IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17264 OF 2025

Siddhivinayak Agro Industries through Its Authorized Signatory .. Petitioner

V/s.

The Land Acquisition Officer and Ors. .. Respondents

WITH

WRIT PETITION NO. 17265 OF 2025

M/s. Siddhivinayak Agro Industries .. Petitioner

V/s.

The Land Acquisition Officer and Ors .. Respondents

WITH

WRIT PETITION NO. 17266 OF 2025

VARSHA DEEPAK GAIKWAD
Digitally signed by VARSHA DEEPAK GAIKWAD
Date: 2026.01.07 17:49:36 +0530

Siddhivinayak Manufacturing .. Petitioner

V/s.

The Land Acquisition Officer and Ors. .. Respondents

WITH

WRIT PETITION NO. 17267 OF 2025

Shiv Manufacturing .. Petitioner

V/s.

The Land Acquisition Officer and Ors. .. Respondents

WITH

WRIT PETITION NO. 17268 OF 2025

Shiv Manufacturing .. Petitioner

V/s.

The Land Acquisition Officer and Ors. .. Respondents

WITH
WRIT PETITION NO. 17306 OF 2025

Shiv Industries through Its Authorized Signatory .. Petitioner

V/s.

The Land Acquisition Officer and By Collector and Ors. .. Respondents

WITH
WRIT PETITION NO. 17307 OF 2025

Shiv Industries .. Petitioner

V/s.

The Land Acquisition Officer and By Collector and Ors. .. Respondents

WITH
WRIT PETITION NO. 17309 OF 2025

M/s. Ganesha Food Processors through Nikhil R. Agarwal .. Petitioner

V/s.

The Land Acquisition Officer and By Collector General Administration and Ors. .. Respondents

WITH
WRIT PETITION NO. 17318 OF 2025

Siddhivinayak Agro Industries .. Petitioner

V/s.

The Land Acquisition Officer and By Collector and Ors. .. Respondents

WITH
WRIT PETITION NO. 17322 OF 2025

M/s Siddhivinayak Food Processors Through Nikhil Radhyshyam Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and By Collector General Administration and Ors. .. Respondents

WITH
WRIT PETITION NO.17368 OF 2025

M/s Avmit Homes LLP Through Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration and Ors .. Respondents

WITH
WRIT PETITION NO.17369 OF 2025

Shivshakti Bhagar And Rice Processors Llp Throu. Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administraion And Ors .. Respondents

WRIT PETITION NO.17370 OF 2025

M/s Avmit Homes LLP Through Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH
WRIT PETITION NO.17371 OF 2025

M/S Ganesha Food Processors Throu. Nikhil R Agarwal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH
WRIT PETITION NO.17372 OF 2025

Siddhivinayak Electronics Throu. Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH
WRIT PETITION NO.17373 OF 2025

M/s Avmit Homes LLP Through Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH
WRIT PETITION NO.17374 OF 2025

M/S Siddhipriya Buildcon LLP Throu. Nikhil R Agrwal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH
WRIT PETITION NO.17375 OF 2025

M/s Jamwaymata Trading LLP Through Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH
WRIT PETITION NO.17328 OF 2025
(Not on board. Taken on Board)

M/s Agrawal Foodstaff LLP through Nikhil R. Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH
WRIT PETITION NO.17620 OF 2025
(Not on board. Taken on Board)

M/s Avmit Homes LLP Through Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH
WRIT PETITION NO.17333 OF 2025
(Not on board. Taken on Board)

M/s Siddhivinayak Food Processors through Nikhil Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH
WRIT PETITION NO.17325 OF 2025
(Not on board. Taken on Board)

M/s Siddhivinayak Traders .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH

WRIT PETITION NO.17330 OF 2025

(Not on board. Taken on Board)

M/s. Agrawal Foodstaff LLP through Nikhil Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH

WRIT PETITION NO.17335 OF 2025

(Not on board. Taken on Board)

M/s. Rural Infrastructure Development Pvt. Ltd through Nikhil Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH

WRIT PETITION NO.17761 OF 2025

(Not on board. Taken on Board)

M/s. Rural Infrastructure Development Pvt. Ltd. Through its Authority sign Nikhil Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH

WRIT PETITION NO.17334 OF 2025

(Not on board. Taken on Board)

M/s Jamwaymata Trading LLP Through Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH

WRIT PETITION NO.17612 OF 2025

(Not on board. Taken on Board)

M/s NDC Lifestyle LLP through Nikhil Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH

WRIT PETITION NO.17622 OF 2025

(Not on board. Taken on Board)

M/s. Bhagawati Agro System Pvt. Ltd. Through its authority sign Nikhil Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH

WRIT PETITION NO.17332 OF 2025

(Not on board. Taken on Board)

Ms. Savarmal Food Products LLP through Nikhil Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH
WRIT PETITION NO.17613 OF 2025
(Not on board. Taken on Board)

M/s Siddhivinayak Traders through its authorised signatory Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH
WRIT PETITION NO.17619 OF 2025
(Not on board. Taken on Board)

M/s Sarvambh Agro Industries LLP through its authorised signatory Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH
WRIT PETITION NO.17337 OF 2025
(Not on board. Taken on Board)

M/s Bhagwati Cotex Pvt. Ltd through Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH
WRIT PETITION NO.17338 OF 2025
(Not on board. Taken on Board)

M/s Bhagwati Cotex Pvt. Ltd through Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH

WRIT PETITION NO.17608 OF 2025

(Not on board. Taken on Board)

M/s Jainson Realtors Pvt. Ltd. Through Nikhil Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH

WRIT PETITION NO.17614 OF 2025

(Not on board. Taken on Board)

M/s Shahapur Bhagar Food LLP Through Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH

WRIT PETITION NO.17336 OF 2025

(Not on board. Taken on Board)

M/s Shahapur Bhagar Food LLP Through Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH

WRIT PETITION (ST) NO.39142 OF 2025

(Not on board. Taken on Board)

Siddhivinayak Manufacturing .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH

WRIT PETITION (ST) NO.39148 OF 2025

(Not on board. Taken on Board)

Arun Namdev Ranpise .. Petitioner

V/s.

The State of Maharashtra and Ors. .. Respondents

WITH

WRIT PETITION (ST) NO.39335 OF 2025

(Not on board. Taken on Board)

M/s. Avmit Homes LLP through Nikhil Agrawal. .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH

WRIT PETITION (ST) NO.39346 OF 2025

(Not on board. Taken on Board)

M/s Jamwaymata Trading LLP Through Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

WITH

WRIT PETITION (ST) NO.39354 OF 2025

(Not on board. Taken on Board)

M/s Janish Pharma LLP through Nikhil R Agrawal .. Petitioner

V/s.

The Land Acquisition Officer and Dy Collector General Administration And Ors .. Respondents

---

Mr. Vivek Punjabi a/w Tarak Shah, Priyansh Jain and Sahil Punjwani, for the Petitioners.

Mr. A.I. Patel, Addl. G.P. with P.N. Diwan, AGP, for the State in WP/17264/2025 and WP/17375/2025.

Mr. A.I. Patel, Addl. G.P. with M.P. Thakur, AGP, for the State in WP/17371/2025.

Ms. M.S. Bane, AGP for the State in WP/17265/2025, WP/17306/2025, WP/17318/2025, WP/17370/2025, WP/17374/2025 and WPST/39335/2025

Mr. R.S. Pawar, AGP, for the State in WP/17266/2025, WP/17268/2025, WP/17368/2025, WP/17372/2025, WP/17338/2025.

Ms. S.A. Prabhune, AGP, for the State in WP/17267/2025, WP/17309/2025

Ms. M.P. Thakur, AGP, for the State in WP/17307/2025, WP/17330/2025 and WPST/39148/2025.

Mr. Swapnil Kamble, AGP, for the State in WP/17322/2025, WPST/39346/2025.

Mr. M.M. Pable, AGP, for the State in WP/17369/2025, WP/17373/2025 and WP/17337/2025.

Mr. A.I. Patel, Addl. G.P. for State in WP/17328/2025.

Mr. B.V. Samant, Addl. G.P. for State in WP/17620/2025.

Ms. S.D. Vyas, Addl. G.P. for State in WP/17333/2025.

Ms. Tanu Bhatia, AGP for State in WPST/39142/2025.

Ms. R.M. Shinde, AGP for State in WP/17325/2025.

Ms. S.R. Crasto, AGP for State in WP/17335/2025.

Mr. A.R. Deolekar, AGP, for State in WP/17334/2025.

Mr. A.A. Alaspurkar, AGP, for State in WP/17612/2025.

Mr. S.H. Kankal, AGP for State in WP/17622/2025.

Ms. Kavita Solunkhe, AGP, for State in WPST/39354/2025.

Ms. R.A. Salunke, AGP, for State in WP/17332/2025.

Ms. A.A. Purav, AGP, for State in WP/17613/2025.

Ms. P.N. Diwan, AGP, for State in WP/17619/2025.

Mr. Ketan Joshi, B Panel, for State in WP/17608/2025.

Ms. P.J. Gavhane, AGP, for State in WP/17614/2025.

Mr. O.A. Chandurkar, Addl. G.P. with Ms. G.R. Raghuwanshi, AGP, for State in WP/17336/2025.

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

DATE : 6TH JANUARY 2026.

PC:

1. Heard the learned counsel for the Petitioners as well as the learned Additional Government Pleaders for the Respondent Authorities.

2. As many as 18 Petitions are listed on board today raising a common question and the learned counsel for the Petitioners brought to our notice that there are 23 more Writ Petitions raising identical issues, to be listed before this Court this week.

3. With the consent of the parties, the remaining 23 Writ Petitions are taken on board, to be considered along with the 18 Writ Petitions listed today.

4. The Petitioners in these Writ Petitions are claiming identical relief pertaining to compensation to be paid to them for extinguishing or impairing easementary and appurtenant rights under Section 19 B(5)

of the Maharashtra Highways Act, 1955 (hereinafter referred to as 'the MH Act').

5. According to the Petitioners, the said compensation is mandatorily required to be determined and paid to the landowners like the Petitioners under Section 19 B(5) of the MH Act, after following due procedure prescribed in Sub Sections (6) and (7) thereof.

6. Since the Petitioners claim that their statutory right has been violated, they are invoking writ jurisdiction of this Court in these Writ Petitions.

7. In all these Writ Petitions, it has been stated that either statutory arbitral proceedings for raising grievances against awards passed by the Land Acquisition Officer are pending before the Divisional Commissioner or Arbitral Awards having been passed and applications filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Arbitration Act') are pending before the Competent Courts. In some of the Writ Petitions, it is stated that the applications under Section 34 of the Arbitration Act were allowed, the awards pronounced by the Statutory Arbitrator (Divisional Commissioner) were set aside and the parties were relegated to a fresh

round of arbitration.

8. In the face of the said admitted position on facts that all the Petitioners in these Writ Petitions have already invoked the statutory remedy of arbitration, a specific question was put to the learned counsel for the Petitioners as to how the present Writ Petitions are maintainable.

9. In response, the learned counsel for the Petitioners relied upon a compilation of documents consisting, inter alia, of letters/representations preferred by the Petitioners in the year 2022 before the Competent Authorities, including the Land Acquisition Officer, with regard to their claim for compensation in respect of easementary rights payable under Section 19 B (5) of the MH Act.

10. It is to be noted that the awards in these cases were passed by the Land Acquisition Officer in the year 2019 and such letters/representations were preferred by the Petitioners during the pendency of the arbitral proceedings before the Statutory Arbitrator i.e. the Divisional Commissioner.

11. It was contended by the learned counsel for the Petitioners that the said letters/representations preferred by the Petitioners are still

lying without any response from the Competent Authorities. Hence, it was indicated that Writ Petitions would be maintainable against such Respondent Authorities, as they have failed to respond to the letters/representations preferred by the Petitioners specifically in respect of their right as claimed under Section 19 B (5) of the MH Act.

12. Apart from this, reliance was placed on judgment of a Division Bench of the Punjab and Haryana High Court in the case of ***'National Highway Authority of India v/s Resham Singh and Ors'*** [1]**.** It was submitted that in a similar situation, the Division Bench of the Punjab and Haryana High Court entertained Writ Petitions and granted relief of Additional Market Value, solatium and additional interest to the landowners.

13. Reference was also made to the Judgment of the Supreme Court in the case of ***'Union of India and Anr V/s Tarsem Singh and Ors'*** [2]. It was submitted that in the said judgment the Supreme Court upheld the orders passed by the High Court exercising writ jurisdiction even when the aggrieved parties / landowners had not filed applications under Section 34 of the Arbitration Act to challenge the Arbitral Awards.

1 (2023) SCC online P & H 7228
2 (2019) 9 SCC 304

14. On this basis, it was submitted a since a statutory relief is being sought, the present Writ Petitions ought to be entertained by this Court exercising writ jurisdiction.

15. On the other hand, the learned AGPs submitted that the Writ Petitions ought not to be entertained, for the reason that the Petitioners have already invoked statutory remedy of Arbitration under Section 19 B (8) of the MH Act.

16. Having taken recourse to such statutory remedy and in the process having failed to raise the issue pertaining to compensation for easementary rights under Section 19 B(5) of the MH Act, the Petitioners cannot be permitted to invoke the writ jurisdiction of this Court in these Writ Petitions.

17. It was submitted that having failed to raise the aforesaid issue and the matters pertaining to the Petitioners pending at various stages of arbitration, the Petitioners cannot be allowed to invoke writ jurisdiction to open another front of challenge.

18. It was further submitted that in the event the Writ Petitions are entertained and the result goes either way i.e. either in favour of the Petitioners or against them, it would ultimately lead to unnecessary

confusion and multiplicity of orders with respect to the core issue of determination of appropriate compensation for the Petitioners who are the landowners.

19. On this basis, it was submitted that this Court may not entertain Writ Petitions and the Writ Petitions may be dismissed.

20. We have considered the rival submissions. It is an admitted position on facts that in all these Writ Petitions, the Petitioners indeed invoked the statutory remedy under Section 19 B (8) of the MH Act, being aggrieved by determination of amount of compensation by the Land Acquisition Officer. All the awards passed by the Land Acquisition Officer in the context of the Petitioners were made subject matter of the statutory arbitral proceedings.

21. In some cases the statutory arbitral proceedings are pending before the Competent Authority i.e. the Divisional Commissioner. In other cases the Divisional Commissioner has passed arbitral awards that are the subject matter of challenge in applications filed under Section 34 of the Arbitration Act, before the Competent Courts. In a few cases of the Petitioners before this Court, the applications under Section 34 of the Arbitration Act were allowed, the arbitral awards

were set aside and the parties were relegated to a fresh round of arbitration before the Divisional Commissioner.

22. In other words, the statutory remedy invoked by the Petitioners in all these Petitions is alive in one form or the other and the Petitioners can very well approach the Competent Authority or the Competent Court to raise the grievance pertaining to their right of compensation concerning easementary rights under Section 19 B (5) of the MH Act.

23. We find substance in the contention raised by the learned AGPs that entertaining the present Writ Petitions would result in two parallel proceedings being undertaken by the very same claimants / landowners and that too in the backdrop of they having failed to take up the issue pertaining to Section 19 B (5) of the MH Act in the first instance when the statutory arbitrations were invoked.

24. In such a situation, we find that the Petitioners cannot rely upon the judgment of the Division Bench of Punjab and Haryana High Court in the case of '***National Highway Authority of India v/s Resham Singh'*** (supra) or even the Supreme Court in the case of ***'Union of India V/s Tarsem Singh'*** (supra).

25. The present cases are factually distinguishable and it is not as if the Petitioners are left remediless. We also note the fact that when the

statutory arbitrations were invoked in the first place, nothing prevented the Petitioners from raising the aforesaid issue in such arbitral proceedings pertaining to the right to compensation for easementary rights under Section 19 (B)(5) of MH Act.

26. Nonetheless, we find that if there is a statutory relief available to the claimants like the Petitioners they can be granted an opportunity, in accordance with law, to raise such issue in the pending arbitral proceedings at various stages initiated at the behest of the Petitioners.

27. We are of the opinion that upon such liberty being granted, the concerned statutory arbitrator or substituted arbitrators or the Competent Courts can sympathetically consider the issue sought to be raised by the Petitioners without insisting on technicalities, so that the claims of the Petitioners can be comprehensively decided.

28. We find that in the face of the pending proceedings, details of which have been revealed in the Writ Petitions themselves, jurisdiction under Article 226 of the Constitution of India cannot be exercised and the Writ Petitions can be disposed of by granting appropriate liberty to the Petitioners, as indicated hereinabove.

29. In view of the above, Writ Petitions are disposed of with the

following directions:

ORDER

a) The Petitioners are granted liberty to apply before the Statutory Arbitrator i.e. the Divisional Commissioner in pending arbitral proceedings or substituted arbitrators, as the case may be, for amendment of their statements of claim to incorporate the issue pertaining to right to compensation for easementary rights under Section 19 B(5) of the MH Act.

b) In the cases where arbitral awards have been already pronounced and the Petitioners have filed applications under Section 34 of the Arbitration Act before the Competent Courts, such Petitioners are granted liberty to apply to the said Courts for amending their applications to incorporate the aforesaid issue pertaining to Section 19 B (5) of the MH Act.

c) In the cases where applications under Section 34 of the Arbitration Act were allowed and the arbitral awards were set aside, relegating the parties for fresh round of arbitration, liberty granted in clause (a) hereinabove shall equally apply.

d) Statutory Arbitrator i.e. the Divisional Commissioner and the Competent Courts where proceedings initiated by the Petitioners, are pending are directed to consider the applications, that may be filed by the Petitioners in view of the liberty granted hereinabove, sympathetically and in accordance with law without insisting on technicalities.

30. Writ Petitions are disposed of in the above terms. Pending applications, if any, are also disposed of.

31. It is made clear that in cases where the mandate of the statutory arbitrator has expired and private arbitrators are consequently appointed, the directions hereinabove shall equally apply to all such matters.

(SHREERAM V. SHIRSAT, J.) **(MANISH PITALE, J.)**