

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16469 OF 2025

Prakash Balkrushna Shinde

Petitioner

versus

The State of Maharashtra and others

Respondents

WITH

WRIT PETITION NO.9561 OF 2025

Vikram Zaga Marathe since deceased through L.Rs.

Petitioners

versus

The State of Maharashtra and others

Respondents

WITH

WRIT PETITION (STAMP) NO.32185 OF 2025

Shantilal Avchit Pawar

Petitioner

versus

The State of Maharashtra and others

Respondents

WITH

WRIT PETITION NO.16159 OF 2025

Tryambak Sonu Pawar, since deceased through L.Rs.

Petitioners

versus

The State of Maharashtra and others

Respondents

WITH

WRIT PETITION (STAMP) NO.36779 OF 2025

Chintaman Shamji Pawar

Petitioner

versus

The State of Maharashtra and others

Respondents

WITH

WRIT PETITION NO.16156 OF 2025

Sunil Govind Pawar, since deceased through L.Rs.

Petitioners

versus

The State of Maharashtra and others

Respondents

WITH

WRIT PETITION (STAMP) NO.38213 OF 2025

Hiraman Vedu More	Petitioner
versus	
The State of Maharashtra and others	Respondents

WITH
WRIT PETITION (STAMP) NO.38215 OF 2025

Sitabai Rama Mange (deceased) through L.Rs.	Petitioners
versus	
The State of Maharashtra and others	Respondents

WITH
WRIT PETITION NO.16534 OF 2025

Kashinath Hema Mange	Petitioner
versus	
The State of Maharashtra and others	Respondents

WITH
WRIT PETITION NO.16531 OF 2025

Shidibai Deu Kamadi	Petitioner
versus	
The State of Maharashtra and others	Respondents

WITH
WRIT PETITION NO.16471 OF 2025

Namdeo Shamji Pawar	Petitioner
versus	
The State of Maharashtra and others	Respondents

Mr.Sachin Gite for Petitioners.

Mr.Rakesh Singh with Ms.Shweta Singh i/by M.V.Kini & Co. for NHAI.

Ms.Pooja Patil, AGP for the State in WP.16469/2025.

Ms.M.S.Bane, AGP for State in WP.9561/2025 and 16534/2025.

Ms.P.M.Joshi Deshpande, AGP for State in WP(St).32185/2025

Ms.M.P.Thakur, AGP for State in WP.16159/2025 and 16471/2025.

Ms.S.A.Prabhune, AGP for State in WP.16156/2025.

Mr.R.S.Pawar,AGP for State in WP(St).36779/2025.

Mr.S.P.Kamble, AGP for State in WP(St).38213/2025.

Ms.P.J.Gavhane, AGP for State in WP(St).38215/2025.

Mr.S.L.Babar, AGP for State in WP.16531/2025.

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

DATE: 15th December 2025

P.C.

1. This is a batch of petitions praying for similar reliefs. For convenience, we refer to the prayers in first petition being Writ Petition No.16469 of 2025, which read thus :

“a) This Hon’ble Court may further be pleased to hold that Petitioner 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 Petitioner 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 Petitioner;

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.20.6.2018 in Case No.541 of 2017 as illegal and bad in law to the extent of not granting the statutory benefits to the Petitioners under section 23 and section 28 of the Land Acquisition Act;

d) Pending the hearing and final disposal of the present Writ Petition, this Hon’ble Court may also direct the Respondents to immediately calculate the amount of statutory benefits as per the provisions of section 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 Petitioner.”

The prayers made in the other petitions are similar.

2. Learned counsel for the Petitioners states that this Court has disposed of a similar batch of petitions on 13-11-2025 in Writ Petition No.14309 of 2025 (Ashok Shankar Bhor and others Vs. The Union of India and others). A copy of the said order is placed on record. For convenience we reproduce the same :

“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.13634 of 2025, which read thus :

“(a) Issue an appropriate Writ / Order, directing that Award dated 24.12.2010 passed by the Respondent No.4, in respect of compensation of amount belonging to the Petitioners, the Petitioners be provided, in addition to the market value of the land, amount of 30% of solatium, 12% of component and requisite amount of interest, as provided under “Land Acquisition Act, 1894” and/or “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.”

3. Mr. Gite and Mr. Rahade, 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

¹ (2019) 9 SCC 304

apply to acquisitions made under the 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 (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; **Harish Sonwane Vs. The Union of India and others**⁶, and the orders passed by this Bench on two batches of petitions i.e. Writ Petition No. 7644 of 2024 along with 16 other petitions (**Chaya Dattu Gunjal vs. The Sub-Divisional Officer, Igatpuri-Trimbakeshwar, Sub-Division, Nashik & Ors.**) and Writ Petition No. 16370 of 2023 along with 13 other petitions (**Jagannath Vishnu Pawar vs. Union of India through Deputy Secretary, Ministry of Shipping Road Transport and Highway and others**), as also a recent order dated 06 November 2025 passed by this Bench on a batch of petitions i.e. Writ Petition No. 13634 of 2025 along with 34 petitions (**Annapurna Prakash Buva vs. The Competent Authority, The Special Land Acquisition Officer & Ors.**), 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;

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

(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.”

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 dispose of these petitions in terms of the similar orders as passed in Writ Petition No. 7644 of 2024 along with 16 other petitions [**Chaya Dattu Gunjal vs. The Sub-Divisional Officer, Igatpuri-Trimbakeshwar, Sub-Division, Nashik & Ors.**] (supra), Writ Petition No. 16370 of 2023 along with 13 other petitions [**Jagannath Vishnu Pawar vs. Union of India through Deputy Secretary, Ministry of Shipping Road Transport and Highway and others**] (supra) and in Writ Petition No. 13634 of 2025 along with 34 petitions [**Annapurna Prakash Buva vs. The Competent Authority, The Special Land Acquisition Officer & Ors.**] (supra) in terms of the following order:-”

3. Learned counsel for the parties state that considering the aforesaid orders, these petitions can also disposed of in similar terms. Accordingly these petitions shall stand disposed of in terms of the following operative order :

ORDER

(i) The Petitioners shall furnish copy of their respective awards 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.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)