

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7409 OF 2025

Chaya Dilip Petkar	Petitioner
Vs.	
The Union of India & Ors.	Respondents

**WITH
WRIT PETITION (ST) NO.16958 OF 2025**

Bhagwant Singh Bachan Singh Paintel & Ors.	Petitioners
Vs.	
The Union of India Through The Deputy Secretary & Ors.	Respondents

**WITH
WRIT PETITION (ST) NO.16961 OF 2025**

Gurudipsingh Shivsingh Randhwa & Ors.	Petitioners
Vs.	
The Union of India Through The Deputy Secretary & Ors.	Respondents

**WITH
WRIT PETITION (ST) NO.16969 OF 2025**

Kacharu Khandu Zoman	Petitioner
Vs.	
The Union of India Through The Deputy Secretary & Ors.	Respondents

**WITH
WRIT PETITION (ST) NO.17260 OF 2025**

Motilal Mohanlal Chaddha

Since Deceased & Ors.

.....Petitioner

Vs.

The Union of India

Through The Deputy Secretary

Ministry Of Shipping Road Transport And

Highway & Ors.

.....Respondents

**WITH
WRIT PETITION (ST) NO.17272 OF 2025**

Vijaykumar Kantilal Picha & Ors.

.....Petitioners

Vs.

The Union of India

Through The Deputy Secretary

Ors.

.....Respondents

**WITH
WRIT PETITION (ST) NO.7406 OF 2025**

Vinay Daulat Bachhav

.....Petitioner

Vs.

The Union of India

Through The Deputy Secretary Ors.

.....Respondents

**WITH
WRIT PETITION (ST) NO.17288 OF 2025**

Ashok Namdeorao Mate & Ors.

.....Petitioners

Vs.

The Union of India

Through The Deputy Secretary Ors.

.....Respondents

Mr. Pratik B. Rahade, for the Petitioners.

Mr. Yashodeep Deshmukh a/w Mr. Ashutosh Mishra, for the Respondent No.1-UIO

Mr. S. P. Kamble, AGP, for Respondent No.2-State

Mr. Rakesh Singh a/w Ms. Heena Shaikh i/b M. V. Kini & Co., for Respondent No.5-NHAI

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 23rd JUNE 2025.

P.C.:-

1. Rule. Rule is made returnable forthwith in all the Petitions.

At the request and with the consent of the learned counsel for the parties, the Petitions are taken up for final hearing.

2. The learned counsel for the parties state that these Petitions involve a common issue of law and fact and therefore, the Petitions are being disposed by this common Judgment and Order. Both the counsels also placed reliance on the decision of the Supreme Court of India in the case of *Union of India Vs Tarsem Singh and Ors.*¹ which is also followed by this Court in the case of *Hiraman Namdeo Lonare and Ors. Vs. Union of India*²

1 (2019) 9 SCC 304

2 2025 BHC-AS: 16409-DB

3. The Petitioners in all these Petitions seek a declaration that the provisions of section 3(J) of the National Highway Act, 1956 is *ultra vires*, illegal and void and hence, the same may be struck down as unconstitutional in terms of the decision in *Tarsem (supra)*. The Petitioners further seek a payment of 30% solatium, 12% of the component and requisite amount of interest in addition to the market value of the land as provided for under the Land Acquisition Act/Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. Mr. Pratik B. Rahade appears for the Petitioners in all the Petitions and Mr. Yashodeep Deshmukh, appears for the Union of India. Mr. S. P. Kamble, learned AGP represents the State and Mr. Rakesh Singh represents the National Highway Authority of India.

5. We have gone through the decision in *Tarsem Singh (supra)* as well as the decision of this Court in *Hiraman Lonare (supra)*. All the counsels agree that the decision in *Tarsem Singh (supra)* applies to the present Petitions. Thus, we direct the NHAI to compute and pay the Petitioners 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 of uploading of this order. We also 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.

6. Rule is accordingly made absolute in the above terms in all the Petitions without any order as to cost. Interim order, if any, stands vacated. Interim Applications, if any, do not survive and are disposed of accordingly.

7. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.) (REVATI MOHITE DERE, J.)

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SHIVGAN
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