

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).7278/2020

[Arising out of impugned final judgment and order dated 04-09-2019 in PIL No.73/2015 passed by the High Court of Judicature at Bombay at Aurangabad]

ARUN BABURAO PHALKE & ORS.

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No. 35824/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 35826/2020 - EXEMPTION FROM FILING O.T.)

Date : 18-12-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Anand Dilip Landge, AOR
Mrs. Sangeeta S Pahune Patil, Adv.
Ms. Revati P. Kharde, Adv.
Mr. Sumit Kumar, Adv.

For Respondent(s) Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.

Mr. Sudhanshu Chaudhary, Sr. Adv.
Mr. Shashibhushan P. Adgaonkar, AOR
Mrs. Pradnya S Adgaonkar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. On perusal of the order dated 06.09.2014 passed by the then State Minister (Revenue, Rehabilitation & Assistance Work) in

facilitating the sale of subject-land in favour of respondent no.4, it stands crystallized that the subject-land was owned by *Devasthan*, namely, temple of the village. How the ownership of the temple could be changed by the Minister, that too without according hearing to the temple Management or the other affected persons, is beyond comprehension. It is also pertinent to mention that respondent no.4 further sold the subject-land to respondent no.5, and during the pendency of these proceedings, respondent no.5, without informing this Court, has sold the property vide registered sale deed dated 27.09.2021 to one Vijay Deoram Gayake r/o Gayake Mala, Vijaynagar, Morchudnagar, Ahmednagar, who has not chosen to come forward for his impleadment as a party respondent. *Prima facie*, respondent nos.5 and 6 are playing hide and seek with this Court. There is, thus, a calculated move to appropriate the temple property.

2. Consequently, we direct the Collector, Ahmednagar to take physical possession of the land forthwith and submit a compliance report to this Court. The Collector shall also submit a plan for temporary utilization of the land, including through auction of the land on annual lease basis, for the benefit of the temple and village community, till the controversy is resolved.

3. A show-cause notice be issued to Vijay Deoram Gayake, r/o Gayake Mala, Vijaynagar, Morchudnagar, Ahmednagar, as to why the sale deed dated 27.09.2021 not be annulled till the rights of the parties are determined by this Court.

4. The petitioners will serve a copy of this order to the

Collector, Ahmednagar to ensure immediate compliance.

5. Post the matter on 23.01.2025.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR