



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

923 WRIT PETITION NO.240 OF 2023

RAJENDRA NAMDEV PATIL AND OTHERS

VERSUS

**THE COMPETENT AUTHORITY LAND
ACQUISITION AND ANOTHER**

...

AND

924 WRIT PETITION NO. 241 OF 2023

**JAGDISH SHIVPRASAD PANDIT AND OTHERS
VERSUS
THE COMPETENT AUTHORITY AND ANOTHER**

...

AND

925 WRIT PETITION NO. 277 OF 2023

**VITTHAL KAMAJI PATEL (PATIL) AND OTHERS
VERSUS
THE COMPETENT AUTHORITY AND ANOTHER**

...

Advocate for the Petitioner : Mr. Prafullasing H. Patil
AGP for Respondent/State : Mr. R.K. Ingole
Advocate for Respondent No.1 : Mr. R.R. Bangar
Advocate for Respondent No.2 : Mr. D.S. Manorkar

...

**CORAM : MANISH PITALE &
Y. G. KHOBRAGADE, JJ.**

DATE : 17.07.2025

PER COURT:

1. When these petitions are called out for consideration, there is no serious dispute about the fact that the issues raised in these petitions are covered by earlier order passed by this Court in similar matters. On 26.06.2025, this Court passed a common order in **Writ Petition No.12512/2019 (Trimbak Aadhar Bhamre and Anr. Vs. The Union of India and others with connected writ petitions)** granting relief similar to the relief claimed in this petition.

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 **Hiraman 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 **Hiraman (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 principles enunciated in the case of **Union of India and Anr. Vs. Tarsem Singh** (supra) within three months from today.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)