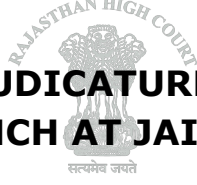


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



1. S.B. Civil Writ Petition No. 20497/2025

M/s Mathuradas Sukh Lal Rathi, Through Partner Anil Malpani,
Address Mathura Das Sukh Lal Rathi, Petrol Pump, M I Road,
Ajmeri Gate, Jaipur, Rajasthan, 302001.

----Petitioner

Versus

1. Union Of India, Through Its Secretary, Ministry Of Road Transport And Highways, Government Of India, New Delhi.
2. Competent Authority Land Acquisition Cum Additional District Magistrate, third, Jaipur, Collectorate, Bani Park, Jaipur.
3. National Highways Authority Of India, Through Project Director, Project Implementation Unit, Jaipur, D-148, Behind Rseb Sub-Satation, Vaishali Nagar, Jaipur - 302021.

----Respondents

Connected With

2. S.B. Civil Writ Petition No. 6458/2026

1. Roopnarayan S/o Shri Kalyan, Aged About 63 Years, R/o Village Dardahind, Tehsil And District Tonk, Rajasthan.
2. Satyanarayan S/o Shri Kalyan, Aged About 58 Years, R/o Village Dardahind, Tehsil And District Tonk, Rajasthan.
3. Ramlal S/o Shri Kalyan, Aged About 68 Years, R/o Village Dardahind, Tehsil And District Tonk, Rajasthan.

----Petitioners

Versus

1. Competent Authority, Land Acquisition Cum Additional District Collector, District Tonk.
2. National Highways Authority Of India, Through Project Director, Project Implementation Unit, Jaipur, D-148, Behind Rseb Sub-Satation, Vaishali Nagar, Jaipur-302021.

----Respondents

3. S.B. Civil Writ Petition No. 6718/2026

Gopal S/o Shri Sukhdeva, Aged About 56 Years, R/o Village Darda Hind, Tehsil And District Tonk, Rajasthan.

-----Petitioner

Versus

1. Competent Authority Land Acquisition Cum Additional District Collector, District Tonk.
2. National Highways Authority Of India, Through Project Director, Project Implementation Unit, Jaipur, D-148, Behind Rseb Sub-Satation, Vaishali Nagar, Jaipur - 302021.

-----Respondents

4. S.B. Civil Writ Petition No. 4447/2026

Dhani Ram S/o Shri Chirmoli, Aged About 75 Years, R/o Mahawa Road, Chhokarwara Kalan, Tehsil Weir, District Bharatpur, Rajasthan.

-----Petitioner

Versus

1. Union Of India, Through Its Secretary, Ministry Of Road Transport And Highways, Government Of India, New Delhi.
2. Competent Authority Land Acquisition Cum Sub Divisional Magistrate, Weir, District Bharatpur.
3. National Highways Authority Of India, Through Project Director, Project Implementation Unit, Dausa, A-2, Ganga Vihar Colony, Behind Hotel Rawat Palace, Dausa, District Dausa.

-----Respondents

5. S.B. Civil Writ Petition No. 4459/2026

1. Sharada Devi W/o Late Shri Satish Kumar, Aged About 64 Years, R/o Bhusawar Road, Chhokarwara Kalan, Tehsil Weir, District Bharatpur, Rajasthan 321407.
2. Vishnu Kumar S/o Late Shri Satish Kumar, Aged About 40 Years, R/o Bhusawar Road, Chhokarwara Kalan,

Tehsil Weir, District Bharatpur, Rajasthan 321407.

3. Anil Kumar S/o Prahalad, Aged About 50 Years, R/o Village Kalsada, Tehsil Bayana, District Bharatpur, Rajasthan 321409.
4. Hitesh Kumar S/o Prahalad, Aged About 40 Years, R/o Village Kalsada, Tehsil Bayana, District Bharatpur, Rajasthan 321409.
5. Ram Kishor S/o Prahalad, Aged About 48 Years, R/o Jaat Mohalla, Village Kalsada, Tehsil Bayana, District Bharatpur, Rajasthan 321409.
6. Sushil Kumar S/o Prahalad, Aged About 55 Years, R/o 1175, Laxmi Kunj Society, Opp. Bhailal Marriage Hall, G H B Gorwa, Vadodara Industrial Estate, Vadodara, Gujarat, 390016.
7. Payal W/o Surendra Kumar D/o Prahalad, Aged About 39 Years, R/o Nim Ka Bazar, Ward No. 25, Hindaun, Karauli, Rajasthan - 322230.

----Petitioners

Versus

1. Union Of India, Through Its Secretary, Ministry Of Road Transport And Highways, Government Of India, New Delhi.
2. Competent Authority Land Acquisition Cum Sub Divisional Magistrate, Weir, District Bharatpur.
3. National Highways Authority Of India, Through Project Director, Project Implementation Unit, Dausa, A-2, Ganga Vihar Colony, Behind Hotel Rawat Palace, Dausa, District Dausa.

----Respondents

6. S.B. Civil Writ Petition No. 1283/2026

Ram Karan S/o Shri Narayan Lal, Aged About 57 Years, R/o 75, Village Samleti, Tehsil Mahwa, District Dausa, Rajasthan.

----Petitioner

Versus

1. Union Of India, Through Its Secretary, Ministry Of Road Transport And Highways, Government Of India, New Delhi.

2. Competent Authority Land Acquisition Cum Sub Divisional Magistrate, Weir, District Bharatpur.
3. National Highways Authority Of India Through Project Director, Project Implementation Unit, Dausa, A-2, Ganga Vihar Colony, Behind Hotel Rawat Palace, Dausa, District Dausa.

-----Respondents

7. S.B. Civil Writ Petition No. 4360/2026

Akhil Bhartiya Netrahin Sangh, Registered No. S-2047, Through General Secretary Devendra Singh Rathore, Address B-3, Block, Baba Ramdev Marg, Raghubir Nagar, New Delhi - 110027.

-----Petitioner

Versus

1. Union Of India, Through Its Secretary, Ministry Of Road Transport And Highways, Government Of India, New Delhi.
2. Competent Authority Land Acquisition Cum Additional District Magistrate, Kotputli, Jaipur, (Current District Kotputli Behror) Rajasthan.
3. National Highways Authority Of India, Through Project Director, Project Implementation Unit, Jaipur, D-148, Behind Rseb Sub-Station, Vaishali Nagar, Jaipur - 302021.

-----Respondents

8. S.B. Civil Writ Petition No. 6513/2026

Shiksha Devi W/o Pavitra Mohan Vijayvargiya, Aged About 48 Years, R/o Shastri Nagar, Tonk, Rajasthan

-----Petitioner

Versus

1. Competent Authority, Land Acquisition Cum Additional District Collector, District Tonk
2. National Highways Authority Of India, Through Project Director, Project Implementation Unit, Jaipur, D-148, Behind Rseb Sub-Station, Vaishali Nagar, Jaipur

----Respondents

9. S.B. Civil Writ Petition No. 6563/2026

1. Bheru Lal S/o Late Shri Ramrakha, Aged About 59 Years, R/o Village Dardahind, Tehsil And District Tonk, Rajasthan
2. Ramnivas S/o Late Shri Ramrakha, Aged About 46 Years, R/o Village Dardahind, Tehsil And District Tonk, Rajasthan
3. Samodra Devi W/o Shuoji D/o Late Shri Ramrakha, Aged About 43 Years, R/o Ward No. 2, Siras, District Tonk, Rajasthan

----Petitioners

Versus

1. Competent Authority, Land Acquisition Cum Additional District Collector, District Tonk.
2. National Highways Authority Of India, Through Project Director, Project Implementation Unit, Jaipur, D-148, Behind Rseb Sub-Station, Vaishali Nagar, Jaipur

----Respondents

10. S.B. Civil Writ Petition No. 7023/2026

Rashid Ahmed S/o Fateh Mohd, Aged About 62 Years, R/o Mohalla Topchiwara, Manoharpur, Jaipur, Rajasthan.

----Petitioner

Versus

1. Competent Authority Land Acquisition Cum Additional District Magistrate, Kotputli, Jaipur, (Current District Kotputli Behror) Rajasthan.
2. National Highways Authority Of India, Through Project Director, Project Implementation Unit, Jaipur, D-148, Behind Rseb Sub-Satation, Vaishali Nagar, Jaipur -302021.

----Respondents

For Petitioner(s) : Mr. Akshay Sharma with
Mr. Vishal Karnani and
Mr. Vijay Kumar Mittal

For Respondent(s) : Mr. Bharat Vyas, ASG assisted by
Ms. Anushka Khandelwal
Mr. Sandeep Pathak with
Mr. Arnav Singh
Mr. C.P. Sharma for
Mr. Devesh Kumar Bansal
Mr. V.D. Gathala, AGC with
Ms. Praveshika Singh

HON'BLE MR. JUSTICE ANUROOP SINGHI
Order

21/04/2026

1. As all the writ petitions raise a common issue and even considering the commonality of the reliefs prayed for, they are being heard and decided together. For the sake of convenience, the facts arising out of S.B. Civil Writ Petition No.20497/2025, titled as M/s Mathuradas Sukh Lal Rathi Vs. Union Of India and Ors., are being considered.

2. The prayer made in the aforesaid writ petition reads as under:-

"It is, therefore humbly prayed that this writ petition may kindly be accepted and allowed and the record pertaining to the case may be called for from Respondents and:-

i) *By issuance of appropriate writ, order or direction to the Respondents to compute and pay the Petitioner, 30% solatium and 12% interest and other statutory benefits in accordance with the principle of law as laid down in Union of India vs. Tarsem Singh and others reported in 2019:INSC:1061, and in terms of the judgment passed by Hon'ble Supreme Court in Miscellaneous Application No.1773/2021 in Civil Appeal No.7064/2019 titled as Union of India and Anr. Vs. Tarsem Singh & Ors. reported*

in 2025:INSC:146, 2025 SCC Online 235, in a time bound manner.

- ii) By issuance of appropriate writ, order or direction to the Respondents to decide the representation filed by the Petitioner for determine and disburse 30% Solatium and 12% interest for the acquired land of the Petitioner in terms of law as laid down in Union of India vs Tarsem Singh and others reported in 2019:INSC:1061, in a time bound manner.*
- iii) Any other writ, order or direction which your lordships may deem fit and proper in favour of Petitioner may also be passed in the interest of justice.*
- iv) Cost of the petition may awarded to the Petitioner."*

3. A bare perusal of the reliefs sought makes it manifest that the petitioners have prayed for issuance of directions to the respondents to compute and pay solatium, interest, interest on solatium and other benefits to which they are entitled to in accordance with the directions issued by the Hon'ble Supreme Court in ***Union of India and Anr. Vs. Tarsem Singh and Ors., (2019) 9 SCC 304*** (hereinafter referred to as "**Tarsem Singh-I**") and further in terms of the order dated 04.02.2025 passed by the Hon'ble Supreme Court in ***Miscellaneous Application No.1773/2021 in Civil Appeal No.7064/2019*** titled as ***Union of India and Anr. Vs. Tarsem Singh & Ors.,*** reported in ***2025:INSC:146*** (hereinafter referred to as "**Tarsem Singh-II**").

4. Reliance has also been placed on the recent order dated 25.03.2026 passed by the Hon'ble Supreme Court in ***Review Petition (Civil) No.2528/2025 in Miscellaneous Application No.1773/2021 in Civil Appeal No.7064/2019,*** titled as

National Highways Authority of India (NHAI) Vs. Tarsem Singh and Ors. (hereinafter referred to as "**Tarsem Singh-III**"), vide which the review petition filed by the NHAI seeking recall of the order dated 04.02.2025 passed in **Miscellaneous Application No.1773/2021** has been disposed of.

5. Learned counsel for the parties are *ad idem* that the controversy involved herein stands duly covered by the judgments of the Hon'ble Supreme Court delivered in the cases of **Tarsem Singh-I, Tarsem Singh-II** and **Tarsem Singh-III**.

6. The seminal question involved in all the present matters is whether the petitioners are entitled to solatium, interest and interest on solatium for the acquisition of their land under the provisions of the National Highways Act, 1956 (hereinafter referred to as "**the Act of 1956**") as the provisions of Section 3J of the Act of 1956 were struck down by the Hon'ble Supreme Court in **Tarsem Singh-I** as being violative of Article 14 of the Constitution of India. The operative paragraph of **Tarsem Singh-I** reads as under:-

"41. There is no doubt that the learned Solicitor General, in the aforesaid two orders, has conceded the issue raised in these cases. This assumes importance in view of the plea of Shri Divan that the impugned judgments should be set aside on the ground that when the arbitral awards did not provide for solatium or interest, no Section 34 petition having been filed by the landowners on this score, the Division Bench judgments that are impugned before us ought not to have allowed solatium and/or interest. Ordinarily, we would have acceded to this plea, but given the fact that the Government itself is of the view that solatium and interest should be granted even in cases that arise

between 1997 and 2015, in the interest of justice we decline to interfere with such orders, given our discretionary jurisdiction Under Article 136 of the Constitution of India. We therefore declare that the provisions of the Land Acquisition Act relating to solatium and interest contained in Section 23(1A) and (2) and interest payable in terms of Section 28 proviso will apply to acquisitions made under the National Highways Act. Consequently, the provision of Section 3J is, to this extent, violative of Article 14 of the Constitution of India and, therefore, declared to be unconstitutional. Accordingly, Appeal @ SLP (C) No.9599/2019 is dismissed."

7. While considering the miscellaneous application filed by the NHAI seeking clarification of the judgment passed by the Hon'ble Supreme Court in *Tarsem Singh-I*, the following directions were issued by the Hon'ble Supreme Court in ***Tarsem Singh-II***:-

"E. Conclusion

25. *In view of the foregoing analysis, we find no merit in the contentions raised by the Applicant, NHAI. We reaffirm the principles established in **Tarsem Singh (supra)** regarding the beneficial nature of granting 'solatium' and 'interest' while emphasising the need to avoid creating unjust classifications lacking intelligible differentia. Consequently, we deem it appropriate to dismiss the present Miscellaneous Application.*
26. *Leave is granted in the order connected matters, and all the appeals are disposed of with a direction to the Competent Authority to calculate the amount of 'solatium' and 'interest' in accordance with the directions issued in **Tarsem Singh (supra)**. In this context, the appeal arising out of SLP (C) Diary No.52538/2023 is dismissed, as the challenge therein pertains to the High Court's refusal to award Additional Market Value as another component of*

the compensation, while 'solatium' and 'interest' have already been granted."

8. Thereafter, a review petition was filed by the NHAI seeking recall of the order dated 04.02.2025 passed in Miscellaneous Application No.1773/2021 (Tarsem Singh-II), which came to be disposed of vide **Tarsem Singh-III** with the following directions:-

"D. CONCLUSION AND DIRECTIONS

14. Considering the facts and circumstances explained in the instant proceedings along with the various submissions placed on record and with a view to balancing the equities regarding delay and the entitlements of the landowners, we issue the following directions:

(i) All landowners whose claims re: the quantum and/or components of compensation for their lands acquired under the NH Act were alive on or after 28.03.2008, i.e., they were pending before one of the prescribed fora, shall be entitled to seek addition of 'interest', 'solatium', and 'interest on the solatium' to their compensation claim;

(ii) In the cases where compensation claims are alive on the aforesaid date, but the landowner has claimed 'interest', 'solatium', and 'interest on solatium' after 28.03.2008, no interest on both components shall be payable for the period of delay. Such landowner shall be entitled to 'interest' and 'interest on solatium' only from the date on which such claims were raised; and

(iii) If the claims of the landowners stood concluded prior to 28.03.2008, with no further appeal, Writ Petition, Special Leave Petition, etc., then such landowners are not entitled to seek reopening, review, or modification of the said decision for the purpose of claiming 'solatium' or 'interest'.

15. The instant Review Petition, along with all pending applications, stand disposed of accordingly.

16. *Delay is condoned and leave is granted in the tagged Special Leave Petitions, and while setting aside the impugned judgements of the High Courts, the matters are remanded to the concerned High Courts with a request to recalculate the 'interest', 'solatium', and 'interest on solatium' payable to the landowners. Such computation shall be strictly in accordance with the directions issued hereinabove. If the landowners are held to fall within the category of Paragraph 14(ii) then the payment has to be made accordingly. Similarly, in the cases of landowners who are covered by Paragraph 14(iii), no such benefit shall be granted.*

17. *As a matter of abundant caution, however, it is clarified that these directions do not entitle the NHAI or the Union of India to seek refund or recovery of the solatium or interest already paid to the landowners."*

9. Taking note of the above, all the writ petitions deserve to be allowed and are accordingly, **allowed** in terms of the directions issued by the Hon'ble Supreme Court in **Tarsem Singh-I, Tarsem Singh-II** and **Tarsem Singh-III**.

10. The respondent – the Competent Authority Land Acquisition (**CALA**) is directed to determine the differential compensation payable to the petitioners strictly in accordance with the directions issued by the Hon'ble Supreme Court with respect to solatium, interest, and/or interest on solatium as applicable and to ensure payment of the same to the petitioners within a time bound manner but not later than four months from the date of submission of the certified copy of this order.

11. Pending application(s), if any, also stand disposed of.

(ANUROOP SINGHI),J