

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION 717 OF 2020

1. Vitthal Ramaji Ashtankar,
aged 82 years, Occ. Agriculturist,
(Dead through LR's)

The legal heirs of Vitthal Ramaji Ashtankar
are as follows:

a) Suman w/o. Vitthal Ramaji Ashtankar,***LR's of petitioner
no. 1 (1a to 1f) are
brought on record
vide order dated
10.1.2023.***
aged 79 years, Occ. Housewife,
residing at C/o.Purushottamrao Barai,
Plot No. 2, Naik Nagar,
Nagpur 440 027,

b) Pradeep Vitthal Ashtankar,
Aged 54 years, Occ. Agriculturist,
residing at C/o. S.N. Kote,
Anand Nagar, Plot No. 488,
Near Satvatdara Police Station,
Nagpur 440 009

c) Nalini Vijay Pallodarkar,
aged 53 years, Occ. Housewife,
residing at New Ambedkar Putla Chowk,
Itwari Telipura Powada
Nagpur 440 002

d) Ravindra Vitthal Ashtankar,
aged 51 years, Occ. Agriculturist,
residing at Plot No. 101, Pimpla Road,
Chandpani Nagar, Vrindavan Colony,
Nagpur 440 034

e) Deepak Vitthal Ashtankar,
aged 50 years, Occ. Agriculturist
residing at Uttrav Raut, Plot No. 16,
Balaji Nagar, Manewada Road,

Nagpur 440 024

f) Mahesh Vitthal Ashtankar,
aged 46 years, Occ. Private Job,
residing at C/o. Purushottamrao Barai,
Plot No. 2, Naik Nagar, Manewada Road,
Nagpur 440 027

2. Vasudeo Ramaji Ashtankar,
aged 65 years, Occ. Agriculturist,
petitioners are both residing at
Wagdara, Post. Gumgaon,
Taluka Hingna, District Nagpur

.....PETITIONERS

...V E R S U S...

1. The Maharashtra Airport
Development Company Ltd,
thr its Director having its office
at 1st floor, Central Facility Building,
MIHAN Sez, Khapri (Rly.),
Nagpur 441 108

2. The Special Land Acquisition Officer,
Samrudhi Highway cum Additional
Collector, MIHAN Nagpur

3. The Collector, Nagpur
having its Office at Civil Lines, Nagpur

4. The Sub-Divisional Officer,
Nagpur (Rural, Nagpur)

5. The Naib Tahsildar,
Hingna, District Nagpur

6. Narayan Ramaji Ashtankar,
aged 81 years, Occ. Agriculturist.

7. Sukhdeo Ramaji Ashtankar,
aged 70 years, Occ. Agriculturist, (dead)
through LR's

Respondent Nos. 6 and 7 are

both residing at Wagdara,
Post. Gumgaon, Taluka Hingna,
District Nagpur

Sukhdeo Ramaji Ashtankar,
since deceased through his legal heirs;

7a. Omika Sukhdeo Ashtankar,
aged about 65 years, Occ. Household

***LR's of respondent no.7
(7a to 7f) are brought on
record vide order dated
18.4.2023.***

7b. Umesh Sukhdeo Ashtankar,
aged about 40 years, Occ. Agriculturist,
Nos. 7a and 7b residing at village
Kotewada, Post Gumgaon,
Taluka Hingna, District Nagpur

7c. Shilpa Umeshrao Karmore,
aged about 34 years, Occ. Household
residing at Near Hanuman Mandir,
Nara Vasti, Beyond Nala, Jaripatka,
Nagpur

7d. Kavita Ashokrao Wandile,
aged about 42 years, Occ. Household
residing at Kondhali, Taluka Hinganghat,
District Wardha

7e. Pushpa Mahendra Gabhane,
aged about 36 years, Occ. Household
residing at Chandan Nagar
Post Hanuman Nagar, Nagpur

7f. Jaya Sachin Telrandhe,
aged about 32 years, Occ. Household,
r/o. Near Indian Oil, besides Trupti
Hotel Khapari Wardha road, Nagpur

8. Sumitra Dayaram Giradkar,
aged 73 years, Occ. Agriculturist,
residing at Gangapur, Tahsil Umred,
District Nagpur

..RESPONDENTS

Mr. Rahul Dhande, counsel for petitioners.
Mr. S.Y. Deopujari, counsel for respondent 1.

Mr. M.K.Pathan, AGP for respondents 2 to 5/State.
Mr. P.K. Mishra, counsel for respondents 6 & 7.

CORAM:- ROHIT B. DEO & M.W. CHANDWANI, JJ.

DATE : 14.07.2023

JUDGMENT (Per: Rohit B. Deo, J.)

Heard.

2. With consent, this petition can be disposed of by
issuing the following directions.

(i) The Maharashtra Airport Development
Company Limited shall deposit the consideration
amount of the sale deed dated 1.1.2020 alongwith
interest @ 5.5% per annum in the Registry of this
Court within the next seven days.

(ii) The parties have agreed that the consideration
amount alongwith interest @ 5.5% per annum
shall be shared by petitioner 1A to 1F, petitioner 2,
respondent 6, respondent 7A to 7F and respondent
8 in equal proportion that is 1/5 (One Fifth) each.

(iii) The parties further agree to withdraw all the pending proceedings including the appeal preferred by the petitioners and respondent 8 challenging the decree in the partition suit which is yet to be registered since the delay is not condoned.

(iv) The Registrar (Judicial) shall personally interview the parties and after ensuring their identities, release the consideration/compensation amount in 1/5th equal proportion alongwith interest @ 5.5% per annum.

3. Petition is disposed of in the aforestated terms.

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(M.W. Chandwani, J.)

(Rohit B. Deo, J.)