

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8632 OF 2024

Hanumant Ranganath Phadtare ... Petitioner

Vs.

Competent Authority for Land Acquisition and
Sub-Divisional Officer and another ... Respondents

WITH
WRIT PETITION NO.8634 OF 2024

Ranjana Mahadev Kumbhar and another ... Petitioners

Vs.

Competent Authority for Land Acquisition and
Sub-Divisional Officer and another ... Respondents

WITH
WRIT PETITION NO.8633 OF 2024

Hanumant Ranganath Phadtare ... Petitioner

Vs.

Competent Authority for Land Acquisition and
Sub-Divisional Officer and another ... Respondents

Dr. Ramdas P. Sabban a/w. Mr. Shrikant S. Kompelli, Mr. Rohit Chitiken and
Ms. Apurva Gudewar for Petitioners.

Mr. Rakesh Singh and Mr. Rachit Agrawal i/b. M. V. Kini & Co. for Respondent-
NHAI.

Mr. B. V. Samant, Additional GP a/w. Ms. M. S. Bane, AGP for Respondents-
State in Writ Petition No.8632 of 2024.

Ms. P. M. J. Deshpande, AGP for Respondent-State in Writ Petition No.8634 of
2024.

Ms. Tanu N. Bhatia, AGP for Respondent-State in Writ Petition No.8633 of 2024.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : MARCH 24, 2026

P.C. :

. Heard learned counsel for the parties.

2. These petitions were taken up in the supplementary list today on a submission made on behalf of the petitioners that their cases are covered by earlier orders passed by Co-ordinate Division Benches of this Court in the cases of similarly situated landowners / claimants.

3. The principal submission made on behalf of the petitioners in these petitions is that, upon notification and declaration being issued under Sections 3A and 3D of the National Highways Act, 1956 (for short 'said Act') for acquisition of lands of the petitioners and upon consequent vesting of lands in the Central Government, there was no scope for the respondents to claim that since parts of the acquired lands happened to be reserved forests, disbursal of compensation to the petitioners / landowners should be interdicted, particularly when final land acquisition awards were also passed in each of these cases. It is submitted that once vesting of the land in the Central Government takes place, followed by final land acquisition awards being passed, the quantum of compensation determined under such awards ought to be disbursed to the petitioners along with interest.

4. In this backdrop, the petitioners have made similar prayers in their writ petitions for disbursal of specific amounts of compensation along with interest @9% p.a. from the date of the award till actual disbursal of amount. Although the lands in these three petitions differ, the language of the principal prayer in the writ petitions is identical and therefore, for reference, prayer clause (a) of Writ Petition No.8632 of 2024 is quoted hereinbelow:-

“(a) This Hon’ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, direction or order, directing the Respondent No.2 - NHAI & the Respondent No.1 - Competent Authority to forthwith make payment of said N. H. acquisition compensation of Rs.2,79,56,907/- to the Petitioners, along with the 9% p.a. interest thereon from the date of the said Section 3G Compensation Order / Award dt.22-02-2021 till the date of payment / deposit into the Court;”

5. The learned counsel for the petitioners submitted that upon the preliminary Notification under Section 3A of the said Act and the Declaration under Section 3D thereof being issued, final land acquisition awards were passed in the cases of the petitioners in the present writ petitions, determining the quantum of compensation payable to them. In Writ Petition Nos.8632 of 2024, 8633 of 2024 and 8634 of 2024, the awards were passed on 22.02.2021, 24.12.2018 and 30.04.2019 respectively. It is the case of the petitioners that disbursal of the amounts was hampered due to the stand taken by the respondent - National Highways Authority of India (NHAI) that since parts of the acquired lands were covered under reserved forests, disbursal of the compensation was required to be postponed till the issue was resolved insofar as the manner in which the proposed road could be constructed through the portion of lands covered under reserved forests.

6. The learned counsel for the petitioners submitted that a similar stand was taken in petitions disposed of by this Court, including Writ Petition No.5975 of 2022 (*Mahadev Kerba Nanavare and others Vs. Competent Authority for Land Acquisition and others*) and Writ Petition No.7572 of 2023 (*Nitin S. Ghogre Vs. Competent Authority for Land Acquisition and Sub-Divisional Officer Baramati Sub-Division, Baramati*). In the orders passed in the aforesaid writ petitions, on 17.10.2023 and 28.11.2023, the Co-ordinate Bench of this Court refused to accept the stand of the NHAI and directed disbursal of the compensation amounts with interest. Reliance was also placed on judgement of the Supreme Court in the case of *Project Director, Project Implementation Unit Vs. P. V. Krishnamoorthy and others*, **(2021) 3 SCC 572**, to contend that once the land was vested in the Central Government and final land acquisition award had been passed, there was no question of any impediment in disbursal of compensation, only because the part of the lands stood covered under reserved forests. On this basis, it was

submitted that this Court may consider allowing the writ petitions.

7. The learned AGPs appearing on behalf of the respondent - State authorities invited attention of this Court to the contents of the reply affidavit. Reliance was specifically placed on paragraphs 4 to 7 of the affidavit-in-reply filed in Writ Petition No.8632 of 2024 to contend that since the NHAI had raised an apprehension about necessity of diverting the forest land for non-forest purpose and the proposal was pending before the Forest Department, the disbursal of the compensation amount was not undertaken. Reference was also made to the fact that realignment of the highway was necessitated and in such circumstances, the land covered under reserved forests, in a manner of speaking, could not be utilized for the purpose for which the land was acquired. It was submitted that this factor needs to be taken into consideration before any orders are passed in the present writ petitions.

8. The learned counsel appearing for respondent - NHAI supported the stand taken on behalf of the respondent State authorities. He specifically submitted that realignment of the highway was necessitated because parts of the acquired lands were covered under reserved forests. This had led to additional awards and acquisitions being undertaken, due to which, further strain was put on the public exchequer. On this basis, it was submitted that this Court needs to take into consideration the undisputed fact that parts of the lands of the petitioners acquired under the said awards were covered under the reserved forests.

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.

11. In Writ Petition No.8632 of 2024, the preliminary notification under Section 3A of the aforesaid Act was issued on 20.08.2018, while the declaration under Section 3D thereof was issued on 26.10.2018, thereby vesting the lands in the Central Government. The final award was passed on 22.02.2021, determining the quantum of compensation payable to the petitioner and other landowners.

12. In Writ Petition No.8633 of 2024, the preliminary notification under Section 3A of the aforesaid Act was issued on 09.03.2018, while the declaration under Section 3D thereof was issued on 18.08.2018, thereby vesting the lands in the Central Government. The final award was passed on 24.12.2018, determining the quantum of compensation payable to the petitioner and other landowners.

13. In Writ Petition No.8634 of 2024, the preliminary notification under Section 3A of the aforesaid Act was issued on 09.03.2018, while the declaration under Section 3D thereof was issued on 09.10.2018, thereby vesting the lands in the Central Government. The final award was passed on 30.04.2019, determining the quantum of compensation payable to the petitioner and other landowners.

14. The acquisitions were undertaken for different stretches of national highways and the said fact is also undisputed. In the face of such undisputed facts, unequivocally indicating that the land stood vested in the Central Government and consequently, the petitioners were divested of their rights in the lands, there could be no impediment in disbursal of the compensation determined as per the final awards.

15. We find no substance in the contention raised on behalf of the respondents that since parts of the lands were covered under reserved forests, the disbursal of the compensation to the petitioners could be hampered or that, it would await any 'clearance' from the Forest Department.

16. In view of the above, the writ petitions are allowed in terms of prayer clause (a) of all the three petitions. The amounts payable to the petitioners in these three writ petitions as per prayer clause (a) in each of the writ petitions shall be disbursed within a period of six weeks from today.

17. Pending applications, if any, also stand disposed of.

18. At this stage, the learned counsel appearing for the respondent NHAI correctly points out that the petitioner in Writ Petition Nos.8632 of 2024 and 8633 of 2024 has himself stated that he is still in possession of the subject lands. Therefore, it is directed that upon disbursal of the

compensation amounts to the petitioner in the said writ petitions in terms of the direction given hereinabove, he shall forthwith handover possession of the subject lands to the respondents.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)

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