



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

WRIT PETITION NO.2165 OF 2022

Mahesh Vilas Patge

... **PETITIONER**

VERSUS

The State of Maharashtra & ors.

... **RESPONDENTS**

.....

Mr. S.N. Patil, Advocate for petitioner

Mr. S.B. Pulkundwar, A.G.P. for R.No.1.

Mr. A.N. Patale, Advocate for R.No.2.

.....

WITH

WRIT PETITION NO.2199 OF 2022

Babasaheb Shekumbar Dupargude

... **PETITIONER**

VERSUS

The State of Maharashtra & ors.

... **RESPONDENTS**

.....

Mr. S.N. Patil, Advocate for petitioner

Mr. S.B. Pulkundwar, A.G.P. for R.No.1.

Mr. A.N. Patale, Advocate for R.No.2.

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**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 1st August, 2025

ORDER (PER : R.G. AVACHAT, J.) :

Both these petitions are taken up together since
the prayers therein are common.

2. The lands of the petitioners have been acquired for National Highway. The Competent Authority, Land Acquisition (CALA) passed the award. The petitioners have, however, not been granted component of solatium and interest. The petitioners are, therefore, before us.

3. The learned Advocate for the respondents would submit that, the CALA, post passing of the award, became functus officio. The amount payable towards the acquired lands has rightly been calculated and paid to the petitioners. The dismissal of the Writ Petitions was, therefore, urged for.

4. The issue is no longer res integra. Admittedly, CALA has not granted the petitioners component of solatium and interest as well. The Apex Court, in case of **Union of India & anr. Vs. Tarsem Singh & ors. (Civil Appeal No.7064/2019, decided on 19/9/2019)** and this Court, in case of **Rajendra Namdev Patil & ors. Vs. The Competent Authority, Land Acquisition & anr. (Writ Petition No.240/2023 and connected matters, decided on 17/7/2025)**, held the expropriated land owners are entitled for compensation on

these two counts. For better appreciation, we propose to reproduce the observations made by this Court in Writ Petition No.243/2023 and connected matters on 17/7/2025 as follows:

“2. It is the case of the petitioners that, they are entitled to solatium and interest on the compensation amount in accordance with principles laid down by the Supreme Court in the case of Union of India and Anr. Vs. Tarsem Singh and Ors.; (2019) 9 SCC 304.

3. In the said order passed in Trimbak Aadhar Bhamre Vs. the Union of India (supra), while considering identical contention, this Court held as follows :

“5. This Court, at the Principal Seat, in Writ Petition No.11932 of 2019 (Hiraman Namdeo Lonare and others Vs. The Union of India and Others) and a group of cases, vide judgment dated 08.04.2025, recorded that the parties agree that the main issue involved in the Petitions was covered by the decision in Tarsem Singh (supra).

6. In view of the application made by the NHAI in Miscellaneous Application Diary No.2572 of 2020 in Civil Appeal No.7086 of 2019, the Hon’ble Supreme Court had passed an order on 30.07.2021, clarifying that the words “(1A) and” appearing in paragraph 41 of the judgment dated 19.09.2019, be deleted. Accordingly, the relief that was granted, was in terms of Section 23 and 28 of the Land Acquisition Act, 1894 and not under Section 23(1A).

7. In Hiranman Namdeo Lonare (supra), the judgment of the Hon’ble Supreme Court dated 04.02.2025 (supra), was also cited. It was observed by this Court that the NHAI would compute and pay the Petitioners, solatium and interest in accordance with the principles laid

down in the said matters, within three months of the uploading of the order dated 08.04.2025.

8. Thereafter, the judgment was delivered by the Hon'ble Supreme Court on 04.02.2025, rejecting all the Review Petitions. Neither the Petitioners, nor the NHAI, have ever challenged the Arbitral Awards before any Court.

9. With regard to the objection on the maintainability of these Petitions, an identical issue was raised before this Court at the Principal Seat in Writ Petition No.9608 of 2023 (Kisanlal Bairudas Jain Vs. Union of India and others) and group of cases. By judgment dated 09.05.2025, this Court referred to the law laid down by the Hon'ble Supreme Court in M/s Godrej Sara Lee Ltd Vs. The Excise and Taxation Officer-cum-Assessing Authority and Ors, 2023 (384) ELT 8 (SC) and delivered a verdict concluding that the objection to the maintainability of the Petitions on the ground of an alternate remedy, is overruled.

10. We direct the Competent Authority to compute and pay all these Petitioners, solatium and interest in accordance with the principles enunciated in Tarsem Singh (supra), within three months from today.

11. As like the directions set out in Hiranman (supra), we record that if the payment of such compensation is delayed or is wrongly concluded on assumptions and presumptions, we would hold the Officers of the Competent Authority, responsible for the delayed payment or insufficient payment and in which case, if the interest for delayed payment or insufficient payment is computed, in any proceeding brought to this Court or before whichever authority, such interest component or insufficient payment, will be recovered from the salaries of the Officers who are responsible for such erroneous calculations.

12. Insofar as the contention of the learned Advocate for the NHAI, that there ought not to be a double payment with reference to the loss of easementary rights at the rate of 10%, since that issue is not addressed to the Court in these Petitions by the Petitioners and since the Arbitral Award has not been challenged by the NHAI, we do not have to express any view on this aspect.

13. In view of the above, all these Writ Petitions before us are disposed off in the light of Tarsem Singh (supra) and the above referred orders.”

4. We are of the opinion that these petitions can also be allowed and disposed of in view of the above quoted order.”

5. Accordingly, we allow these petitions by directing the competent authority to compute and pay to the petitioners, solatium and interest in accordance with the principles enunciated in the case of **Union of India & anr. Vs. Tarsem Singh** (supra) within three months from today.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

FMPathan/-