

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16370 OF 2023

Jagannath Vishnu Pawar

Petitioner

versus

Union of India through Deputy Secretary, Ministry of
Shipping Road Transport and Highway and others

Respondents

WITH

WRIT PETITION NO.6862 OF 2024

Balasaheb Kashinath Shinde

Petitioner

versus

Union of India through Deputy Secretary, Ministry of
Shipping Road Transport and Highway and others

Respondents

WITH

WRIT PETITION NO.10247 OF 2024

Vimlabai Dinkar Nirbhavane

Petitioner

versus

Union of India through Deputy Secretary, Ministry of
Shipping Road Transport and Highway and others

Respondents

WITH

WRIT PETITION NO.14854 OF 2024

Adivasi Seva Samitee Nashik through its
Secretary Prashant Hirey

Petitioner

versus

Union of India through Deputy Secretary, Ministry of
Shipping Road Transport and Highway and others

Respondents

WITH

WRIT PETITION NO.15628 OF 2024

Manohar Balwant Jadhav, deceased through L.Rs.
Manohar Jadhav

Petitioner

versus

Union of India through Deputy Secretary, Ministry of
Shipping Road Transport and Highway and others

Respondents

WITH

WRIT PETITION NO.4465 OF 2025

Dharma Pandurang Deore

Petitioner

versus

Union of India through Deputy Secretary, Ministry of
Shipping Road Transport and Highway and others

Respondents

WITH

WRIT PETITION NO.4467 OF 2025

Balasaheb Kashinath shinde, through L.Rs.

Prakash Balasaheb Shinde

Petitioner

versus

Union of India through Deputy Secretary, Ministry of
Shipping Road Transport and Highway and others

Respondents

WITH

WRIT PETITION NO.4468 OF 2025

Madhukar Punja Mate, deceased through L.Rs.

Dipak Madhukar Mate

Petitioner

versus

Union of India through Deputy Secretary, Ministry of
Shipping Road Transport and Highway and others

Respondents

WITH

WRIT PETITION NO.4469 OF 2025

Kailas Rajaram Dhongade

Petitioner

versus

Union of India through Deputy Secretary, Ministry of
Shipping Road Transport and Highway and others

Respondents

WITH

WRIT PETITION NO.11836 OF 2025

Bhaskar Dada Gaware

Petitioner

versus

Union of India through Deputy Secretary, Ministry of
Shipping Road Transport and Highway and others

Respondents

WITH

WRIT PETITION NO.11837 OF 2025

Devendrasingh Sukhdeosing Bajwa and others

Petitioners

versus
 Union of India through Deputy Secretary, Ministry of
 Shipping Road Transport and Highway and others Respondents

WITH
 WRIT PETITION NO.11838 OF 2025

K.K.Wagh College, Pimpalgaon through Sarchitnis Petitioners
 versus
 Union of India through Deputy Secretary, Ministry of
 Shipping Road Transport and Highway and others Respondents

WITH
 WRIT PETITION NO.11839 OF 2025

Kishor Balkrushna Chaube and others Petitioners
 versus
 Union of India through Deputy Secretary, Ministry of
 Shipping Road Transport and Highway and others Respondents

WITH
 WRIT PETITION (STAMP) NO.26705 OF 2025

Suresh Bandu Rasal Petitioner
 versus
 Union of India through Deputy Secretary, Ministry of
 Shipping Road Transport and Highway and others Respondents

Mr. Pramod N. Joshi aw Ms. Rukmini Khairnar for the Petitioners
 Mr. Rakesh Singh aw Ms. Heena Shaik aw Ms. Shweta Singh for the Respondent NHAI
 Ms. M.P. Thakur, AGP for the State in WPP/16370/2023, WP/10685/2024
 Mr. Y.D. Patil, AGP for the State in WP/6862/2024, WP/10683/2024
 Ms. S.A. Prabhune, AGP for the State in WP/10247/2024, WP/16513/2023
 Mr. Kedar Dighe, Addl. G.P. for the State in WP/14854/2024, WP/15628/2024, Mr.Ketan
 Joshi, 'B' Panel counsel for State in WP/11837/2025
 Ms. M.S. Bane, AGP for the State in WP/4465/2025
 Ms. S.R. Crasto, AGP for the State in WP/4467/2025
 Mr. A.R. Devlekar, AGP for the State in WP/4468/2025
 Mr. R.S. Pawar, AGP for the State in WP/4469/2025, WP/11839/2025
 Ms. P.J. Gavhane, AGP for the State in WP/11836/2025, WP/11838/2025,
 WP/4855/2024
 Mr. Saket Mone, "B" Panel Counsel for the State in WP(ST)/26705/2025
 Ms. R.M. Shinde, AGP for the State in WP/12729/2025
 Ms. R.A. Salunkhe, AGP for the State in WP/12730/2025

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 7th October 2025

P.C.

1. This is a batch of petitions where similar questions of facts and law are involved. The prayers made in the petitions are also identical which arise out of acquisition of lands belonging to the Petitioners for the National Highway Project under the provisions of National Highway Act, 1956. There is no dispute in regard to the notifications pertaining to the acquisitions in question, as also the acquisition culminating into a final award and possession of Petitioners' lands being taken over for the purpose of national highway project.

2. The common grievance of the Petitioners is in regard to non payment of statutory benefits of solatium and interest as would be applicable even in respect of acquisition proceedings under the National Highway Act by applying the provisions of Section 23(2), Section 23(1)(A) by providing 12% interest as well as interest as provided under Section 28 of the Land Acquisition Act, 1894. The prayers in all these petitions being similar, for convenience we refer to the prayers made in the first petition being Writ Petition No.16370 of 2023, which read thus :

“a. This Hon’ble Court be pleased to issue an appropriate writ/ order and/or direction directing the Respondent Nos.1, 4 and 5 who are the National Highway Authorities and who are responsible for payment of the statutory benefits of solatium and interest, be directed by way of an appropriate writ to enforce the statutory right of the Petitioner to get the amount of statutory benefits/amounts as provided u/s.23(2) (solatium @ 30% p.a), Section 23(1)(A), by providing 12% interest as well as the interest as provided u/s.28 of the Old Land Acquisition Act, and direct these authorities to pay these amounts forthwith;

b. This Hon'ble Court be pleased to issue an appropriate writ/ order declaring the actions of authorities below in not granting the statutory right and not enforcing the statutory duty of payment of amounts as provided u/s.23(2) (solatium @ 30% p.a) Section 23(1)(A), by providing 12% interest as well as the interest as provided u/s.28 of the Old Land Acquisition Act, to be illegal void and arbitrary exercise of powers and violating of the provisions of 300-A and direct them to pay these amounts forthwith and/or to deposit the same in the Court immediately;

c. This Hon'ble Court be pleased to issue an appropriate writ/order quashing and setting aside the Judgment and Order 04.05.2023 passed by the Ld.Principal District Judge in Civil Misc.Application/Arbitration Case No.51 of 2020,to the extent of the observations about purported modification of the Award as observed in the said Judgment;

d. This Writ Petition may be heard along with connected Writ Petition Stamp No.17131/2023 and others, where similar/common points are raised;

e. Pending the hearing and final disposal of this Writ Petition, the Respondent Nos.1, 4 and 5 be directed to forthwith deposit such amounts by way of interim measure, by way of statutory benefits and solatium and interest, either in this Court or may be directed to be paid over to the Petitioner on such terms as this Hon'ble Court may deem fit;

f. Interim and ad-interim reliefs in terms of prayer clause (d) above;

g. Cost of the Petition be provided;

h. For such other and further reliefs as this Hon'ble Court may deem fit, just and equitable in the interest of justice”.

3. Mr.Joshi, learned counsel for Petitioners, states that the Respondents are served. Mr.Singh appears for National Highway Authority of India ('NHAI'). Learned AGP appears for the State. At the outset Mr.Joshi, learned counsel for the Petitioners would submit that reliefs as sought for by the Petitioners would stand covered by the judgment of Supreme Court in case of **Union of India and another**

Vs. Tarsem Singh and others¹, in which the Supreme Court declared that the provisions of Land Acquisition Act relating to solatium and interest contained in Sections 23(1-A) and (2) and interest payable in terms of Section 28 proviso will apply to acquisitions made under the National Highways Act (for short 'NH At') and to such extent Section 3-J of the N.H Act is violative of Article 14 of the Constitution of India and therefore declared the same to be unconstitutional. Mr.Joshi would next submit that in pursuance of the said decision of Supreme Court several proceedings had reached this Court. He has drawn our attention to the orders passed by a co-ordinate Bench of this Court in **M/s.Manidhari Realtors Private Limited and another Vs. Union of India and others²** to submit that the Division Bench following the position in law as laid down by Supreme Court in Tarsem Singh (supra), had granted the relief to the said Petitioner by directing payment of solatium and interest @ 9% p.a from the date of possession. Mr.Joshi has also drawn the Court's attention to the orders dated 6th March 2025 passed on another batch of petitions passed by a co-ordinate Bench of this Court in **Sulochanabai Pratap Suryawanshi and others Vs. The Union of India and others³**. In such proceedings the Court passed the following orders in pursuance of the decision of the Supreme Court in Tarsem Singh and others (supra) in regard to the grant of solatium and interest :

“7. Following the decision in Tarsem Singh (supra) and orders disposing of the above Miscellaneous Application, we direct the NHAI to compute and pay the petitioner's solatium and interest in

1(2019)9 SCC 304

2Writ Petition No.7224 of 2022, dated 25-4-2025

3Writ Petition No.11702 of 2019 and group

accordance with the principles in the said matters within three months of uploading of this order.

8. Learned counsel for the petitioner expresses apprehensions that the NHAI would delay compliance. At this stage, we have no reason to accept this submission. In any event, the procedural delays or, the usual excuses about files moving from one table to another or the excuse that no provision is made for payment of this amount should not be raised by NHAI.

9. The Project Director of NHAI (respondent No.4) will be personally responsible for implementing this order. The above relief is granted in terms of the order of the Hon'ble Supreme Court in case of Tarsem Singh (supra). Based on this decision, the NHAI should have granted such benefits to the petitioners on its own. Therefore, it is expected that the NHAI does not delay in compliance with these directions, which in turn, are based on the law laid down by the Hon'ble Supreme Court in Tarsem Singh (supra). Article 144 of the Constitution provides that all authorities, civil and judicial, in the territory of India shall act in aid of the Supreme Court. Besides, Article 141 of the Constitution provides that the law declared by the Supreme Court shall be binding on all courts within the territory of India.

10. The rule is made absolute in the above terms in all these matters without any cost order. All concerned must act on an authenticated copy of this order.”

4. Mr.Joshi has also placed reliance on the orders passed by this Court on a batch of petitions decided by the co-ordinate Bench of this Court by order dated 9th May 2025 in **Kisanlal Bairudas Jain Vs. Union of India and others**⁴, wherein similar reliefs were granted to the Petitioners following earlier orders as noted by us hereinabove. Again a batch of petitions in the case of **Hiraman Namdeo Lonare and others Vs. The Union of India and others**⁵, were decided by a co-ordinate Bench of this Court by order dated 8th April 2025 wherein similar view was taken

⁴Writ Petition No.9608 of 2023 and group

⁵Writ Petition No.11932 of 2019 and 115 matters

by the Court whereby the Project Director of NHAI was directed to grant similar benefits.

5. Further Mr.Joshi has drawn our attention to the orders passed by this Court on another batch of petitions decided by a co-ordinate Bench of this Court in the case of **Harish Sonwane Vs. The Union of India and others**⁶, wherein in similar terms the following directions were issued :

“4. We have gone through the decision in Tarsem Singh (supra). All the counsels agree that the decision in Tarsem Singh (supra) applies to the present petitions. Thus, we direct that the Petitioners shall furnish a copy of the award to the NHAI within a period of one week from the date of uploading of this order to facilitate the NHAI to compute the solatium and interest in accordance with law. We direct that thereafter the NHAI shall compute the solatium and interest in accordance with the principle of law as laid down in Tarsem (supra) within a period of three months from the date on which the Petitioners furnish a copy of the award to the NHAI.

5. The computed amount shall be deposited by the NHAI with the Collector of the concerned Districts within the specified period as aforesaid. We are informed by Mr.Singh that the National Highways Authority of India has filed a Review Petition bearing Diary No.44096 of 2025 seeking review of the Tarsem Singh decision before the Supreme Court and the same is pending. In these circumstances, the amount deposited with the Collector shall be disbursed to the respective Petitioners depending on the outcome of the Review Petition.”

6. Mr.Pawar, learned AGP has also drawn out attention to an order passed by the Supreme Court on Miscellaneous Application No.1773 of 2021 in the case of **Union of India and others Vs. Tarsem Singh and others**⁷ wherein the Union of India/NHAI had sought clarification/review of the orders passed in the case of Tarsem Singh (supra). By judgment and order passed on such Miscellaneous

⁶Writ Petition No.6771 of 2021 and group

⁷2025 SCC OnLine 235

Application the Supreme Court rejected said Miscellaneous Application in terms of the following conclusion :

“E. CONCLUSION

25. In view of the foregoing analysis, we find no merit in the contentions raised by the Applicant, NHAI. We reaffirm the principles established in *Tarsem Singh* (supra) regarding the beneficial nature of granting ‘solatium’ and ‘interest’ while emphasising the need to avoid creating unjust classifications lacking intelligible differentia. Consequently, we deem it appropriate to dismiss the present Miscellaneous Application.

26. Leave is granted in the other connected matters, and all the appeals are disposed of with a direction to the Competent Authority to calculate the amount of ‘solatium’ and ‘interest’ in accordance with the directions issued in *Tarsem Singh* (supra). In this context, the appeal arising out of SLP (C) Diary No. 52538/2023 is dismissed, as the challenge therein pertains to the High Court's refusal to award Additional Market Value as another component of the compensation, while ‘solatium’ and ‘interest’ have already been granted.”

7. Thus, the view taken by the Supreme Court in *Union of India Vs. Tarsem Singh and others* (supra) has attained finality. We are informed by Mr. Singh, learned counsel appearing for NHAI that against the orders passed on Miscellaneous Application No.1773 of 2021, again a review petition has been filed and the same is pending. However, admittedly that there is no stay whatsoever to the decision of the Supreme Court in *Tarsem Singh* (supra) and in fact it is applied and acted upon in several proceedings in this Court as noted by us hereinabove.

8. It is seen that the position in law is not only well settled in the decision of Supreme Court in regard to entitlement of Petitioners to solatium and interest, and as followed by different benches of this Court in several proceedings. In this view of the matter, we are of the clear opinion that these petitions also would be required to be allowed in terms of the following order :

ORDER

- (i) The Petitioners shall furnish copy of their respective award 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 computation 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 others Vs. Tarsem Singh and others** (supra);
- (ii) The Competent Authority no.2/Respondent no.4 shall, on receipt of award, 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 award;
- (iii) The Project Director, NHAI, shall accept such computation and deposit with the Competent Officer the amounts which become payable to each of the Petitioners on solatium and interest. Such amounts be deposited within a period of six weeks from the date of receipt of computation from the Competent Authority no.2/Respondent no.4;
- (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 parties are expressly kept open;
- (vi) The petitions stand disposed of in above terms. No costs.

9. At this stage Mr.Singh submitted that the order ought not to be given effect to till the review petition is decided by the Supreme Court. Considering the aforesaid discussion, we do not see any reason to stay the order. The request is rejected.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)