



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

**920 CIVIL APPLICATION NO. 3637 OF 2024
IN PIL/98/2021**

**SHRI SAIBABA SANSTHAN SHIRDI THR ITS
ADMINISTRATIVE OFFICER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Shri Bajaj Anil S., Advocate for the Applicant Sansthan/ Trust.
Shri L.V. Sangit, Advocate for Respondent Nos.2, 3A to 3D
(Intervenors).
Shri Ajay G. Talhar, DSGI for the Respondents/ UoI.
Shri A.B. Girase, Government Pleader, for the Respondents/
State.
Shri Ajinkya Kale, Advocate i/by Talekar and Associates, for the
Petitioners in PIL.

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**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 26th July, 2024

Per Court :-

1. This Civil Application has been filed by the Saibaba
Sansthan on 08.04.2024 setting forth prayer clause B as under:-

*“B) The Applicant may kindly be permitted to
implement the Resolution No.202 dtd.
05.03.2024 pursuant to which the Applicant
Sansthan may approach the State Government
for soliciting necessary permission as per Sec.*

17(3) of the Shree Saibaba Sansthan Trust (Shirdi) Act, 2004.”

2. We have perused the order passed by the Honourable Supreme Court dated 03.11.2023, in Petition for Special Leave to Appeal (Civil) No.23683/2023 (*Fatimabi Bakshu Shaikh and others vs. Nagar Panchayat, Shirdi and others*). In paragraph Nos.2 to 5, the Honourable Supreme Court has recorded as under:-

- “2. *Mr. Nishant Ramakantrao Katneshwarkar, learned counsel appearing for the petitioners states that the petitioners do not want to press the present petition on merits. The petitioners' claim in the petition is only for a direction to the respondent(s) to allot them alternate premises. He further submits that they will handover the vacant possession to respondent No.2 Saibaba Sansthan, within a period of three weeks from today.*
3. *In the facts and circumstances of the case, we are not inclined to entertain the present petition extraordinary jurisdiction. we However, in the direct the respondent-Sansthan to consider the prayer of the petitioners for grant of alternate accommodation on sympathetic ground. We are inclined to issue the said direction inasmuch as, the respondent-Sansthan itself had passed a resolution to grant alternate accommodation to the persons whose land was acquired.*
4. *We permit the petitioners to make the representation to respondent No.2 Saibaba Sansthan, for grant of alternative*

accommodation.

5. *On such representation(s) being made, the same would be considered sympathetically, within a period of three months from receipt of the representation(s)."*

3. It is, therefore, clear from the order of the Honourable Supreme Court that the Saibaba Sansthan was directed to consider the prayer of the Petitioner for grant of alternative accommodation on sympathetic ground. This was observed since it was brought to the notice of the Court that the Saibaba Sansthan itself has passed the resolution to grant alternative accommodations to the persons, whose land was acquired. The representation was to be considered by the Saibaba Sansthan within three months from the date of its receipt.

4. Miscellaneous Application No.885/2024, was moved by Fatimabi Bakshu Shaikh in the disposed off SLP No.23683/2023. By order dated 06.05.2024, the Miscellaneous Application filed by Fatimabi Bakshu Shaikh and another vs. Nagar Panchayat, Shirdi and others, was disposed off with certain observations. The learned Counsel for the Saibaba Sansthan informed the Hon'ble Supreme Court that a decision

has already been taken by the Administrative Committee of the Saibaba Sansthan to allot 'alternative plots' to the Petitioners. It was further stated that the orders will have to be passed by the High Court to grant permission for alienation of the Trust's property. It was also informed to the Court that the Civil Application is already filed before the High Court for the said purpose. The Honourable Supreme Court, therefore, called upon the High Court to decide the said application filed by the Saibaba Sansthan for the permission to allot 'alternative plots' in favour of the Petitioners.

5. In view of the above and the observations of the Honourable Supreme Court in the orders dated 03.11.2023 and 06.05.2024 referred to hereinabove, we are expected to deal with the request of the Saibaba Sansthan to proceed for granting alternate accommodations. In these circumstances, we grant permission to the Saibaba Sansthan to initiate steps for granting alternate accommodations to the persons in view of the order dated 03.11.2023. If the Appellants (before the Honourable Supreme Court) would tender a representation, same may be considered by the Saibaba Sansthan for

grant of alternate accommodations.

6. The Appellants before the Honourable Supreme Court, had preferred an intervention application in this Civil Application before us, which we have allowed by the order dated 21.06.2024.

7. Shri Sangit, the learned Advocate representing the Intervenors, submits that they need to express their desire for a particular plot. The resolution that was cited before the Honourable Supreme Court when the order dated 03.11.2023, was passed, is the resolution in which, a specific property has been mentioned. He, therefore, refers to Resolution No.703 which was discussed in the meeting dated 24.09.2011. He, further submits that the said resolution must be implemented in letters and spirit. He also adds that the original Appellants before the Honourable Supreme Court are not aware as regards which plots have been discussed by the Saibaba Sansthan during the hearing in the Miscellaneous Application. In view of the same, he submits that the resolution, which is passed in 2011, should be complied with, since this was the resolution placed by the

Appellants before the Honourable Supreme Court when the order was passed.

8. The learned Advocate Shri Bajaj submits that further resolution has been passed bearing No.202, dated 05.03.2024 in which, alternate accommodations by way of residential houses have been suggested.

9. We make it clear that the role of the High Court in this matter is only by way of monitoring the functioning of the Saibaba Sansthan Trust, which is administered by the High Court constituted Committee. No application tendered by the Saibaba Sansthan before this Court can be entertained for the purposes of resolving civil disputes between the parties. We are convinced that the permission can be granted to the Saibaba Sansthan in the light of the observations of the Honourable Supreme Court to grant alternate accommodations. Having granted the same, we do not have to travel any further or deal with the disputes raised by the Saibaba Sansthan and the original Appellants, which have originated from the proceedings before the Civil Court. Since we have granted permission to the Saibaba Sansthan to proceed to

grant alternate accommodations to the Appellants, **this Civil Application is disposed off.**

kps

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)