

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

Writ Petition No. 2143 of 2015

[M/s. Viraj Builders & Developers through its Managing Partner Sau. Vaijayanti W. Wagh and anr. Vs. Vice-President/Managing Director, Maharashtra Airport Development Co. Ltd., Mumbai and ors.]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri Pradeep C. Marpakwar, Advocate for the petitioners
Shri Sandeep Marathe, Advocate for the respondent no. 4
Shri A. D. Sonak, AGP for the respondent nos. 2 and 3

CORAM : Prasanna B. Varale, J.

DATE : 4-1-2016.

Heard learned counsel for the parties.

The petitioners challenge the order passed by the Joint Managing Director, Maharashtra Airport Development Company Ltd. dated 29-12-2014. It is the submission of the learned counsel for the petitioners that the property situated at Mauza Dahegaon, Khasara No. 91 admeasuring 1.16 H.R. was owned by one Chintaman Maske and the parties entered into an agreement of sale of the said property on 26-12-1993. It is the submission of the learned counsel for the petitioners that the petitioners have paid full amount of price to the tune of Rs. 5,72,000/- to the owners. The perusal of the order passed by the Joint Director reveal that when the documents were scrutinized, it was revealed that certain mischief was played in preparation of the documents and opinion was also sought from the legal advisor of the respondent no. 2 - Company and

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it was opined by the legal advisor that the document was notarized and was not signed by one Kailas Maske. Finding that there is some mischief played, the respondent no. 2 passed the order of cancellation of option granted to Smt. Vaijayanti Wamanrao Wagh and referred the matter to the Deputy Collector, Land Acquisition No. 3, Nagpur.

The short controversy involved in the petition is an apprehension of the petitioners that the order passed by the Joint Managing Director would cause prejudice to the rights of the petitioners who had purchased the property under *bonafide* belief and by payment of the amount as per alleged agreement to sale. It seems that the apprehension expressed in the petition is the route cause for filing the petition which is a premature petition. The matter as per the order of the Joint Managing Director is referred to the Deputy Collector. The Deputy Collector is yet to arrive at any conclusion. The Deputy Collector would certainly call for record or would conduct some enquiry and after perusal of the record and complying with the necessary formalities would pass an order. That stage is yet to arrive. The only apprehension of the petitioners at this stage seems to be a premature ground for petition. As no decision is taken by the Deputy Collector in view of the communication dated 16-2-2015, in my opinion, there is no reason to entertain the present petition. The interest of the petitioners can be served by

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directing the Deputy Collector, Land Acquisition No. 3, Nagpur that before he arrives at any conclusion, in view of the order passed by the Joint Managing Director dated 29-12-2014, he shall afford an opportunity of hearing to all the concerned parties including the petitioners and then pass an appropriate orders in accordance with the provisions of law.

Needless to state that if any order is passed by the Deputy Collector, the petitioner would be entitled to avail the remedy of approaching appropriate forum if the petitioner is aggrieved by such a decision taken by the Deputy Collector, Land Acquisition No. 3, Nagpur.

The writ petition is disposed of in above referred terms.

JUDGE

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