

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13479 OF 2025
WITH
WRIT PETITION NO. 13480 OF 2025
WITH
WRIT PETITION NO. 13482 OF 2025
WITH
WRIT PETITION NO. 13488 OF 2025
WITH
WRIT PETITION NO. 13489 OF 2025

Shidya Hari Mange ... Petitioner
Versus
The State of Maharashtra, through GP & Ors. ... Respondents

WITH
WRIT PETITION NO. 13483 OF 2025
WITH
WRIT PETITION NO. 13505 OF 2025
WITH
WRIT PETITION NO. 13506 OF 2025

Kamlu Goma Mange ... Petitioner
Versus
The State of Maharashtra, through GP & Ors. ... Respondents

WITH
WRIT PETITION NO. 13486 OF 2025

Chandar Rama Bhagat ... Petitioner
Versus
The State of Maharashtra, through GP & Ors. ... Respondent

WITH
WRIT PETITION NO. 13503 OF 2025

Sakru Soma Mange ... Petitioner
Versus
The State of Maharashtra, through GP & Ors. ... Respondents

**WITH
WRIT PETITION NO. 13504 OF 2025**

Budha Dharma Kamadi	...	Petitioner
Versus		
The State of Maharashtra, through GP & Ors.	...	Respondents

Mr. Sachin Gite for the petitioners.
Mr. Rakesh Singh for the respondent-NHAI.
Ms. M.P. Thakur, AGP for the State in WP/13479/2025, WP/13480/2025, WP/13503/2025, WP/13504/2025.
Ms. S.A. Prabhune, AGP for the State in WP/13482/2025, WP/13483/2025.
Mr. Y.D. Patil, AGP for the State in WP/13486/2025.
Mr. R.S. Pawar, AGP for the State in WP/13488/2025, WP/13506/2025.
Ms. P.J. Gavhane, AGP for the State in WP/13489/2025.
Ms. M.S. Bane, AGP for the State in WP/13505/2025.

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

DATE: 3 November 2025

P.C.

1. This is a batch of petitions where similar questions of law and facts 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 of the land 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.13479 of 2023, which read thus :

“a. This Hon’ble Court may further be pleased to hold that the petitioners is entitled for the statutory benefits under Sections 23 and Section 28 of the Land Acquisition Act, 1894 and the respondents may be directed to grant the petitioners the said statutory benefits in respect of the land as stated in para 3 of the petition forthwith.

b. This Hon’ble Court may by appropriate writ, direction and order, direct the respondents to immediately calculate the amount of statutory benefits as per the provisions of sections 23 and section 28 of the Land Acquisition Act, 1894 and direct the respondent authority to immediately release the said amount of compensation along with interest till the date of actual payment in favour of the petitioners.

c. This Hon’ble Court may be pleased to hold that the Award passed by the learned Additional Divisional Commissioner and the Arbitrator [NH-3], Konkan Division, Mumbai dtd.20.06.2018 in Case Nos. 440 of 2017 as illegal and bad in law to the extent of not granting the statutory benefits to the petitioners under sections 23 and section 28 of the Land Acquisition Act.”

3. Mr. Gite, learned counsel for the petitioners would submit that the prayers in these petitions would stand covered by the decision of the Supreme Court in the case of **Union of India and another vs. Tarsem Singh and others**¹, in which the Supreme Court had 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 proviso below Section 28 shall apply to acquisitions made under the

¹ (2019) 9 SCC 304

National Highways Act (for short 'N.H Act').

4. Mr. Gite has also drawn our attention to a reasoned order dated 7 October, 2025 passed by this Court on a batch of Writ Petitions (being Writ Petition no. 16370 of 2023-Jagannath Vishnu Pawar vs. Union of India & Ors. and companion petitions) wherein similar reliefs were prayed for and considering the decision of the Supreme Court in **Union of India and another vs. Tarsem Singh and others** (supra) as also the orders passed by the co-ordinate Bench of this Court in **M/s. Manidhari Realtors Private Limited and another Vs. Union of India and others**²; **Sulochanabai Pratap Suryawanshi and others Vs. The Union of India and others**³; **Kisanlal Bairudas Jain Vs. Union of India and others**⁴; **Hiraman Namdeo Lonare and others Vs. The Union of India and others**⁵ as also in **Harish Sonwane Vs. The Union of India and others**⁶, the Court had allowed said batch of petitions in terms of the following operative 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

2 Writ Petition No. 7224 of 2022 dated 25.04.2025

3 Writ Petition No. 11702 of 2019 & group

4 Writ Petition No. 9608 of 2023 and group

5 Writ Petition No. 11932 of 2019 and group

6 Writ Petition No. 6771 of 2021 and group

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.”

5. Mr. Singh, learned counsel for NHAI would not dispute the legal position as laid down by the Supreme Court in **Union of India and another vs. Tarsem Singh and others** (supra) as also followed in several orders passed by this court as noted by us hereinabove.

6. In this view of the matter, we are inclined to dispose of these petitions 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 of 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.

7. Parties to act on the authenticated copy of this order.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)