



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 968 of 2023

Damyantibai Hiralal Patel and ors.

vs

The National Highway Authority of India, New Delhi and ors.

Mr A.B.Nakshane, Advocate for petitioners.

Mr A.A.Kathane, Advocate for respondent No.1.

Mr. I.J.Damle, Assistant Government Pleader for respondent nos. 3 and 4.

CORAM :- NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 7th April, 2025

P. C.

Heard learned counsel for the parties.

2. This petition is directed against the failure of the respondents in making the payment of solatium along with interest pursuant to the order dated 29/11/2012 passed by the Deputy Collector (Land Acquisition General) Nagpur (MS) and Competent Authority for acquisition of land for National Highway.

3. Learned counsel appearing for the petitioners has invited our attention to the reported judgment of the Apex Court in the matter of Miscellaneous Application No. 1773 of 2021 in Civil Appeal No.7064 of 2019 *Union of India and another vs. Tarsem Singh and others* with connected matters, decided on 04.02.2025. According to the learned counsel appearing for the petitioner, the Apex Court in the aforesaid order re-affirmed the principles established in the case of Civil Appeal No.7064 of 2019 *Union of India vs. Tarsem Singh and others reported in [(2019) 9 SCC 304]*. He would as such urge that the Supreme Court in view of the aforesaid authoritative endorsement has extended the benefit of granting solatium with interest so as to avoid unjust calculations.

4. In the aforesaid background, he would claim that the petition needs to be allowed thereby directing the respondents not only to pay solatium but also interest thereon.

5. Since the aforesaid contention is borne out of record viz. Authoritative endorsement/pronouncement dated 04.02.2025 referred above, it is not disputed by the counsel appearing for the respondent – NHAI.

6. As such, it is to be held that the petitioners are not only entitled for solatium but also interest thereon.

7. That being so, we deem it appropriate to direct the respondent Acquiring Body to deposit the amount of solatium with interest accrued thereon with the Land Acquisition Authority within a period of eight weeks along with the calculations made by them.

8. Needless to clarify the petitioners shall be entitled for such interest and solatium.

9. The petition, as such, stands allowed in above terms. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)