

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 18642 OF 2024

Chidanand Bhimsha Dindure. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

WITH

WRIT PETITION NO. 402 OF 2025

Shailesh Sumatilal Gujar and Anr. ...Petitioners.

Versus

The State of Maharashtra and Others. ...Respondents.

WITH

WRIT PETITION NO. 19466 OF 2024

Dr. Vipul Vilas Shah. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

Dr. Ramdas P. Sabban and Amol Amarnath Kanaki and Mr. Shrikant Kompelli for the Petitioners.

Ms. T. J. Kapre, AGP for the Respondent-State.

Mr. Sagar Varma (thr. V.C.) for the Respondent No. 3 -NHAI.

Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.

Date : April 20, 2026.

P. C. :

1. Heard Dr. Sabban, learned Counsel appearing for the Petitioners, Mr. Sagar Varma, learned Counsel appearing for Respondent No.3-NHAI and Ms. T. J. Kapre, learned AGP for the Respondent-State.

2. At the outset, Dr. Sabban, learned Counsel appearing for the Petitioners states that the orders impugned in these 3 petitions are almost identical. He submits that the Petitioners' land is acquired under the provisions of National Highways Act, 1956 [for short "***the said Act***"]. He submits that preliminary notification as well as final notification has been issued under the provisions of the said Act, however, compensation has not been paid on the ground that acquired lands are falling under the reserved forest. He submits that the Division Bench of this Court at Principal Seat in the case of ***Hanumant Rangnath Phadtare v. Competent Authority***¹ has decided this issue.

3. Mr. Varma, learned Counsel appearing for the Respondent-NHAI submits that although issue involved in the present matters is covered by the decision of Division Bench of this Court in ***Hanumant Rangnath Phadtare*** (supra), however that is only one aspect of the matter. He submits that there are several other aspects involved, including the apportionment of compensation.

4. Before considering the rival contentions, it is necessary to set out certain factual aspects. On 26th April 2022, preliminary notification was published under Section 3A of the said Act. Thereafter on 10th August 2022, final acquisition notification was published under Section 3D of the said Act and consequently lands have been vested in the

¹ WP No.8632 of 2024 & group, decided on 24-3-2026.

Government of India.

5. Dr. Sabban, learned Counsel appearing for the Petitioners has tendered chart as follows :

Sr. No	Writ Petition No.	Petitioner Name	Date of Impugned Order	Authority
1.	WP No. 18642 of 2024	Chidanand Dindure	11.03.2024, 24.02.2024.	Competent Authority & Deputy Collector, Land Acquisition Officer No. 11 (CALA), Solapur 413001.
2.	WP No. 19466 of 2024	Dr. Vipul Vilas Shah	13.03.2024,	Competent Authority & Deputy Collector, Land Acquisition Officer No. 11 (CALA), Solapur 413001.
3.	WP No. 402 of 2025	Shailesh Sumatilal Gujar	11.03.2024, 24.02.2024, 26.02.2024, 26.02.2024.	Competent Authority & Deputy Collector, Land Acquisition Officer No. 11 (CALA), Solapur 413001.

6. By the impugned orders, the competent authority has refused to pay compensation on the ground that acquired lands are falling under reserved forest. In view of the said reason given by the competent authority, it is necessary to see the observations of this Court in paragraph 9 and 10 of ***Hanumant Rangnath Phadtare*** (supra), which read thus :

“9. We have considered the rival submissions. We do find substance in the contention raised on behalf of the petitioners that a Co-ordinate Bench of this Court, in the case of similarly situated petitioners, passed orders granting relief, despite the aforesaid stand taken on behalf of the respondent State authorities and the NHAI with regard to the land being covered under reserved forests. The orders passed in Writ Petition Nos.5975 of 2022 and 7522 of 2023 indeed support the contention raised on behalf of the petitioners.

10. Apart from this, we find that the Supreme Court in the case of ***Project Director, Project Implementation Unit Vs. P. V. Krishnamoorthy and others*** (supra) found that once a declaration

is issued under the provisions of the said Act for the purpose of acquiring lands, the lands would vest with the Central Government. It was categorically held in the said judgement of the Supreme Court that the Central Government does not require prior environmental / forest clearance while expressing the intention to acquire land for the purpose of the aforesaid Act. Such clearance, if at all required, is when the executing agency takes up the project and before it commences the actual work. The aforesaid situation occurs only after the land is vested in the executing agency like NHAI. In the present case, the chronology of events is undisputed and it is crucial for considering the rival submissions.”

7. Thus, what has been held by this Court on the basis of decision of the Apex Court in ***Project Director, Project Implementation Unit Vs. P. V. Krishnamoorthy***² is that once a declaration is issued under the provisions of said Act for the purpose of acquiring lands, the lands would vest with the Central Government. The Supreme Court further held that the Central Government does not require prior environmental / forest clearance while expressing the intention to acquire land for the purpose of the said Act. Such clearance, if at all required, is when the executing agency takes up the project and before it commences the actual work. It has been held that such situation occurs only after the land is vested in the executing agency like NHAI.

8. In the present case, undoubtedly, the preliminary notification has been issued under Section 3A of the said Act on 26th April 2022, final acquisition notification under Section 3D of the said Act was published on 10th August 2022 and lands have vested in the Government of India

² (2021) 3 SCC 572.

on 20th September 2022. Order / award has been passed under Section 3G(1) of the said Act acquiring Petitioners' land situated at village Konhali, taluka Akkalkot, district Solapur. It is also admitted position that compensation has not yet been paid on the ground that acquired lands are falling under the reserved forest. Thus the observations of the Division Bench of this Court in ***Hanumant Rangnath Phadtare*** (supra) are squarely applicable to the present case. However, the relief of compensation as sought by the Petitioners cannot be granted as learned Counsel appearing for the Respondent-NHAI has submitted that apart from the issue of lands falling under reserved forest, there are several other issues including the issue of apportionment.

9. In the light of above discussion, writ petitions are disposed of by passing following order :

:- ORDER :-

[i] Impugned orders are quashed and set aside and matters are remanded back to the competent authority for decision afresh.

[ii] It is clarified that in view of the decision of this Court in ***Hanumant Rangnath Phadtare*** (supra), ground that compensation cannot be paid as the Petitioners' land are falling under the reserved forest is not available.

[iii] The competent authority to pass appropriate orders on or before 31st August 2026.

[iv] It is clarified that subject to above, all other contentions of the parties are expressly kept open.

[v] The competent authority shall also decide the interest amount to which the Petitioners are entitled.

10. Writ petitions stand disposed of.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]