



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

901 WRIT PETITION NO. 9492 OF 2023

ISHWRAPPA KANTAPPA MALANG

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH

WRIT PETITION NO. 9875 OF 2025

SIDRAM CHANMALAPPA VADRE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH

WRIT PETITION NO. 9876 OF 2025

**MANIK CHANBASAPPA RACHETTI DIED THR LRS PANDIT AND
OTHERS**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH

WRIT PETITION NO. 9874 OF 2025

**PANDURANG SAMBHAJI SURWASE DIED THR LRS RAJENDRA
PANDURANG SURWASE @ SURWANSHI AND OTHERS**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Mr. Shashikiran N. Patil, Advocate for the Petitioners

Mr. V. M. Kagne, AGP for the Respondents – State

Mr. Amol Patale, Advocate for Respondent No.2 in all Writ
Petitions (Competent Authority)

Mr. Arun V. Rakh, Advocate for Respondent No.3 in Writ Petition
No.9492 of 2023

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

DATE : 07.08.2025

ORDER (Per: Y. G. Khobragade, J.) :-

1. In these petitions, similar issues are raised by the petitioners and we find that on earlier occasion, this Court has disposed of the petitions, issuing specific directions that have partly addressed the concerns raised by the petitioners herein.

2. In all these Writ Petitions, the Petitioners are the owners of their respective lands situated at Omerga, Taluka Omerga, District Osmanabad and village Bosaga, Taluka Lohara, District Osmanabad. Respondent No.3 has acquired their lands for road widening of National Highway No.9 (Old), 65 (New) in the year 2014. The Respondent Authority has passed the award, but no statutory benefits, such as, interest and solatium have been granted. Being aggrieved by the said award, the Petitioners had filed arbitration proceedings before the Arbitrator. Accordingly, the Arbitrator passed the award. However, the statutory benefits, interest and solatium under Section 23(1)(A)(2) and Section 28 of the Land Acquisition Act, 1894, were not granted to the Petitioners. The issue involved in the present Writ Petitions are no more res integra as per the order dated 17.07.2025 passed by this Court in Writ Petition No.240 of 2023.

3. On 17.07.2025, this Court passed a common order in writ petition no. 240 of 2023 (*Rajendra Namdev Patil and others Vs. The Competent Authority, Land Acquisition and another*) with connected writ petitions, as under :-

“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 passed in 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.

5. It is further pointed out by the contesting respondents that this Court may consider directing the petitioners to produce all relevant documents before the competent authorities for verification when the competent authorities undertake any exercise of

computation of amounts payable to the petitioners towards solatium and interest in accordance with the principles noted in the above quoted order of this Court. It is further submitted that even if this Court were to pass an order in favour of the petitioners in the same manner as earlier orders have been passed in the case of similarly situated petitioners, it may be observed that such payments shall be subject to challenges raised, if any, under sections 34 and 37 of the Arbitration and Conciliation Act, 1996.

6. Considering the aforesaid submissions made on behalf of the contesting respondents, we are inclined to allow these petitions in the following manner :-

(a) In the light of above, these petitions are allowed by directing the competent authorities to compute and pay to the petitioners solatium and interest in accordance with the principles enunciated in the case of *Union of India and another Vs. Tarsem Singh and others* (supra) within a period of six (6) months from today.

(b) It is made clear that the petitioners shall assist the competent authorities by producing all relevant documents and upon verification of the same, the competent authorities shall proceed

further. It is also clarified that payments made pursuant to the directions given herein-above, shall be subject to the challenges, if any, raised under sections 34 and 37 of the Arbitration and Conciliation Act, 1996.

(c) In the light of the observations made herein above, it is further made clear that if any of the parties are aggrieved by the quantum and computation carried out by the competent authority while carrying out the directions given herein above, the remedy of Section 3G (5) of the National Highways Act, 1956 would be available to such aggrieved party in accordance with law. It is further made clear that the competent Authority while implementing the directions given herein above shall give reasonable hearing to all stake holders.

7. Writ petitions are disposed of in the above terms.

8. Pending applications, if any, also stand disposed of.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]

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