

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3369 OF 2025

Yashwant Namdev Dhatrak & Ors. ...Petitioners
Vs.
National Highway Authority of India (NHAI) & Ors. ...Respondents

Mr. Manoj Badgujar for Petitioners.
Mr. A. R. Deolekar, AGP for State.
Mr. Rakesh Singh i/b. M. V. Kini & Co. for Respondent No.1.
Mr. Ashutosh Mishra i/b. Mr. A. A. Ansari for Respondent No.5.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.
DATE: 06 NOVEMBER 2025.

P.C.

1. We have heard Mr. Badgujar, learned counsel for the petitioners, Mr. Singh, learned counsel for respondent no.1, Mr. Mishra, learned counsel for respondent no.5-UOI and Mr. Deolekar, learned AGP for State.
2. The grievance of the petitioners in the present petition is that although the petitioners' land is the subject matter of acquisition for the National Highway project, i.e., at the behest of respondent no. 1, no compensation is being paid to the petitioners.
3. The petitioners contention is that the wife of petitioner no.1 has met with an accident and is suffering from Bell's Palsy, for which he is required to incur medical expenditure, including on surgery. It is also contended that although the petitioners have become entitled to receive the award amount, which is about Rs.3,38,53,610/-, despite the award being published on 23 March 2023, not a

penny has been paid to the petitioners. The petitioners are left in a peculiar position that neither the land in question is available to the petitioners which has stood acquired for which compensation needs to be paid to the petitioners. It is submitted that this is a consequence of depriving the petitioners of their fundamental rights guaranteed under Articles 14, 21 read with 300A of the Constitution. It is also submitted that in these circumstances, the petitioners also cannot mortgage the land and seek a loan from the financial institution/bank. We find substance in the contention as urged on behalf of the petitioners. It cannot be that the petitioners are deprived of the award amount when their land stands acquired under the award in question. In such circumstances, although the petitioners are in possession of the land, it is of no consequence when the land is to be utilized for raising money more particularly when the petitioners are in dire need of money for the family.

4. It appears that the award amount is not being released to the petitioners for the reason that the National Highway Authority is awaiting some decision being taken by the Central Government on whether the acquisition in question needs to be taken forward that too after the award is made. Thus, the right of the petitioners to enjoy the land guaranteed under Article 300A of the Constitution of India as clearly held by the Supreme Court in **Kolkata Municipal Corporation & Anr. v. Bimal Kumar Shah & Ors.**¹ is taken away by non-payment for the compensation and that too for a substantial period of more than two years, as on date. The petitioners have financial obligations. The land is being deprived to

¹ (2024) 10 Supreme Court Cases 533

the petitioners in the circumstances, which otherwise would have been available to the petitioners, if the same was not to be acquired.

5. Mr. Singh, learned counsel for the NHAI has brought to our notice that in similar circumstances, some petitioners had approached this Court, when an order dated 17 October 2025 was passed by this Court on Interim Application No. 12584 of 2025 in Writ Petition No. 10016 of 2024 [*The Competent Authority and Deputy Collector Land Acquisition (applicant) in the matter between Mr. Rajendra M. Developers and Builders Pvt. Ltd & Anr. vs. State of Maharashtra & Ors. filed by the State of Maharashtra*]. Such proceedings were on a similar issue namely the non-disbursement of the compensation and on account of non-receipt of the funds/amounts by the competent authority/the National Highway Authority. The Court in its order observed the inability of the NHAI to deposit the amount in view of the reconsideration of the entire project, being a matter pending decision of the Central Government. The Court accordingly had passed the following order:-

“1. This is an application, filed in a disposed of Petition on behalf of State Government the Deputy Collector (Land Acquisition) National Highway Project, Nashik. The aforesaid Writ Petition was disposed of by an Order dated 9th September 2025, more particularly in terms of following Order:

4. Having heard learned Counsel for the parties and having perused the record, we are of the clear opinion that the entitlement of the petitioners to receive the compensation is recognized in the award. This appears to be not in dispute. Insofar as M/s. Alandi Left Bank Canal Development is concerned, any claim of the said organization is required to be determined. It also appears that respondent No.3 the Project Director of NHAI, addressed a letter dated 4 January 2024 to respondent No.2 that the land acquisition payment be kept in abeyance, which appears to be an omnibus letter, and it is not addressed in the petitioner's case.

5. In this view of the matter, we are of the opinion that respondent No.2 needs to take an appropriate decision so as to disburse the

award amount as quantified in the land acquisition award in question and after hearing M/s. Alandi Left Bank Canal Development as also the Project Director, NHAI and the petitioner. As the award itself is dated 13 March 2023, there ought not to be a further delay in payment of compensation. Thus, although respondent No.3 is not represented in the present proceedings, in our opinion, considering the nature of the order which we intend to pass, no prejudice would be caused to respondent No.3 as all its contentions can be raised before respondent No.2 while taking decision of disbursement of the award amount.

6. We accordingly direct respondent No.2 to hear all the concerned parties as expeditiously as possible, in any event, within a period of six weeks from today and take a decision in terms of the Award on disbursement of the compensation amount and in accordance with law. All contentions of the parties in that regard are expressly kept open.

7. The petition is disposed of in the aforesaid terms. No costs.

2. As submitted by Ms. Prabhune, learned AGP, the award amount has not been received by the Competent Authority/Applicant, from the National Highway Authority of India (NHAI), for the reason that so far no clearance has been granted by the Central Government in regard to the project in question. Although the award itself was rendered by Respondent No.2 on 13th March 2023, Mr. Singh learned counsel for the NHAI states that the NHAI is pursuing the matter with Central Government and since clearance is not granted to the project. He states that subject to the decision which would be taken by the Central Government, further appropriate steps can be taken either to cancel the acquisition or to make payment of the award amount as the law would mandate.

3. In these peculiar circumstances our order dated 9th September 2025, as noted hereinabove for the time being cannot be acted upon. We accordingly direct the NHAI to inform the competent authority/Land Acquisition Officer of the decision which would be taken on the acquisition in question, so that Applicant/Competent authority can take further appropriate steps including to give effect to the direction as made by this Court in the aforesaid Writ Petition.

4. The NHAI needs to pursue the Central Government and obtain orders from the Central Government as expeditiously as possible and in any event within a period of six weeks from today. In the event any of the parties desire any further orders liberty to apply.

5. Interim Application stands disposed of in the aforesaid terms. No costs.”

6. Thus, the acquisition in question, which has actually culminated into an award, is kept in a state of absolute limbo. There cannot be such uncertainty and that too, for such long period, when valuable constitutional rights of the owners

of the land are being suspended in such manner and without payment of compensation. Such action of the authorities cannot be recognized in law. There needs to be accountability on the part of the concerned officials. We keep open the petitioners contention in such context.

7. In the aforesaid circumstances, we are inclined to dispose of this petition by the following order:-

ORDER

- i. If no decision is taken on the acquisition by the Central Government within a period of six weeks as directed by this Court in the order dated 17 October 2025 passed on Interim Application No. 12584 of 2025 in Writ Petition No. 10016 of 2024 (supra), the National Highway Authority shall make payment of the award amount to the petitioners along with the permissible interest. There shall not be any extension of time in this regard.
- ii. If it is decided that the land of the petitioners is not being acquired and the acquisition is being dropped, an intimation to that effect be immediately issued to the petitioners as also to the competent authority by the NHAI.
- iii. The Central Government is directed to take an appropriate decision on the issue in regard to which the NHAI is already before the Central Government. There shall not be any further extension in this regard.
- iv. All other contentions of the parties on the award including on the contention that the award in the present circumstances would be required to be quashed and set aside, are expressly kept open.
- v. Disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)