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

PUBLIC INTEREST LITIGATION NO. 18 OF 2011

1. Shri Rajendra Bhausahab Gondkar
Age: 38 Yrs.Occu.Business & Agril.
r/o Nagar-Manmad Rd., Shirdi,
Tq.Rahata, District Ahmednagar

2. Sandip s/o Vijay Kulkarni
Age:39 Yrs.,Occu.Social work,
R/o at Post Wadala Mahadeo,
Tq. Shrirampur,
Dist. Ahmednagar

..PETITIONERS

VERSUS

1. The State of Maharashtra
Through it's Principal Secretary,
Law & Judiciary Department
Mantralaya, Mumbai-32.

2. Shri Sai Baba Sansthan
Trust (Shirdi), Tq.Rahata
District Ahmednagar,
Through it's Chief Executive Officer,
Shri Sai Baba Sansthan
Campus, Shirdi, Tq.Rahata
District Ahmednagar

..RESPONDENTS

WITH

WITH CA/11674/2013 IN PIL/18/2011 WITH CA/13514/2013 IN PIL/18/2011
WITH CA/15696/2013 IN PIL/18/2011 WITH CA/2797/2014 IN PIL/18/2011
WITH CA/8708/2014 IN PIL/18/2011 WITH CA/9437/2014 IN PIL/18/2011
WITH CA/12313/2014 IN PIL/18/2011 WITH CA/12318/2014 IN PIL/18/2011
WITH CA/12346/2014 IN PIL/18/2011 WITH CA/433/2015 IN PIL/18/2011
WITH CA/435/2015 IN PIL/18/2011 WITH CA/3936/2015 IN PIL/18/2011
WITH CA/4778/2015 IN PIL/18/2011 WITH CA/5122/2015 IN PIL/18/2011
WITH CA/11411/2015 IN PIL/18/2011 WITH CA/12401/2015 IN PIL/18/2011
WITH CA/5507/2016 IN PIL/18/2011 WITH CA/6160/2016 IN PIL/18/2011
WITH CA/9622/2016 IN PIL/18/2011

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Ms P. S. Talekar, Advocate h/f Mr P. R. Patil Advocate for
Petitioners/Applicants;

Mrs A. V. Godhalekar, AGP for Respondents / State

Mr S. R. Choukidar, Mr A. V. Hon, Mr V. R. Dhorde, Mr C. T. Jadhav, Mr
H. D. Deshmukh, Mr N. R. Bhavar, Mr A. R. Joshi, Mr P. A. Pisal,
Advocates in respective Civil Applications

**CORAM : PRASANNA B. VARALE
AND
R.G. AVACHAT, JJ.**

DATE : 23rd JULY, 2019

ORAL ORDER:

Present Public Interest Litigation was filed questioning the appointment of respondent Nos. 3 to 18 as the members of the committee of management of Shree Sai Baba Sansthan Trust, Shirdi. The appointment of these members was for a period of three years. During the pendency of the petition, by order dated 13th March, 2012 the Division Bench of this Court thought it fit to direct the State Government to constitute a new committee within a period of 15 days from the date of order. The Division Bench further directed that until State Government constitutes a new committee, the affairs of Shree Sai Baba Sansthan Trust, Shirdi shall be supervised, monitored and looked after by the committee consisting of Principal District Judge, Ahmednagar, Collector, Ahmednagar and Chief Executive Officer of Shree Sai Baba Sansthan Trust, Shirdi. The Division Bench then further made it clear that the existing Committee and the Committee constituted by this Court not to take any major financial decision in respect of management of the affairs of the Sansthan without intimation to this Court.

2. The State Government by its notification dated 28th July, 2016 appointed a new committee consisting of 11 members and President of Shirdi Nagar Panchayat is *ex-officio* member of the committee. The notification of the State Government appointing the committee was again subject matter in Public Interest Litigation No.63 of 2017 and other public interest litigations. The judgment and order passed in public interest litigation and other connected public interest litigations dated 29th November, 2017 was subjected to a challenge before the Hon'ble the Apex Court by preferring Petition(s) for Special Leave to Appeal (C) No(s) 2432-2436 of 2018. By order dated 9th October, 2018 the Hon'ble Apex Court disposed the above referred petitions for special leave to appeals and pending applications with an observation that the present position will continue for a period of six weeks, within which period the order of the High Court as affirmed by this Court will be implemented. The Hon'ble Apex Court further directed the State Government to implement the directions of the High Court as and when Board is reconstituted after expiry of its present term in July, 2019. As the period of earlier board and committee was for three years from 28th July, 2016, new committee would certainly be constituted in near future.

3. The purpose of approaching this Court by present public interest litigation was duly served, as such, we deem it appropriate to

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dispose of the public interest litigation and is disposed of accordingly.

4. Insofar as civil applications are concerned, Ms. Talekar, learned Counsel for the applicant-petitioner submitted that Civil Application Nos. 12313 of 2014, 433 of 2015, 435 of 2015, 3936 of 2015, 5122 of 2015 and 6160 of 2016 are filed on behalf of the applicant through her. Out of these applications, Civil Application No. 12313 of 2014 was in respect of monitoring the entry in the temple premises and the petitioner be granted liberty to raise the issue as and when occasion arises. Likewise, Civil Application No. 433 of 2015 was in respect of providing health facilities and the applicant-petitioner be granted liberty to raise this issue also as and when occasion arises. With the aforesaid liberty, civil applications are disposed of.

5. Ms. Talekar, learned Counsel then submitted that subject matter in Civil Application No. 9622 of 2016 is identical with the subject in Public Interest Litigation No. 26 of 2019. If the subject matter of Public Interest Litigation No. 26 of 2019 and Civil Application No.9622 of 2016 is one and identical, we deem it appropriate to tag Public Interest Litigation No.26 of 2019 with Civil Application No.9622 of 2016. Mr. H.D. Deshmukh, learned Counsel for the applicant in Civil Application No. 9622 of 2016 fairly accepts the tagging of his civil application with Public Interest Litigation No. 26 of 2019 and raises no objection for such tagging.

6. It was submitted by Ms. Talekar, learned Counsel that Civil Application No.12318 of 2014 is in respect of water supply through Nilwande canal and substantive Public Interest Litigation No.152 of 2018 is also pending in this Court. As such, Civil Application No.12318 of 2014 be tagged along with Public Interest Litigation No.152 of 2018.

7. Mr. Jadhav, learned Counsel for the applicant in Civil Application No.4778 of 2015 also prays liberty to file appropriate proceedings as and when occasion arises. With this liberty, the civil application is disposed of.

8. As other civil applications are also filed in the years 2013, 2014, 2015 and 2016, we deem it appropriate to grant liberty to these applicants to file fresh writ petition or civil application as the case may be, in case the issue raised in these civil applications still survive, as and when such occasion arises. With this liberty, all pending civil applications except Civil Application No. 12318 of 2014 and Civil Application No. 9622 of 2016 are disposed of.

(R.G. AVACHAT, J.)

(PRASANNA B. VARALE, J.)