



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3334 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.98 OF 2021

Shree Saibaba Sansthan Shirdi Through its Executive
Engineer/Administrative Officer Bhikan Deochand Dabhade

Versus

The State of Maharashtra Through the Principal Secretary

...

Mr. A. S. Bajaj, Advocate for the applicant.

Mr. Ajinkya Kale, Advocate i/b Talekar and Associates for petitioner in
PIL/98/2021.

Mr. S. K. Tambe, AGP for respondent/State.

...

**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 18 FEBRUARY 2026

ORDER :

. Present application has been filed for permitting the applicant to implement Resolution No.56 dated 20.01.2025 passed by Ad-hoc Committee for issuing E-tender for the purpose of construction of concrete road from South Gate of Dharmashala to Helipad Road at village Nimgaon for which an estimated cost of Rs.59,08,916/- is the expected

expenditure.

2. Heard learned Advocate Mr. A. S. Bajaj for the applicant, learned AGP Mr. S. K. Tambe for respondent/State and learned Advocate Mr. Ajinkya Kale instructed by Talekar and Associates for original petitioner in PIL.

3. Learned Advocate for the applicant submits that the applicant/Sansthan provides accommodation to Sai Devotees, who come from all over the world for taking Darshan at the shrine of Shree Sai Baba. The Sansthan owns Dharmashala at Gut No.172 at village Nimgaon where different blocks consisting of A to F Building for accommodating Sai Devotees. From the South Gate of the said Dharmashala to Helipad Road, there is a *Kaccha* road, which is temporarily used by laying down *murum*. According to the applicant the said road is under the jurisdiction of Nimgaon Grampanchayat and, therefore, the applicant/Sansthan has taken permission from Nimgaon Grampanchayat for construction of concrete road. The proposed road would be admeasuring 110 meters in length and 12 meters in width for which amount of Rs.69,08,916/- is the estimated expenditure. The proposal was placed before the Ad-hoc Committee for the approval and it has been approved, but in view of the order passed in this matter, permission from this Court is required to be

taken and, therefore, present Civil Application has been filed.

4. The first and the foremost fact we would harp upon is that in the Ad-hoc Committee that was appointed by this Court, the Collector, Ahmednagar and the Chief Executive Officer of Shree Saibaba Sansthan Trust, Shirdi are the members. When it would have been placed before the Committee, the Committee under the Chairmanship of the Principal District Judge, Ahmednagar would have noted that the proposed road is under the jurisdiction of Grampanchayat and it is not on the land belonging to the Sansthan. We can understand the situation, as there is not a concrete road or a *Pakka* road the difficulties would be faced, but the question before us is whether the Sansthan should spend its money. Various schemes are introduced by the State Government wherein amount is given to the Grampanchayat for construction of road or repairs of the existing road. The Committee ought to have taken efforts to make representations to the Grampanchayat or to the Collector in his capacity as Collector, to get the funds and get the road constructed. The documents produced along with this application has no mention about taking such efforts by the Sansthan. Taking permission from Grampanchayat by the applicant is unacceptable, as it is the primary duty of the Grampanchayat to maintain the roads within the jurisdiction of Gramapanchayat. The proposed expenditure under this head or under

this resolution is uncalled for and, therefore, we are not granting any such permission.

5. The application stands rejected.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm