

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.8856 OF 2026**

Aappa Jethu Kachare .. Petitioner  
V/S.  
The Competent Authority Mumbai .. Respondents  
Varodara Express And Anr

**WITH**  
**WRIT PETITION NO.8857 OF 2026**

Parvati Kondu Khapare .. Petitioner  
V/S.  
The Competent Authority Mumbai .. Respondents  
Varodara Express And Anr

**WITH**  
**WRIT PETITION NO.9212 OF 2026**

Ananata Tukaram Dhangar .. Petitioner  
V/S.  
The Competent Authority Mumbai .. Respondents  
Varodara Express And Anr

**WITH**  
**WRIT PETITION NO.9213 OF 2026**

Dayanand jethu kachare .. Petitioner  
V/S.  
The Competent Authority Mumbai .. Respondents  
Varodara Express And Anr

**WITH**  
**WRIT PETITION NO.856 OF 2026**

Kamlakar Jagannath Patil And Ors. .. Petitioners

V/S.

The Competent Authority Mumbai .. Respondents  
Varodara Express And Anr

**WITH  
WRIT PETITION (ST) NO.39791 OF 2025**

Bhushan Anant Kasar And Ors .. Petitioners

V/S.

The Competent Authority Mumbai .. Respondents  
Varodara Express And Anr

**WITH  
WRIT PETITION (ST) NO.40288 OF 2025**

Anita Ankush Varna And Ors .. Petitioners

V/S.

The Competent Authority Mumbai .. Respondents  
Varodara Express And Anr

**WITH  
WRIT PETITION (ST) NO.40290 OF 2025**

Ramakant Kushabhau Kasar .. Petitioner

V/S.

The Competent Authority Mumbai .. Respondents  
Varodara Express And Anr

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Mr. S.S. Redekar, for petitioners in all petitions.

Mr. Rakesh Singh i.by M.V. Kini and Co., for NHAI.

Ms. Shruti D. Vyas, Addl. G.P. with Ketan Joshi, 'B' Panel, for the State in WP/8856/2026.

Ms. G.R. Raghuwanshi, AGP, for the State in WP/8857/2026.

Ms. Tanu N. Bhatia, AGP, for the State in WP/9212/2026.

Ms. Pooja Patil, AGP, for the State in WP/9213/2026.

Ms. M.P. Thakur, AGP, for the State in WP/856/2026.

Ms. P.M.J. Deshpande, AGP, for the State in WPST/39791/2025.

Mr. S.P. Kamble, AGP, for the State in WPST/40282/2025.

Ms. D.S. Deshmukh, AGP, for the State in WPST/40288/2025.

Mr. B.V. Samant, Addl. G.P for the State in WPST/40290/2025.

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

**DATE : 14TH OCTOBER 2026.**

**PC:**

1. These petitions are filed by claimants who are aggrieved by the action of the respondent No. 1 competent authority in deducting 10% towards royalty amount from the amount of compensation determined as per the final award for acquisition of the subject lands.

2. It is brought to our notice that in the light of judgments passed by this court, quashing the Government Resolution dated 15/7/2010 on the basis of which such deduction was made, the amounts could not have been deducted.

3. The petitioners had submitted representations before the respondent No. 1 competent authority pointing out the judgments of this court and calling upon the said respondent to refund the amount with interest, but since there was no response, the petitioners have been constrained to file the present petitions.

4. We find that by judgment and order dated 13/4/2022 passed by a Division Bench of this court in Writ Petition No. 3545 of 2020,

(*Diksha Dilip Pawar and Others Vs. The Competent Authority and connected writ petitions*), the aforesaid Government Resolution dated 15/7/2010 was held to be violative of Article 14 of the Constitution and it was quashed and set aside.

5. It was specifically held that the respondent competent authority could not have deducted 10% amount from the compensation payable to identically situated petitioners.

6. The said judgment was subsequently followed in another judgment of the Division Bench of this court in the case of "***Suman Govind Kudate Vs. The Competent Authority and Sub Divisional Officer and Anr.***" (2025 SCC Online Bom 702.)

7. In the said order, while allowing the writ petitions, specific directions were issued to refund the amount with 12% interest.

8. The relevant portion of the judgment and order passed in the case of 'Diksha Dilip Pawar and Ors. Vs. Competent Authority and Ors'. (Supra), reads as follows:

*"18. In view of the aforesaid discussion, the impugned Government Resolution dated 15/07/2010 being violative of Article 14 of the Constitution is set aside. It is held that the respondents do not have authority to deduct 10% from the amount of compensation payable to the petitioners on account of compulsory acquisition".*

9. In the case of Suman Govind Kudate Vs. The Competent Authority and Sub Divisional Officer and Anr. (supra), the relevant paragraph reads as follows:

*"12. Therefore, by following the above precedent, we direct the first Respondent to pay to each of the Petitioners in these petitions the deducted amount together with interest thereon at the rate of 12% p.a. from the date of Section 3A notification till the date of award under Section 3G of the National Highways Act and further interest at the rate of 9% p.a. from the date of award under Section 3G of the National Highways Act till actual payment. We further direct that such actual payment must be made as expeditiously as possible and, in any event, within two months of uploading this order"*

10. We are of the opinion that when the petitioners had submitted representations before the competent authority specifically relying on the said judgments of this court, the amount deducted should have been refunded with interest.

11. But, since no such steps were taken by the competent authority, the petitioners have been constrained to file these writ petitions.

12. Since the position of law is in favour of the petitioners, we are inclined to allow the writ petitions.

13. Accordingly, the writ petitions are allowed by directing respondent No. 1 competent authority to refund the amounts deducted in respect of each of the petitioners along with interest at the rate of 12% p.a from the date of notification under Section 3A of the National Highways Act, 1956, till the date of the award and further interest at the rate of 9% p.a from the date of the award till actual payment.

14. The said amounts in respect of each of the petitioners shall be calculated and disbursed to them within a period of two months from today.

15. The Writ Petitions are disposed of. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)