

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

937 WRIT PETITION NO.7670 OF 2022

SHARAD VASANTRAO KOTHAVADE DECEASED LRS SHOBHA SHRAD
KOTHAVADE AND OTHERS

VERSUS

THE UNION OF INDIA THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioners : Mr. Kulkarni Mukul S.
AGP for Respondent No.2 State: Mr. S. G. Karlekar
Advocate for Respondents 1 & 3: Mr. A. T. Jadhavar

CORAM : RAVINDRA V. GHUGE, &
ARUN R. PEDNEKER, JJ.

DATE : 24th August, 2022

ORDER:

1. The petitioners have put forth prayer clause (A) as under:

"(A) The Hon'ble High Court may be pleased to issue a writ of mandamus or any other appropriate writ, direction or order in the nature of writ and thereby direct the respondents herein more particularly the Respondent Nos. 1, 3 and 4 to pay the Petitioner the SOLATIUUM, COMPONENT and INTEREST as directed by the Hon'ble Supreme Court of India in the matter of Union of India Vs. Tarsem Singh reported in (2019) 9 SCC 304 on the amount of compensation in lieu of acquisition of his land under the National Highways Act, 1956 forthwith alongwith interest @ 12 per anum from the date of passing of Award under Section 3G and issue appropriate order for the said purpose".

2. An order dated 3rd March, 2022 passed by this Court in identical set of facts in Writ Petition No. 3137 of 2022 filed by Rajendra Dharma Patil Vs. Union of India and Others and connected matters, is cited. It is prayed that the same directions be issued.

3. We have considered the submissions of the the learned Advocate for the petitioners, the learned Advocate representing respondent Nos. 1 and 3 and the learned AGP on behalf of respondent No.2.

4. In the order dated 3rd March, 2022 (supra), this Court had recorded as under:

"1. Mr. Kulkarni, learned Advocate for petitioners submits that, the lands of petitioners were acquired, the award was passed, the compensation amount was determined, however, neither the solatium component nor the interest were awarded to petitioners as compensation. In the appeal preferred by petitioners the Arbitrator enhanced the compensation amount, however, did not grant solatium and interest. The learned Advocate submits that, the Hon'ble Apex Court in case of **Union of India (UOI) and others Vs. Tarsem Singh and others** reported in **(2019) 9 SCC 304** has held that, the persons whose lands are acquired under the National Highways Act are now entitled for solatium component and interest. The Hon'ble Apex Court further observed that, persons whose lands are acquired from 1997 up to 2015 under the National Highways Act should pay compensation with solatium and interest. Pursuant thereto, petitioners made representations to respondents seeking benefit as per the said Judgment in the year-2019/2020. The same are not yet decided.

2. The learned Advocate for respondent nos.1 and 3 submits that, the Competent Authority will decide the

applications of petitioners on it's own merits, in accordance with law.

3. Considering the fact that, applications of petitioners are pending consideration with the Competent Authority (Exhibit "F"), the Competent Authority shall take decision upon it on it's own merits, in accordance with law applicable, after hearing all parties concerned viz. petitioners and the acquiring body. The same shall be decided preferably within a period of six (06) months from today.

4. Writ Petitions accordingly stand disposed of. No costs."

5. In view of the above, this petition is disposed off.

6. The application of the petitioners that is pending consideration with the competent authority, listed as Annxure G at Page 87, shall be considered and the competent authority shall take a decision on the same, on it's own merits and in accordance with the law applicable.

7. Needless to State, all the parties concerned i.e. the Stake holders shall be granted an opportunity of hearing.

8. Let such decision be taken, on or before 28th February, 2023.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

JPC