

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8509 OF 2025

Shivnath Muralidhar Shelke .. Petitioner

V/s.

The Union Of India Thr the Deputy .. Respondents
Secretary Thr Ministry Of And Ors

WITH

WRIT PETITION NO. 8531 OF 2025

Pravin Subhash Kawade .. Petitioner

V/s.

The Union Of India Thr The Deputy .. Respondents
Secretary The Ministry Of Shipping
Road And Ors

WITH

WRIT PETITION NO. 8599 OF 2025

Sumanbai Nivrutti Avhad and Ors .. Petitioners

V/s.

The Union Of India Thr The Deputy .. Respondents
Secretary The Ministry Of Shipping
Road And Ors

WITH

WRIT PETITION NO. 8518 OF 2025

Nana Ramchandra Shelke .. Petitioner

V/s.

The Union Of India Thr The Deputy .. Respondents
Secretary The Ministry Of Shipping
Road And Ors

WITH

WRIT PETITION NO. 8524 OF 2025

Kusumbai Vasant Sanap Since Decd .. Petitioner
Throu. L.H

V/s.

The Union Of India Thr The Deputy .. Respondents
Secretary The Ministry Of Shipping
Road And Ors

WITH
WRIT PETITION NO. 8521 OF 2025

Abhimanyu Kashinath Kardak Since .. Petitioner
Decd Throu. L.H

V/s.

The Union Of India Thr The Deputy .. Respondents
Secretary The Ministry Of Shipping
Road And Ors

WITH
WRIT PETITION NO. 8513 OF 2025

Pandurang Salaba Girhe And Anr .. Petitioners

V/s.

The Union Of India Thr The Deputy .. Respondents
Secretary The Ministry Of Shipping
Road And Ors

WITH
WRIT PETITION NO. 8601 OF 2025

Jagannath Shankar Sanap .. Petitioner

V/s.

The Union Of India Thr The Deputy .. Respondents
Secretary The Ministry Of Shipping
Road And Ors

WITH
WRIT PETITION NO. 8602 OF 2025

Vilas Hari Pathare And Ors .. Petitioners

V/s.

The Union Of India Thr The Deputy .. Respondents
Secretary The Ministry Of Shipping
Road And Ors

WITH
WRIT PETITION NO. 8519 OF 2025

Indrakumar Bankatlal Luniya .. Petitioner

V/s.

The Union Of India Thr The Deputy .. Respondents
Secretary The Ministry Of Shipping
Road And Ors

WITH
WRIT PETITION NO. 8523 OF 2025

Lakshyman Ramchandra Shelke Since .. Petitioners
Decd Thr Legal Heirs

V/s.

The Union Of India Thr The Deputy .. Respondents
Secretary The Ministry Of Shipping
Road And Ors

WITH
WRIT PETITION NO. 8514 OF 2025

Mujmmil Shaukat Bagvan And Ors .. Petitioners

V/s.

The Union Of India Thr The Deputy .. Respondents
Secretary The Ministry Of Shipping
Road And Ors

WITH
WRIT PETITION NO. 8507 OF 2025

Ramnath Govida Jaybhawe Since Decd .. Petitioners
Thr Legal Heirs

V/s.

The Union Of India Thr the Deputy .. Respondents
Secretary Thr Ministry Of And Ors

WITH
WRIT PETITION NO. 8516 OF 2025

Lilabai Maruti Shelke And Anr .. Petitioners

V/s.

The Union Of India Thr The Deputy .. Respondents
Secretary The Ministry Of Shipping
Road And Ors

WITH
WRIT PETITION NO. 8508 OF 2025

Pandurang Dagadu Sanap And Anr .. Petitioners

V/s.

The Union Of India Thr the Deputy .. Respondents
Secretary Thr Ministry Of And Ors

WITH
WRIT PETITION NO. 8522 OF 2025

Somath Kisan Shelke .. Petitioner

V/s.

The Union Of India Thr the Deputy .. Respondents
Secretary Thr Ministry Of And Ors

WITH
WRIT PETITION NO. 8505 OF 2025

Sangita Sudam Avhad And Ors .. Petitioners

V/s.

The Union Of India Thr the Deputy .. Respondents
Secretary Thr Ministry Of And Ors

WITH
WRIT PETITION NO. 8515 OF 2025

Shankar Shivram Pathare And Ors .. Petitioners

V/s.

The Union Of India Thr the Deputy .. Respondents
Secretary Thr Ministry Of And Ors

WITH
WRIT PETITION NO. 8529 OF 2025

Jayvant Pandurang Sanap .. Petitioner

V/s.

The Union Of India Thr the Deputy .. Respondents
Secretary Thr Ministry Of And Ors

WITH
WRIT PETITION NO. 8526 OF 2025

Latif Fakir Mohammad Shaikh .. Petitioner

V/s.

The Union Of India Thr The Deputy .. Respondents
Secretary The Ministry Of Shipping
Road And Ors

WITH
WRIT PETITION NO. 8527 OF 2025

Vitthal Kisan Shelke .. Petitioner
V/s.

The Union Of India Thr the Deputy .. Respondents
Secretary Thr Ministry Of And Ors

**WITH
WRIT PETITION NO. 8528 OF 2025**

Karbhari Devram Barke Andsince .. Petitioner
Deceased Throu. L.H.

V/s.

The Union Of India Thr The Deputy .. Respondents
Secretary The Ministry Of Shipping
Road And Ors

**WITH
WRIT PETITION NO. 8512 OF 2025**

Ramnath Bhivaji Pathare And Ors. .. Petitioners

V/s.

The Union Of India Thr the Deputy .. Respondents
Secretary Thr Ministry Of And Ors

**WITH
WRIT PETITION NO. 8643 OF 2025**

Balu Kisan Shelke Decd Thru. Lhrs. .. Petitioners

V/s.

The Union Of India Thr The Deputy .. Respondents
Secretary The Ministry Of Shipping
Road And Ors

**WITH
WRIT PETITION NO. 8530 OF 2025**

Bhaguji Ananda Kandekar (Since .. Petitioners
Deceased Thru.) Lrs

V/s.

The Union Of India Thr the Deputy .. Respondents
Secretary Thr Ministry Of And Ors

**WITH
WRIT PETITION NO. 8510 OF 2025**

Jijabai Pandharinath Shelke Decd .. Petitioners
Through Lhrs

V/s.

The Union Of India Thr The Deputy ..
Secretary The Ministry Of Shipping
Road And Ors

Respondents

Mr. Prashant D. Patil, for the Petitioners in all Petitions.

Mr. Rakesh L. Singh i/by M.V. Kini and Co., for NHAI.

Ms. Leela Patil with Ashutosh Mishra, Ashok Varma for Respondent No. 1/IOI in all Writ Petitions.

Mr. B.V Samant, Addl. G.P in WP/8509/2025, WP/8529/2025.

Ms. Leela Patil, 'B' Panal in WP/8531/2025, WP/8526/2025.

Ms. M.S. Bane, AGP, in WP/8599/2025, WP/8527/2025.

Mr. Saket Mone, 'B' Panel in WP/8518/2025, WP/8528/2025.

Mr. R. S. Pawar, AGP, in WP/8524/2025, WP/8512/2025.

Mr. S.P. Kamble, AGP in WP/8521/2025, WP/8512/2025.

Ms. T.N. Bhatia, AGP in WP/8513/2025, WP/8643/2025.

Mr. N.M. Pable, AGP in WP/8601/2025, WP/8530/2025.

Ms. P.M. Joshi, AGP in WP/8602/2025, WP/WP/8510/2025.

Mr. O.A. Chandurkar, Addl. G.P in WP/8519/2025.

Mr. Y.D Patil, AGP in WP/8523/2025.

Ms. M.P. Thakur, AGP in WP/8514/2025.

Mr. Ketan Joshi, 'B' Panel in WP/8507/2025.

Ms. G.R. Raghuwanshi, AGP, in WP/8516/2025.

Mr. A.I. Patil, Addl. G.P in WP/8508/2025.

Mr. N.C. Walimbe, Addl. G.P in WP/8522/2025.

Ms. A.A. Pawar, AGP in WP/8508/2025.

Ms. Pooja Patil, AGP in WP/8515/2025.

Ms. T.N. Bhatia, AGP in WP/8529/2025.

Mr. M.M. Pable, AGP in WP/8526/2025, WP/8527/2025 and WP/8528/2025.

Ms. P.M. Joshi- Deshpande, AGP in WP/8512/2025, WP/8643/2025, WP/8530/2025 and WP/8510/2025.

WITH
WRIT PETITION NO. 698 OF 2026

Indian Auto Industries

Petitioner

...

V/s.

The State Of Maharashtra Through Respondents
The Collector, Nashik And Ors ...

WITH
WRIT PETITION NO. 707 OF 2026

Kushaba Karbhari Aher .. Petitioner

V/s.

The State Of Maharashtra Through the .. Respondents
Collector, Nashik And Ors

WITH
WRIT PETITION NO. 763 OF 2026

Capitol Fibres Pvt. Ltd. Thr Its .. Petitioner
Director Kumar Kewalramani

V/s.

The State Of Maharashtra Through the .. Respondents
Collector, Nashik And Ors

WITH
WRIT PETITION NO. 764 OF 2026

Gajendra Dashrath Malunjkar .. Petitioners
And Anr

V/s.

The State Of Maharashtra Through the .. Respondents
Collector, Nashik And Ors

WITH
WRIT PETITION NO. 765 OF 2026

Manikrao Trymbak Boraste .. Petitioner

V/s.

The State Of Maharashtra Through the .. Respondents
Collector, Nashik And Ors

WITH
WRIT PETITION NO. 766 OF 2026

Ramchandra Baban Gaikhe .. Petitioner
Decd Thro. L.H. Vasant
Ramchandra Gaikhe
V/s.

The State Of Maharashtra Through the .. Respondents
Collector, Nashik And Ors

**WITH
WRIT PETITION NO. 767 OF 2026**

Pandharinath Pandurang .. Petitioners
More And Ors
V/s.

The State Of Maharashtra And Ors .. Respondents

**WITH
WRIT PETITION NO. 768 OF 2026**

Dundaram Tolu Nimse .. Petitioner
V/s.

The State Of Maharashtra And Ors .. Respondents

**WITH
WRIT PETITION NO. 769 OF 2026**

Madhav Veduji Vidhate .. Petitioner
V/s.

The State Of Maharashtra And Ors .. Respondents

**WITH
WRIT PETITION NO. 770 OF 2026**

Rajesh Laxman Gaikhe .. Petitioner
V/s.

The State Of Maharashtra And Ors .. Respondents

**WITH
WRIT PETITION NO. 771 OF 2026**

Jamil Ahmad Haji Shamsulahak .. Petitioners
And Ors
V/s.

The State Of Maharashtra And Ors .. Respondents

**WITH
WRIT PETITION NO. 772 OF 2026**

Ramdas Shrawan Kokate .. Petitioner

V/s.

The State Of Maharashtra And Ors .. Respondents

**WITH
WRIT PETITION NO. 773 OF 2026**

Abdul Rashid Mohammad Ali .. Petitioner
Khan

V/s.

The State Of Maharashtra Thru. .. Respondents
Collector And Ors

**WITH
WRIT PETITION NO. 774 OF 2026**

Anand Gopal Jathan .. Petitioner

V/s.

The State Of Maharashtra Thru. .. Respondents
Collector And Ors

**WITH
WRIT PETITION NO. 775 OF 2026**

Ramibai Chhabu Thakre .. Petitioner

V/s.

The State Of Maharashtra Thru. G P .. Respondents
And Ors

**WITH
WRIT PETITION NO. 777 OF 2026**

Ramibai Chhabu Thakre .. Petitioner

V/s.

The State Of Maharashtra Thru. G P .. Respondents
And Ors

**WITH
WRIT PETITION NO. 17629 OF 2025**

Santosh Sudam Mhatre .. Petitioner

V/s.

The State Of Maharashtra And Ors .. Respondents

**WITH
WRIT PETITION NO. 17707 OF 2025**

Chandrakant Veduji Vidhate .. Petitioner

V/s.

The State Of Maharashtra And Ors .. Respondents

Mr. Sachin Gite, for the Petitioners in all above petitions.

Mr. Rakesh L. Singh i/b Mr. MV. Kini & Co, for NHAI.

Mr. O.A. Chandurkar, Addl. G.P. with Ms. M.P. Thakur, AGP, for the State in WP/698/2026.

Mr. N.C. Walimbe, Addl. G.P with Mr. R.S. Pawar, for the State in WP/707/2026.

Ms. M.S. Bane, AGP, in WP/763/2026.

Ms. T.N. Bhatia, AGP in WP/764/2026.

Mr. Y.D Patil, AGP in WP/765/2026.

Ms. A.A. Purav, AGP in WP/766/2026.

Mr. R.S. Pawar, AGP in WP/767/2026 and WP/769/2026

Ms. M.S. Bane, AGP in WP/768/2026.

Mr. B.V. Samant, Addl. GP Along with G.R. Raghuwanshi, AGP, for the State in WP/770/2026.

Mr. A.I. Patel, Addl. G.P with Y.D. Patil, AGP, for the State in WP/771/2026.

Mr. A.I. Patel, Addl. G.P with S.P. Kamble, AGP, for the State in WP/772/2026.

Ms. S.D. Vyas, Addl. G.P with Ms. P.M. Joshi-Deshpande, AGP, for the State in WP/773/2026.

Ms. Kavita Solunke, Addl. GP with Mr. M.M. Pable, AGP for the State in WP/774/2026.

Ms.T.N. Bhatia, AGP for the State in WP/775/2026.

Ms. A.A. Purav, AGP for the State in WP/777/2026.

Ms. S.D. Vyas, Addl. G.P with Ms. Leena Patil, AGP, for the State in WP/17629/2025.

Ms. S.D. Vyas, Addl. G.P with Ms. P.N. Diwan AGP, for the State in WP/17707/2025.

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

DATE : 17TH JANUARY 2026.

PC:

1. All these writ petitions raise a common issue regarding non-payment of statutory benefits of solatium and interest under Sections 23 and 28 of the Land Acquisition Act of 1894.

2. It is the case of the petitioners that the respondent-National Highway Authority of India (NHAI), being the beneficiary of the acquisition along with the other respondents 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’**¹

3. Since the respondents in the present case are State Authorities and the NHAI, who are represented by the learned AGP and the learned counsel appearing for the NHAI, the petitions are 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 all these petitions.

4. In the series of orders passed by this Court, is an order dated 7th October, 2025, passed by a Division Bench of this Court (Coram: G. S.

¹ (2019) 9 SCC 304

Kulkarni & Arti Sathe JJ) in Writ Petition No. 16370 of 2023 (Jagannath Vishnu Pawar 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’**² 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, therefore, 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.

5. The learned counsel for the petitioners in all these petitions listed today, are seeking identical relief.

² Writ Petition No. 7224 of 2022, dated 25.04.2025

6. Mr. Singh, learned counsel appearing for NHAI, is unable to dispute the fact that the case of the petitioners in these petitions 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’**³ 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 amounts in favor of the petitioners, this Court may consider issuing only a direction of depositing the amount with that Competent Authority. In that 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 the amounts to be deposited with the Competent Authority. It was further informed that the Special Leave Petition is now listed before the Supreme Court on 19th January, 2026.

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

3 Writ Petition (C) No. 16370 of 2023 of Bombay High Court.

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 petitioners in these petitions 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 each and every petition separately. It is undisputed that the petitioners before this Court in these petitions were 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 these writ petitions.

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 these writ petitions on the very same lines as the earlier writ petitions allowed by the Coordinate Benches of this Court.

11. We find that merely directing the NHAI to calculate and deposit the amounts payable towards such statutory benefits, before the Competent Authority would mean that although we accept the contention of the petitioners by applying the law laid down by the Supreme Court, yet the petitioners would stand deprived of enjoying the fruits of such relief.

12. We are not inclined to agree with the learned counsel appearing for NHAI that the direction regarding disbursement of amounts to the petitioners may not be granted while the NHAI would be depositing the amounts before the Competent Authority.

13. Hence, these writ petitions are allowed, and the respondents are directed to calculate the amounts towards statutory benefits of solatium and interest payable to the petitioners under Sections 23 and 28 of the Land Acquisition Act, 1894, alongwith further consequential directions. The petitions are disposed of as follows:

ORDER

(i) The Petitioners shall furnish copies of their respective awards 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 Petitioners 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 copies of the awards, make appropriate computation of the amounts payable to the Petitioners, and intimate the same to the Project Director, NHAI, within a period of six weeks from the date of receipt of copies of the awards;

(iii) The Project Director, NHAI, shall accept such computation and deposit with the Competent Authority the amounts which become payable to each of the Petitioners towards solatium and interest. Such amounts 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 amounts to the Petitioners 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.

(vi) The petitions stand disposed of in above terms. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)