acquisition Act, 1894.

15. The petition stands disposed of in above terms. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)