

[2025] 2 S.C.R. 376 : 2025 INSC 146

**Union of India & Anr.**

**v.**

**Tarsem Singh & Ors.**

(Miscellaneous Application No. 1773 of 2021

In

Civil Appeal No. 7064 of 2019)

04 February 2025

**[Surya Kant\* and Ujjal Bhuyan, JJ.]**

#### **Issue for Consideration**

Whether the judgment in Union of India v. Tarsem Singh & Ors. is applicable prospectively or extends retrospectively.

#### **Headnotes<sup>†</sup>**

**Land Acquisition Act, 1894 – National Highways Act, 1956 – Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – The National Highways Authority of India (NHAI) seeks clarification regarding the judgment titled Union of India & Anr. v. Tarsem Singh & Ors to the extent that the aforementioned judgment is to be applied prospectively, thereby precluding the reopening of cases where land acquisition proceedings have already been completed and the determination of compensation had also attained finality:**

**Held:** The prayer in the instant Application expressly seeks clarification that the decision in Tarsem Singh should be deemed to operate prospectively only – However, in considered view of this Court, granting such a clarification would effectively nullify the very relief that Tarsem Singh intended to provide, as the prospective operation of it would restore the state of affairs to the same position as it was before the decision was rendered – The broader purpose behind Tarsem Singh was to resolve and put quietus upon the quagmire created by s.3J of the NHAI Act, which led to the unequal treatment of similarly situated individuals – The impact of s.3J was short-lived, owing to the applicability of the 2013 Act upon the NHAI Act from the date of 01.01.2015 –

**Union of India & Ors. v. Tarsem Singh & Ors.**

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As a result, two classes of landowners emerged, devoid of any intelligible differentia: those whose lands were acquired by the NHAI between 1997 and 2015, and those whose lands were acquired otherwise – This must be viewed in the light of the principle that when a provision is declared unconstitutional, any continued disparity strikes at the core of Article 14 and must be rectified, particularly when such disparity affects only a select group – To illustrate, rendering the decision in Tarsem Singh as prospective would create a situation where a landowner whose land was acquired on 31.12.2014 would be denied the benefit of ‘solatium’ and ‘interest’, whereas a landowner whose land was acquired the very next day, 01.01.2015-the date on which the ordinance was promulgated, to read the 2013 Act into the NHAI Act, would be entitled to these statutory benefits – No merit in the contentions raised by the applicant – Principles established in Tarsem Singh regarding the beneficial nature of granting ‘solatium’ and ‘interest’ while emphasising the need to avoid creating unjust classifications lacking intelligible differentia are reaffirmed – Consequently, the present Miscellaneous Application is dismissed. [Paras 17, 18, 19, 25]

**Case Law Cited**

*Union of India v. Tarsem Singh* [2019] 13 SCR 49 : (2019) 9 SCC 304; *National Highway Authority of India v. Resham Singh*, 2023 : PHHC : 053158-DB; *Lalita v. Union of India*, 2002 SCC Online Kar 569; *T. Chakrapani v. Union of India*, 2011 SCC Online Mad 2881; *Sunita Mehra v. Union of India* (2019) 17 SCC 672; *Union of India v. M. Pachamuthu*, WA Nos. 62-81/2019; *Gurpreet Singh v. Union of India* [2006] Supp. 7 SCR 422 : (2006) 8 SCC 457 – referred to.

**List of Acts**

Land Acquisition Act, 1894; National Highways Act, 1956; Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; Constitution of India.