

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.10423 OF 2014
WITH
CIVIL APPLICATION No. 10478 OF 2014
IN
PUBLIC INTEREST LITIGATION No. 18 OF 2011**

Shri Saibaba Sansthan Trust .. Applicant
(Shirdi), Tq. Rahata,

Versus

The State of Maharashtra, .. Respondents
and others.

Mr.S.R. Chaukidar, Advocate for the applicant.
Mr.K.J.Ghute Patil, AGP for respondent/ State.
Mr.V.D. Hon, Sr. Counsel i/b. Mr. A.V. Hon, Advocate for R-3.
Mr.P.R.Patil,Adv.for petitioner in PIL.
Mr.S.B.Talekar, Advocate for respondent Nos.18 & 19.
Mr.V.S. Kadam, Advocate for applicant in CA No.10478 of 2014.

**CORAM : A.V. NIRGUDE &
V.K. JADHAV, JJ.**

DATED : 14.01.2015

P.C. :-

1. Heard learned Counsel for the applicant.
2. By this application the applicant-trust is seeking approval of the Court for a transaction of exchange of a piece of land. It is stated that a small piece of land belonging to the applicant-trust would be

transferred to the intervenor-trust (Saibaba Foundation, Chennai) and in exchange they will hand over similar piece of land to the applicant-trust.

3. The intervenor-trust acquired such piece of land independently and the same is offered to the applicant-trust. Such transaction requires government permission and the same is already secured. There appears no difficulty for us for permitting this transaction. But, learned counsel for the respondent Mr. Talekar asserted that the transaction in question is not a part of day-to-day business of the trust. It might amount to a policy decision and the present board of trustees appointed by the Court should not be permitted to undertake this transaction. Having regard to nature of transaction compared to the day-to-day business of the applicant trust, we are of the view that the transaction in question is of minor nature and it cannot be said that it is an important policy decision. We have no hesitation to hold that this transaction is more or less part of day-to-day business of the trust.

4. Learned counsel for the respondent raised second objection by saying that the intervenor-trust should not be encouraged to acquire more land at Shirdi. Admittedly the intervenor trust has a piece of land near Saibaba

Temple, where they have already established an *Ashram*. The activities which they carry on from their plot of land at Shirdi is not at all found detrimental to the interest of the general public or in particular the applicant-trust. We are told that the intervenor-trust propagates philosophy of Saibaba and allied activities. The founder of the trust himself was a devotee of Saibaba.

5. Learned counsel for the respondent also asserted that the intervenor-trust is trying to pass off their establishment as that of the applicant-trust. This submission is untenable. The devotees of Saibaba come to Shirdi and visit the main temple/Shrine of Saibaba. They are aware that the main Shrine/temple of Saibaba is an independent establishment and place of worship than numerous other temples situated in surrounding area at Shirdi. By no stretch of imagination, it is virtually impossible to pass off any other temple at Shirdi as the main shrine or temple.

6. Learned counsel for the respondent also asserted that the intervenor-trust is indulging in other dubious activities. This allegation is made for the sake of opposing the application. Had there been any difficulty between the applicant-trust and the intervenor-trust,

they would not have entered into the proposed transaction. In addition to this learned counsel for the intervenor-trust stated that, his client does not accept any donation at their property at Shirdi.

7. In view of above discussion, the Civil Application is allowed as prayed for.

8. In view of disposal of Civil Application No. 10423 of 2014, connected Civil Application No.10478 of 2014 for intervention does not survive and stands disposed of.

[V.K. JADHAV,J.]

[A.V. NIRGUDE,J.]