



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

**CIVIL APPLICATION NO. 3475 OF 2025
IN
PUBLIC INTEREST LITIGATION NO. 98 OF 2021**

- | | | |
|-------------------------------|-----|-------------------|
| 1) Sanjay s/o Bhaskarrao Kale | | |
| 2) Sandeep Kulkarni | ... | Applicants |

VERSUS

- | | | |
|---|-----|--------------------|
| 1) The Chief Executive Officer,
Shree Sai Baba Sansthan Trust
(Shirdi). | | |
| 2) Uttamrao Rambhaji Shelke (died) | ... | Respondents |

...
Advocate for Petitioner : Mr. S.B. Talekar i/by Talekar and Associates
Advocate for Respondent No. 1 : Mr. A.S. Bajaj

**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.**

**RESERVED ON : 08.04.2025
PRONOUNCED ON : 09.04.2025**

ORDER : (MANGESH S. PATIL, J.)

The applicants claim to be ardent devotees of Lord Saibaba and who have filed several petitions in the nature of P.I.L. touching the management of Shri. Saibaba Sansthan Trust Shirdi (hereinafter 'Sansthan), which is governed by Shri. Saibaba Sansthan Trust (Shirdi) Act, 2004.

2. They have filed this application objecting to the decision of the *ad hoc* committee of the Sansthan in the form of resolution No. 646 on agenda topic No. 39 dated 29.11.2024, whereby it has been resolved to resume the practice of displaying the original footwear of Shri. Saibaba for public exhibition across the country, on a tour styled as "Shri. Paduka Darshan Sohala".

2. Mr. Talekar, the learned advocate for the applicants would advert our attention to the directions of this Court issued in different PILs, touching the management of the Sansthan. He submits that pursuant to the directions in Special Leave Petition No. 16460/2022, the *ad hoc* committee of the Sansthan comprising of the Principal District and Sessions Judge, Ahilyanagar, who is the chairman, the District Collector of Ahilyanagar and the Chief Executive Officer of the Sansthan who are its members, can take major financial decisions only with the permission of this Court. He would submit that by the impugned resolution the original Padukas are to be displayed across India during the period between 10.04.2025 and 26.04.2025 as per the schedule (**Exh. B**). The applicants have reasonable apprehension of security of the Padukas if they are moved out of Shirdi. All the original articles used by Shri. Saibaba are precious relics, greatly revered by the followers and deserve to be protected forever. The original Padukas are made of pure leather and need to be kept under controlled environmental conditions, regulating the temperature and light. The decision of the *ad hoc* committee, in spite of being a major policy decision, having financial implications, ought to have been acted upon with the permission of this Court. There is possibility of damage to the Padukas. The committee has not explored the financial implications. The entire paraphernalia has to be moved including an air conditioned Mercedes Benz bus. The staff has to be moved. They will have to be maintained. There would be an expenditure on every count, which has been conveniently ignored.

3. Mr. Talekar would submit that a similar issue had cropped up earlier before the previous *ad hoc* committee, which had expressly refused to resort to such Paduka Darshan Ceremony. The extant committee could not have reversed the decision. Even the minutes have not been recorded properly, though the signatures of the Chairman and the members appear, only the Chairman has approved of the proposal and the members have simply

signed it. He would thus submit that the decision of the *ad hoc* committee, by way of impugned resolution has drastic implications and the Court should intervene and obstruct any such attempt.

4. Per contra, the learned advocate Mr. Bajaj for the Sansthan would submit that by virtue of the directions of this Court, as also the Supreme Court, it is only in the matter of decisions having financial implications that too in respect of amount involving more than Rs. 50 lakh, an approval of this Court is required for implementation of the resolutions passed by the *ad hoc* committee appointed for managing the affairs of the Sansthan, till the time duly constituted committee under the Act of 2004 comes into existence. He would, therefore, submit that since it is a matter of policy having no major financial implication beyond Rs. 50 lakh, the decision should be left for the conscience of the *ad hoc* committee, which comprises of senior most Judicial Officer from the district, the Collector and the Chief Executive Officer of the Sansthan who are from the Indian Administrative Services.

5. Mr. Bajaj would further submit that since it is a matter of faith and since even earlier, the original Padukas were displayed for public view in a similar manner, the decision is not unprecedented and does not seek to establish some new practice.

6. We have considered the rival submissions and perused the papers including the affidavit in reply as also the rejoinder.

7. Admittedly, in view of the extant arrangement and the directions of the Supreme Court and this Court, the *ad hoc* committee, which has been constituted for looking after the management of the Sansthan is expected to obtain permission of this Court for implementation of any decision having a financial implication of Rs. 50 lakh and above. In contrast, there is no such mandate as far as other policy decisions are concerned, major or minor.

8. True it is that in light of the schedule of the Paduka Darshan

Ceremony, the movement of the original Padukas to various places for public display over a period of 15 days would result in some financial implication. However, there is nothing to demonstrate that this would cost the Sansthan expenses of more than Rs. 50 lakh.

9. Considering the limited scope of the supervision expected of this Court only to monitor the decisions involving financial implications beyond a particular limit, in our considered view, this Court cannot sit over the decision of the *ad hoc* committee and examine its appropriateness much less in the form of consideration of a civil application preferred in a P.I.L., which is also disposed of finally by the order dated 13.09.2022.

10. As regards the security of the Padukas is concerned, again, this Court cannot take objective scrutiny of the decision of the *ad hoc* committee, which is at the helm of the affairs. One cannot lose sight of the fact that the *ad hoc* committee comprises of the Principal District and Sessions Judge, as the chairman, and the District Collector and the Chief Executive Officer of the Sansthan as the other two members, who both are from the Indian Administrative Services. There is nothing to demonstrate that they are either neglecting or are incapable of appreciating importance of securing the Padukas.

11. True it is that the predecessor of the extant *ad hoc* committee in the month of August 2024 had not favourably considered resumption of such Paduka Darshan Ceremony. However, it must be borne in mind that the decisions of the *ad hoc* committee cannot be equated with the decisions of a quasi judicial authority or judicial authority so as to invoke the trite principle of limiting the powers preventing either the same *ad hoc* committee or a successor committee from taking a decision, which is not compatible with the decision of the earlier *ad hoc* committee or a decision taken at some earlier point of time, as submitted by Mr. Talekar.

12. Though it may not be a regular phenomenon, there are instances to

demonstrate that earlier as well the original Padukas were displayed in public. Considering the fact that it is a matter of faith of public, who believe in the teachings of Shri. Saibaba, in our considered view, this Court should exercise self restraint in such religious and policy matters.

12. The Civil Application is rejected.

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

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