



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

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

**SHREE SAIBABA SANSTHAN SHIRDI THR ITS I/C ADM. OFFICER
VERSUS
THE STATE OF MAHARASHTRA**

**AND
CIVIL APPLICATION NO. 5788 OF 2024
IN CA/3637/2024**

**FATIMABI BAKSHU SHAIKH AND OTHERS
VERSUS**

**SHREE SAIBABA SANSTHAN SHIRDI THROUGH
ADMINISTRATIVE OFFICER AND ANOTHER**

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Mr. A. S. Bajaj, Advocate for Applicant in CA/3637/2024
Mr. L. V. Sangit, Advocate for Applicant in CA/5788/2024
Ms P. S. Talekar, Advocate for Petitioner in PIL
Mr. A. B. Girase, Government Pleader for the State

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

DATE : 21.06.2024

PER COURT :-

1. By the first Civil Application, the Sansthan has put 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. The second Civil Application is filed by applicant Fatimabi Bakshu Shaikh and others, who have put forth prayer clauses (A) and (B), as under :-

“(A) The applicants be permitted to intervene in Civil Application No.3637/2024 in Public Interest Litigation No.98/2021 or be permitted to join as party respondents and be heard time to time while hearing of Civil Application.

(B) Appropriate Orders be passed or grant of alternate Land at Sr. Nos. 07 and 08 in representation dated 30.11.2023.”

3. The applicant before us, Fatimabi, was before the Hon’ble Supreme Court in Petition for Special Leave to Appeal (Civil) No.23683 of 2023. The relevant portion of the order passed by the Hon’ble Supreme Court on 03.11.2023, below paragraph Nos.2 to 5, reads 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 in the extraordinary jurisdiction. However, we 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(2) being made, the same would be considered sympathetically, within a period of three months from receipt of the representation(s).”

4. The same applicant Fatimabi, moved Miscellaneous Application No.885 of 2024 in the said SLP No.23683 of 2023, wherein, an order was passed on 06.05.2024, relevant paragraph Nos. 1 to 5, which read as under:

“1. Mr. Sanjay Kharde, learned learned senior counsel appearing for the Sansthan states that the decision has already been taken by the Administrative Committee of the Sansthan to allot an alternative plot to the petitioner (s).

2. He, however, submits that in view of the orders passed by the High Court, the permission is required from the High Court for alienation of the trust property(s).

3. Shri Karde, further submits that a civil application has already filed before the High Court for the said property.

4. We taken the statement on record.

5. We request the High Court to decide the application filed by the Sansthan for permission to allot an alternative plot in favour of the petitioner(s) as expeditiously as possible and, in any case, within a period of three months from today.”

5. Considering the direction of the Hon'ble Supreme Court, to decide the application filed by the Sansthan bearing No.3637 of 2024 within three months, that we have taken up this matter on the first Friday after vacation on 14.06.2024 and on the request of the parties, the same was adjourned to this Friday.

6. The controversy before us is in terms of the contentions of Fatimabi. She alleges that the Sansthan has shown another resolution to the Hon'ble Supreme Court and a different plot, when the order dated 03.11.2023, was passed in her Special Leave to Appeal Petition. A different resolution and a different plot is now suggested in terms of the statement made before the Hon'ble Supreme Court, which is recorded in its order on 06.05.2024. The grievance of Fatimabi is that a different resolution and a different plot was shown subsequently on 06.05.2024 to the Hon'ble Supreme Court.

7. Let the opponents in both these Civil Applications file their affidavits in reply.

8. Considering the request of the parties, let the affidavits in reply be entered on or before 04.07.2024.

9. List these Civil Applications in the 'urgent orders' category under the caption 'Supreme Court Expedited Matter', on 12.07.2024.

Considering the fact situation as recorded above in view of the intervention applicant Fatimabi having approached the Hon'ble Supreme Court, **the Civil Application No.5788 of 2024 is allowed** to the extent of allowing the applicant to intervene in Civil Application No.3637 of 2024. Insofar as prayer clause (B) is concerned, the said request would be considered while hearing Civil Application No.3637 of 2024.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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