



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12208 OF 2025

1. Shri. Bhagwat Sopan Bankar
Age: 40 years, Occu.: President of Trust,
2. Vikas Nanasaheb Bankar
Age: 40 years, Occu.: Vice President
of Trust.
3. Balasaheb Bansi Borude
Age: 55 years, Occu.: Secretary,
4. Appasaheb Dnyandeo Shete
Age: 56 years, Occu.: Secretary,
5. Deepak Dadasaheb Darandale
Age: 37 years, Occu.: Treasurer,
6. Popat Ramchandra Shete
Age: 60 years, Occu.: Trustee,
7. Popat Laxman Kurhat
Age: 55 years, Occu.: Trustee,
8. Dr. Shivaji Annasaheb Darandale
Age: 61 years, Occu.: Trustee,
9. Chaburao Namdev Bhutkar
Age: 60 years, Occu.: Trustee,
10. Sunita Vitthal Adhav
Age: 36 years, Occu.: Trustee,
11. Shahuranm Raosaheb Darandale
Age: 60 years, Occu.: Trustee,

All R/o. Shingnapur, Tq. Newasa,
District Ahilyanagar.

.. Petitioners

Versus

1. The State of Maharashtra
Through its Legal Remembrance
and Principal Secretary,
Law and Judiciary Department,
Mantralaya, Mumbai.
2. The Administrator Shree
Shanaishwar Devasthan Trust
(Shingnapur) and Collector,
Ahilyanagar,
District Collectorate,
Ahilyanagar.
3. Shree Shanaishwar Devasthan
Trust (Shingnapur)
Through its Chief Executive Officer/
Collector, District Ahilyanagar.
4. Shri. Atul Chormare
Age: Major, Occu.: Deputy Collector,
R/o. Collectorate, Ahilyanagar,
District Ahilyanagar.
5. Shri. Sanjay Biradar
Age: Major, Occu.: Tahsildar,
R/o. Tahsildar Office, Newasa,
District Ahilyanagar.
6. Shri. Sanjay Lakhwal
Age: Major, Occu.: Block
Development Officer,
R/o. Panchayat Samiti,
Newasa, District Ahilyanagar.
7. Shri Ashish Shelke
Age: Major, Occu.: Assistant
Police Inspector,
R/o. Shani Shingnapur Police
Station, Tq. Newasa,
District Ahilyanagar.
8. Shri. Vinayak Patil
Age: Major, Occu.: Deputy Engineer,

R/o. Public Works Department Office,
Newasa, District Ahilyanagar.

9. Shri. Ganesh Khedkar
Age: Major, Occu.: Accounts Officer,
R/o. Collectorate, Ahilyanagar,
District Ahilyanagar.
10. Shri. Rajkumar Pund
Age: Major, Occu.: Deputy Treasury
Officer, R/o. Newasa,
District Ahilyanagar.
11. Shri Rajendra Wakchaure
Age: Major, Occu.: Naib Tahsildar
R/o. Tahsil Office, Newasa,
Tq. Newasa, District Ahilyanagar.
12. Shri. Vinayak Gore
Age: Major, Occu.: Circle Officer,
R/o. Circle Office, Ghodegaon,
Tq. Newasa, District Ahilyanagar.
13. Shri. Satish Pawar
Age: Major, Occu.: Talathi,
R/o. Shani Shingnapur,
Tq. Newasa, District Ahilyanagar.
14. Shri. Dadasaheb Borude
Age: Major, Occu.: Gramsevak,
R/o. Shani Shingnapur,
Tq. Newasa, District Ahilyanagar.

.. Respondents

...
WITH
CIVIL APPLICATION NO.12131 OF 2025
IN
WRIT PETITION NO.12208 OF 2025

UCO Bank
Through its Branch Manager,
Shani Shingnapur Branch

.. Applicant

Versus

Shri. Bhagwat Sopan Bankar and others

.. Respondents

...
WITH
CIVIL APPLICATION NO.12385 OF 2025
IN
WRIT PETITION NO.12208 OF 2025

Rushikesh Vasant Shete

.. Applicant

Versus

The State of Maharashtra
Through its Legal Remembrance and
Principal Secretary and others

.. Respondents

-
- Mr. S. B. Talekar, Advocate h/f Talekar and Associates for the petitioners.
 - Mr. A. R. Kale, Additional G.P. for respondent Nos.1 to 3.
 - Mr. S. D. Kotkar, Advocate h/f Mr. Tejas Kotkar for applicants in Civil Application No.12385 of 2025.
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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

RESERVED ON : 17 NOVEMBER 2025
PRONOUNCED ON : 12 DECEMBER 2025

JUDGMENT (Per Smt. Vibha Kankanwadi, J.) :-

. **Rule.** Rule made returnable forthwith. The petition is heard finally with the consent of the learned Advocates for the parties.

2. Heard learned Advocate Mr. S. B. Talekar for the petitioners, learned Additional Government Pleader Mr. A. R. Kale for respondent

Nos.1 to 3, and learned Advocate Mr. S. D. Kotkar holding for learned Advocate Mr. Tejas Kotkar for the applicants in Civil Application No.12385 of 2025.

3. It will not be out of place to mention here that Civil Application No.12385 of 2025 has been filed for intervention, wherein the applicant contends that he is the person, on whose complaint and representations, the State Government has intervened in the provisions of Shree Shanaishwar Devasthan Trust (Shingnapur) Act, 2018 (hereinafter referred to as the “Shingnapur Trust Act”) and appointed an Administrator over the Trust and, therefore, he intends to intervene. We do not find any substance in the contention raised on behalf of the petitioner. He might have filed complaint or representations, but he has no personal interest and has not demonstrated except by way of verification. No separate affidavit has also been filed showing his interest. Hence, the said application deserves to be rejected.

4. There is another application i.e. Civil Application No.12131 of 2025 filed by the UCO Bank for intervention for clarifying the order dated 04.10.2025 passed by this Court, as to for which respondents the bank should allow to operate the bank account of the Trust. It will not be out of place to mention here that in our order dated 04.10.2025, we had

stated that we were not inclined to go into the question of fact as to whether the charge has been taken or not, but it can be considered at a later point of time when the matter would be heard taking into consideration the questions about the legality about the action of the State has been raised and, therefore, we propose to dispose of the said application along with the main petition itself now.

5. The petitioners contend that the Trust was duly registered under the Maharashtra Public Trust Act in the year 1961. The petitioners are elected trustees of the said Trust in the meeting held on 23.12.2020. Accordingly, the change report was filed with the learned Assistant Charity Commissioner. The said change report came to be allowed by order dated 15.09.2021. Thereafter, the petitioners had taken charge and entered the office on 01.01.2021. The term of the petitioners was to expire on 31.12.2025. Now, the Government has abruptly brought their term to an end by Government Resolution dated 22.09.2025 issued by Deputy Secretary, Law and Judiciary Department and appointed Collector, Ahilyanagar as an Administrator to manage the affairs of the Trust. The Government of Maharashtra has passed a Shingnapur Trust Act, 2018 so as to reconstitute the Public Trust Registered under the name Shree Shanaishwar Devasthan at Shingnapur, District Ahilyanagar and to

provide for better administration of Shree Shanaishwar Temple. The Act received assent of Hon'ble Governor on 09.08.2018 and it was published in Government Gazette on 13.08.2018. However, the Act was not brought into force at any point of time prior to 22.09.2025 for the reasons best known to the Government. Notification was issued on 22.09.2025 by the Government to bring the said Act into force.

6. The petitioners have also contended that a Calling Attention Motion No.452 was moved by Shri. Chandrashekhar Bawankule, MLA and thereupon, the Government of Maharashtra had called an issue-wise objective report from Charity Commissioner. The Charity Commissioner then immediately called report from Deputy Charity Commissioner, Ahilyanagar. The Deputy Charity Commissioner, Ahilyanagar then submitted the issue-wise report on 15.12.2023. Yet, the Charity Commissioner had further directed the Deputy Charity Commissioner, Ahilyanagar to conduct thorough enquiry and submit a fact finding report by letter dated 15.01.2024. The Deputy Charity Commissioner had then called the record from the Trust and recorded the statement of the trustees. Deputy Charity Commissioner verified the biometric attendance of the employees, their appointments, receipts of online donations, receipts of cash donations, resolutions passed by the Trust from time to time, audit

report etc. The fact finding report was submitted to Charity Commissioner on 14.02.2024. In the meanwhile, Charity Commissioner had received certain communications from Law and Judiciary Department on 02.01.2024 and 12.02.2024. The Government had sought additional information. Thereafter, the Charity Commissioner directed Joint Charity Commissioner, Pune to personally visit the Devasthan and make inquiry by issuing communication dated 03.06.2024. Joint Charity Commissioner, Pune then submitted report on 10.06.2024 to Charity Commissioner, Mumbai. The said report was then forwarded to the Government. At the same time, the Charity Commissioner initiated *suo motu* proceedings under Section 41D of the Public Trust Act by passing an order below Exhibit-01 in *Suo Motu* Miscellaneous Application No.20 of 2025. Those proceedings are still pending. It appears that the Government decided to supersede the elected board of trustees. Two notes were prepared by Law and Judiciary Department, one for issuance of Notification for bringing the Shingnapur Trust Act, 2018 into force and another Notification was for constituting the Management Committee of Devasthan Trust. It appears that the first note in respect of bringing the Act into force was approved, however, it is learnt that the Legislation branch had reservation for constituting Management Committee under Section 5 of the Shingnapur Trust Act, 2018. It is therefore the information of the petitioners that it

was not possible to appoint the District Collector, Ahilyanagar as Administrator without appointment of the Committee, however, the Government went ahead with appointing Collector, Ahilyanagar as Administrator by issuing Notification on the same day, thereby the Government had decided to remove the Board of Trustees on the basis of Calling Attention Motion moved by the Member of Legislative Assembly Shri. Bawankule. In fact, in the report submitted by the Charity Commissioner, no mismanagement has been found. The Government had not taken any step for constituting the Management Committee under Section 5 of the Shingnapur Trust Act, 2018. All the actions have been done with *mala fide* intention. Government wants to take over the temple which has source of revenue generation. The Government is appointing active politicians including the members of State Legislature as members of the Managing Committee in Shree Saibaba Sansthan Trust, Shirdi. In fact, the State of Maharashtra had enacted Shree Saibaba Sansthan Trust (Shirdi) Act in 2004, however, this Court was required to supersede the Management Committee appointed by the Government more than once. Today, the Ad-hoc Committee constituted by this Court has taken charge of the Shirdi Sansthan in view of the order dated 13.03.2012 passed in Public Interest Litigation No.18 of 2011. This Court held that in absence of rules and regulations framed for Shirdi Sansthan as per the Act no such

Committee can be constituted as appointed by the Government. Now, in respect of Shree Shanaishwar Devasthan Trust also the rules and regulations under Shingnapur Trust Act, 2018 have not been formulated. The Government has no power to appoint an Administrator under the Act. It was not necessary for the petitioners to handover the charge to the District Collector, Ahilyanagar, as his appointment is illegal.

7. During the pendency of the present petition, the Collector, Ahilyanagar, who has been appointed as Administrator has further appointed a Management Committee/Committee of Administrator vide communication dated 30.09.2025. The petitioners have amended the petition and challenged the said communication also. The Committee consisting of 11 members has been appointed by Collector, Ahilyanagar without any powers. As per Section 18 of the Shingnapur Trust Act, 2018, only the State Government alone can appoint the Chief Executive Officer of the Temple Trust and, therefore, the petitioners are challenging the Government Resolution dated 22.09.2025 issued by the Law and Judiciary Department as well as the communication dated 30.09.2025 issued by Collector, Ahilyanagar regarding appointment of Management Committee/Committee of Administrators. The interim reliefs were then asked/pleaded.

8. Affidavit-in-reply has been filed by Mr. Pankaj Ashiya, Collector, Ahilyanagar on behalf of respondent No.2 as well as the affidavit-in-reply has been filed by Mr. Atul Chormare, Deputy Collector, Land Acquisition No.1, Ahilyanagar and functioning as CEO, Shree Shanaishwar Devasthan, Shingnapur, District Ahilyanagar on behalf of respondent No.3. It has been stated by respondent No.2 that by resolution dated 22.09.2025, the Shingnapur Trust Act, 2018 came into force, thereby dissolving the erstwhile Trust and then appointed respondent No.2 as Administrator for the purpose of ensuring continuity and proper management of the Devasthan. He was appointed as Administrator and in accordance with the said letter, he assumed the charge of the management and administration on 27.09.2025. Panchanama to that effect was drawn in presence of temple staff, local representatives and revenue officials. Now, Deputy Collector (Land Acquisition No.1) has been appointed as Chief Executive Officer to assist the Administrator and to look after the day-to-day affairs of the Devasthan. The Chief Executive Officer has taken the charge on 01.10.2025 and reported it to Collector, Ahilyanagar on 03.10.2025. It is then stated that the act of taking charge was completed prior to the order passed by this Court on 04.10.2025. This Court had given directions to maintain *status quo* and the petitioners themselves have challenged the said order before the Hon'ble Supreme Court by filing

Special Leave Petition. When the same relief was challenged before the Hon'ble Supreme Court and the said petition came to be dismissed, then this writ petition deserves to be dismissed. All the activities at the temple are running smoothly. Similar averments have been made in the affidavit of Mr. Atul Chormare.

9. Learned Advocate Mr. S. B. Talekar holding for Talekar and Associates for the petitioners has taken us through all the documents annexed and he submits that the proceedings under Section 41D of the Maharashtra Public Trust Act are still pending before the Charity Commissioner, which was the *suo motu* act by him. He is mainly harping upon the fact that as per Section 3 of Shingnapur Trust Act, 2018, it requires a smooth transition of handing over charge or transfer. Section 3 of the Shingnapur Trust Act prescribes for Re-constitution of erstwhile Trust and transfer to and vesting of properties of the Trust. Section 4 deals with transfer of possession of valuables and properties to Trust. No such actions have taken place in the present case. Further, Section 5 of the Shingnapur Trust Act, 2018 mandates that the State Government should constitute Management Committee and then notify the same in the Official Gazette. There is absolutely no provision in the Act to appoint Collector as Administrator immediately coming into force of the Act.

Section 36 of the Shingnapur Trust Act, 2018 prescribes for appointment of Administrator, but that power can be exercised by the State Government when it is of the opinion that the Committee appointed under this Act is not competent to perform or makes persistent default in performing the duties imposed on it by or under this Act or any other law. Here, neither the Committee was appointed, nor there was any duration for such Committee to act upon and then State Government coming to a conclusion that it is not competent to perform the acts and duties under the Act, because on the same day both the notifications have been issued i.e. one in respect of coming into force of the Act and second, directly the appointment of the Collector. Thereafter, the Collector, in his capacity as Administrator, has appointed another Committee. Section 5 of the Shingnapur Trust Act, 2018 does not provide any delegation or authority or power to the Collector to make such appointment and now, it is stated that such Committee has been appointed only to carry out the day-to-day affairs. The entire record is with the petitioners and the charge has not been taken. At any point of time, the elected body of the Trust was never heard by the State Government and it can be seen that the entire act has been done in haste and with *mala fide* intention. Learned Advocate Mr. Talekar also submits that the Government has passed Shree Karveer Niwasini Mahalaxmi (Ambabai) Mandir (Kolhapur) Act, 2018, which has

received assent of the Governor on 07.02.2019, yet as on today, the date of this Act coming into force has not been declared and, therefore, the State Government ought to have explained, as to what was the haste for it to take such steps only in one day.

10. In his written legal submissions, learned Advocate Mr. Talekar submits that there is no automatic cessation of the Committee constituted under the Maharashtra Public Trust Act. Upon coming into force of the Shingnapur Trust Act, 2018, Section 3 of the said Act begins with non-obstante clause, but it contemplates that the erstwhile Trust shall be replaced by the Committee and then the transfer to and vesting of properties would take place after the Committee constituted under Section 5 of the Act comes into existence. He also submits that while interpreting Section 36 of the Shingnapur Trust Act, 2018, the doctrine of *ejusdem generis* is required to be incorporated. Admittedly, the Committee as contemplated under Section 5 of the Shingnapur Trust Act, 2018 is yet to be constituted and, therefore, the appointment of Collector as Administrator cannot be said to be under or by virtue of Section 36 of the Shingnapur Trust Act, 2018.

11. Learned Advocate Mr. Talekar for the petitioners has relied on many authorities, however, we are taking into consideration only few

of them. He relies on the decision in **Raghunath Rai Bareja and another Vs. Punjab National Bank and others**, [(2007) 2 SCC 230], wherein it has been held that the literal interpretation has to be followed even if it shall cause hardships or inconvenience. Further, he relies on the decision in **B. Premanand Vs. Mohan Koikal**, [(2011) 4 SCC 266], wherein it has been held that where the words are unequivocal, there is no scope for importing any rule of interpretation. On the point of inherent powers, he relies on the decisions in **Gujarat Urja Vikas Nigam Ltd. Vs. Solar Semiconductor Power Co. (India) (P) Ltd.**, [(2017) 16 SCC 498 and **Tarun K. Banerjee Vs. State of W.B.**, [1977 SCC OnLine Cal 273]. Further, he relies on the decision in **P. H. Paul Manoj Pandian vs. P. Veldurai**, [(2011) 5 SCC 214], wherein it is held that once a law occupies the field, it is not open to the State Government in exercise of its executive powers under Article 162 to prescribe in the same field by way of executive instruction. Further, in **A. K. Roy vs. State of Punjab**, [(1986) 4 SCC 326] it is held that unless the authority is empowered to delegate the power, the same cannot be delegated nor can be exercised by the authority subordinate to such authority.

12. Learned Additional Government Pleader for respondent Nos.1 to 3 after relying upon the affidavits of Collector, Ahilyanagar and

Mr. Atul Chormare, submits that the Government Resolution dated 22.09.2025 regarding appointment of Collector, Ahilyanagar as Administrator has been issued under Section 36 of the Shingnapur Trust Act, 2018 and further to be read along with Sections 44 and 48 of the Shingnapur Trust Act, 2018. Section 44 specifically prescribes that the Shingnapur Trust Act, 2018 will have the overriding effect over the Public Trust Act or any other law for the time being in force and Section 48 prescribes for the removal of difficulties. Now, after coming into force of the Shingnapur Trust Act, 2018 from 22.09.2025, it would have been a vacuum as to who would manage the affairs of the Trust, because after the coming into force of the Act, in view of Section 44, the provisions of Public Trust Act would not be in force or will not be applicable. Section 44 will have to be then read with Section 3 of the Shingnapur Trust Act, 2018 when Section 3 starts with non-obstante clause. It provides that “Notwithstanding anything contained in the Public Trusts Act or any other law for the time being in force, on and from the appointed day, the provisions of this Act shall apply in respect of erstwhile trust registered as "Shree Shanaishwar Devasthan" at village Shinganapur, Taluka Nevasa, District Ahmednagar, with registration No. A/587 and the said Trust shall be re-constituted as provided in this Act.” Now, the Collector has appointed a Committee to assist him. The Collector has his own duties

being the Collector as well as District Magistrate and, therefore, it is not possible for him to conduct the day-to-day affairs of the Trust. This has been so stated in both those affidavits and then the Collector has taken charge of the Trust before this Court had passed the order of *status quo*. There is absolutely no necessity to interfere in this matter on the constitutional side. The acts and irregularities committed by the petitioners has led to the complaint. Even in the report that was filed it has been reported that there was absolutely no necessity to employ huge number of employees i.e. 2474. That means, the Trust has shown that it has employed so many persons and it is the fact on record, however, when physical verification was done, at that time, only 153 persons were present. In his report, Joint Charity Commissioner, Pune region, Pune to Charity Commissioner, Mumbai, it can be seen that Joint Charity Commissioner has visited personally to each department. In the Hospital Section, it was shown that 327 employees were working, when in fact there was absolutely no indoor patient. The hospital is consisting of 15 beds. Similarly in Bhakt Niwas Department, in the building there were only 109 rooms for which it was shown that they had employed 200 employees. Like this, the manipulation has been done. There was no muster roll made available, however, biometric register was then made available. Like this, there was mismanagement and, therefore, the

Government was forced to take the said decision, which cannot be now doubted.

13. Taking into consideration the rival contentions it is not in dispute that the Shingnapur Trust Act, 2018 had received the assent of Hon'ble the Governor on 11.01.2019, however, as per Section 1 of the said Act, it has to come into force on the date, as the State Government may, by notification in the Official Gazette, appoint. Such Gazette Notification appears to have been published on 22.09.2025 and on the same day by Government Resolution, Administrator was appointed. Collector, Ahilyanagar was made as an Administrator to look after the affairs of the management of the Trust. It is interesting to note as to what has been stated in the Government Resolution, which reads as under :-

“शासन निर्णय :-

श्री शनैश्वर देवस्थान विश्वस्तव्यवस्था (शिगंगापूर) अधिनियम, २०१८ मधील कलम ५ च्या उपकलम (१) अन्वये, “श्री शनैश्वर देवस्थान विश्वस्तव्यवस्था व्यवस्थापन समिती” या नावाने संबोधली जाणारी समिती गठीत होईपर्यंत, सदर देवस्थान विश्वस्तव्यवस्थेचा कारभार सुरळीत, सुसूत्र, पारदर्शक आणि शिस्तबद्ध पद्धतीने चालविला जावा, तसेच देवस्थानच्या दैनंदिन व्यवहाराचे व्यवस्थापन विनाविघ्न पार पाडले जावे, याकरिता जिल्हाधिकारी, अहिल्यानगर यांची “प्रशासक” म्हणून तात्पुरती नियुक्ती करण्यात येत आहे. त्यांनी सदर देवस्थान विश्वस्तव्यवस्थेचे संपूर्ण प्रशासन, व्यवहार, वित्तीय बाबी, संपत्तीचे संरक्षण, तसेच भक्तांसाठीच्या सर्व सेवा—सुविधा यांचे व्यवस्थापन जबाबदारीपूर्वक पार पाडावे.

ही नियुक्ती वर नमूद व्यवस्थापन समिती विधिपूर्वक गठीत होईपर्यंत किंवा शासनाचे पुढील आदेश येईपर्यंत, यापैकी जे आधी होईल तोपर्यंत लागू राहील. व्यवस्थापन समिती गठीत झाल्यानंतर, या प्रशासकाची नियुक्ती आपोआप समाप्त होईल आणि त्यांनी देवस्थानचा कारभार तात्काळ समितीकडे सुपूर्द करणे आवश्यक राहील.”

English translation of the aforesaid Government Resolution is as under :-

“Government Resolution :-

Until the formation of a committee to be known as the “Shri Shanaishwar Devasthan Vishwastha Vyavstha Vyavasthapan Samiti” under sub-section (1) of Section 5 of the Shri Shanaishwar Devasthan Trust (Shingnapur) Act, 2018, the District Collector Ahilyanagar is being temporarily appointed as the 'Administrator' for the smooth, orderly, transparent and disciplined management of the said Devasthan Vishwastha Vyavstha and for the smooth management of the day-to-day affairs of the Devasthan. He shall responsibly manage the entire administration, business, financial matters, protection of property and all service facilities for the devotees of the said Devasthan Vishwastha Vyavstha.

This appointment shall remain in force until the above-mentioned Vishwastha Samiti is duly constituted or until further orders of the Government are issued, whichever is earlier. After the Vishwastha Samiti (Committee) is constituted, the appointment of this Administrator shall automatically be dissolved and he shall be required to immediately hand over the administration of the Devasthan to the Samiti (Committee).”

14. Thus, it can be seen that the Government itself is accepting the fact that it has not appointed the Committee as contemplated under

Section 5(1) of the Shingnapur Trust Act, 2018. In order to appreciate the submissions, we must consider the definitions and certain provisions of the Act. Section 2(b) of the Shingnapur Trust Act, 2018 defines “Committee” or “Management Committee” means the Management Committee constituted under section 5”. Section 2(d) defines “Devasthan Trust ” means the Public Trust in respect of Shree Shanaishwar Devasthan, Taluka Newasa, District Ahmednagar, as re-constituted under this Act.” Section 2(e) defines “erstwhile Trust” means the public Trust registered under the Public Trusts Act, with registration No.A/587, referred to in subsection (1) of Section 3. Thus, taking into consideration these definitions, then we will turn to Section 3 of the Shingnapur Trust Act, 2018, which provides for reconstitution of erstwhile Trust and transferred to and vesting of properties, which reads thus :-

“3. (1) Notwithstanding anything contained in the Public Trusts Act or any other law for the time being in force, on and from the appointed day, the provisions of this Act shall apply in respect of erstwhile trust registered as "Shree Shanaishwar Devasthan" at village Shinganapur, Taluka Nevasa, District Ahmednagar, with registration No. A/587 and the said Trust shall be re-constituted as provided in this Act.

(2) On the appointed day, all the properties, whether

movable or immovable (including all assets, rights, funds, liabilities and obligations) of the erstwhile trust shall, by virtue of, and in accordance with, the provisions of this Act, stand transferred to, and vested in the Management Committee for the purposes of the Devasthan Trust so re-constituted under sub-section (1) and the Executive Officer shall, on behalf of the Committee, be entitled to their possession and management from that day.

(3) The Committee or Board of Trustees functioning in relation to the erstwhile trust immediately before the appointed day shall cease to function; and all its powers, duties, rights and privileges, if any, in relation to the erstwhile trust shall vest in the Management Committee of the Devasthan Trust.”

The said provision therefore makes it clear that on the appointed day, notwithstanding anything contained in the Public Trust Act or any other law for the time being in force, the provisions of Shingnapur Trust Act, 2018 would apply in respect of erstwhile Trust and the said Trust shall be reconstituted as provided under this Act. Together with Section 3 of the Shingnapur Trust Act, 2018, we must consider Section 5 of the Shingnapur Trust Act, 2018, which provides for constitution of Management Committee for Devasthan Trust. It gives power to the State Government to appoint Chairman, Vice-Chairman, Treasurer and not more than eight members to constitute the Committee for the purpose of

Management of the Devasthan Trust, which is called “Shree Shanaishwar Devasthan Trust Management Committee”. Sub-section (3) of Section 5 of the Shingnapur Trust Act, 2018 provides that the Committee shall be a body corporate by the name given under the Act having perpetual succession and a common seal. This Committee should be appointed by the State. In fact, without constituting the Committee simultaneously as contemplated under Section 5, the State Government ought not to have fixed an appointed day. There is absolutely no provision under the Act, which empowers the State to make a stop gap arrangement by making an appointment as Administrator of a person or authority for the management of the Trust till the Management Committee under the Act comes into force. This legal impediment ought to have been considered by the State Government. There is in fact no issue as regards declaring the appointed day or the day on which the Shingnapur Trust Act, 2018 to come into force, but what was the hurry for the State Government to appoint the Collector, Ahilyanagar as Administrator is a question. In other words, the State’s powers to appoint Administrator as a stop gap arrangement has been challenged. No doubt, Section 3 especially sub-section (1) and sub-section (3) of Shingnapur Trust Act, 2018 would have the effect of seizure of functions of the erstwhile Trust. Therefore, taking into consideration provisions of Section 3, the State Government ought to have made the

appointment of the necessary members of the Committee including the Chairman, Vice-Chairman etc. simultaneously with declaration of appointed day, then only it ought to have taken the step to declare the appointed day.

15. Section 36 of the Shingnapur Trust Act, 2018 makes a provision for appointment of Administrator by the State Government, however, if we consider sub-section (1) of Section 36 of the said Act, it would show that such appointment of the Administrator can be undertaken by the State Government if it is of the opinion that the Committee appointed under this Act (means the Committee appointed under Section 5 of the Act) is not competent to perform or makes persistent default in performing the duties imposed on it by or under this Act etc. Here, there is no Committee, appointed under Section 5 of the Shingnapur Trust Act, 2018. Therefore, the order of appointment of Collector, Ahilyanagar as Administrator on 22.09.2025 cannot be said to be under Section 36 of the said Act. Now, the learned AGP submits that Section 36 of the Shingnapur Trust Act, 2018 cannot be read in isolation, but it will have to be read with Section 44 and Section 48 of the Shingnapur Trust Act, 2018. Section 44 of the Shingnapur Trust Act, 2018 provides that the provisions of this Act shall have effect, notwithstanding anything contained in the

Public Trusts Act or any other law for the time being in force, or in any scheme of management framed thereunder before the appointed day or in any judgment, decree or order of any court, tribunal, Charity Commissioner or other Competent Authority or in any custom, usage or instrument. Thus, the Act has given overriding effect to other enactment and then Section 48 of the Act provides for removal of difficulties. It prescribes that if any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, as occasion arises, by an order published in the Official Gazette, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty. We do not agree with the said submission. Though Section 44 of the Shingnapur Trust Act, 2018 gives override effect, yet the fact remains is that there was no question of difficulty, which could have arisen on the day when the appointed day was to be declared. There is no affidavit filed on behalf of respondent No.1 i.e. the State to explain as to how difficulty had arisen. Even if for the sake of arguments it is accepted that there was a difficulty, then the State Government can pass such an order which is not inconsistent with the provisions of the Act. Here, the order that has been passed in the Official Gazette regarding appointment of Collector, Ahilyanagar as Administrator can be said to be inconsistent with the Act,

because there is no provision for making such appointment prior to the constitution of the Management Committee. We would reiterate that only Section 36 of the Shingnapur Trust Act, 2018 empowers the State Government to make an appointment of Administrator, but that power can be exercised only when the State Government comes to a conclusion that the Management Committee, which is appointed under Section 5 of the Act is not discharging its duties and there is persistent default in performing the same as contemplated under the said Act.

15-A. Even applying the doctrine of purposive construction, the outcome cannot be different. The purpose of the Act, as evident from its preamble, is to ensure better administration by a statutorily-constituted body. That purpose is advanced only when the mechanism contemplated by the legislature is faithfully implemented. The executive cannot invoke the purpose of the Act to justify a procedure that the Act itself does not permit. As held in **Reserve Bank of India vs. Peerless General Finance and Investment Co. Ltd. and Ors**, (1987) 1 SCC 424 the intention of the legislature must prevail over administrative convenience. Hence, the argument of administrative difficulty cannot enlarge or rewrite the statutory framework. In **Reserve Bank of India (Supra)**, it has been observed that :-

“33. Interpretation must depend on the text and the context. They are the bases of interpretation. One may well say if the text is the texture, context is what gives the colour. Neither can be ignored. Both are important. That interpretation is best which makes the textual interpretation match the contextual. A statute is best interpreted when we know why it was enacted. With this knowledge, the statute must be read, first as a whole and then section by section, clause by clause, phrase by phrase and word by word. If a statute is looked at, in the context of its enactment, with the glasses of the statute maker , provided by such context, its scheme, the sections, clauses, phrases and words may take colour and appear different than when the statute is looked at without the glasses provided by the context. With these glasses we must look at the Act as a whole and discover what each section, each clause, each phrase and each word is meant and designed to say as to fit into the scheme of the entire Act. No part of a statute and no word of a statute can be construed in isolation. Statutes have to be construed so that every word has a place and everything is in its place. It is by looking at the definition as a whole in the setting of the entire Act and by reference to what preceded the enactment and the reasons for it that the Court construed the expression 'Prize Chit' in Srinivasa and we find no reason to depart from the Court's construction.”

16. We agree to the submissions on behalf of the petitioner that there is no automatic cessation of the Committee constituted under the Maharashtra Public Trusts Act, unless there is constitution of the Committee as contemplated under Section 5 of the Shingnapur Trust Act,

2018. Sub-section (2) of Section 4 of the Shingnapur Trust Act, 2018 prescribes that on the appointed day, the property of erstwhile Trust would stand transferred to and vested in the Management Committee and Section 4 of the Shingnapur Trust Act, 2018 prescribes for transfer of possession of valuables and properties to the Trust. It gives directions to the Board of Trustees of the erstwhile Trust that it should handover the movable or immovable property of the erstwhile Trust etc. forthwith or within such longer period not exceeding thirty days as may be allowed by the Management Committee along with full inventory thereof to Executive Officer on behalf of the Management Committee. Here, there is no appointment of the Management committee, nor Executive Officer was appointed. Under such circumstance, it cannot be stated that everything was automatic after the appointment day was notified.

16-A. It must also be noted that the erstwhile Trust holds immovable and movable properties, donations and funds, all of which constitute 'property' within the meaning of Article 300A of the Constitution. Any divestment or compulsory transfer of such property can only be 'by authority of law'. The appointment of an Administrator, without statutory sanction and contrary to the scheme of Sections 3, 4 and 5 of the Act, results in a deprivation of control over property without

lawful authority. The Supreme Court has consistently held, including in **Jilubhai Nanbhai Khachar v. State of Gujarat**, [(1995) Supp (1) SCC 596] that executive instructions cannot constitute ‘law’ for the purpose of Article 300A. The Government Resolution dated 22.09.2025 therefore lacks constitutional legitimacy insofar as it seeks to displace the elected trustees and assume custody of Trust assets.

17. Now, as regards the reason, as has been stated by the State Government, as to why they rushed for declaration of appointed day and the reports of the learned Assistant Charity Commissioner, Joint Charity Commissioner and the action taken by the Charity Commissioner is concerned, we do not want to express our opinion in view of the fact that the action taken under Section 41D of the Maharashtra Public Trusts Act by the learned Charity Commissioner is still pending before him. Learned Additional Government Pleader made a statement that those proceedings would go on and even after the appointed day coming into force, those proceedings will not get extinguished automatically. Suffice it to say for us that even if there was any such mismanagement committed by the erstwhile Trust and if it was the fact which prompted the State Government to declare the appointed day, yet it ought to have given effect to the entire provisions of the Act. The State Government was not

expected to take action only under some provisions of the Act and would act even beyond the provisions to exercise the control over the Trust. Definitely, the purpose for which Shingnapur Trust Act, 2018 has been brought into force, as stated in the preamble, is to reconstitute a Public Trust registered under the name Shree Shanaishwar Devasthan at Shingnapur, District Ahilyanagar under the Maharashtra Public Trusts Act and to provide for better administration of Shree Shanaishwar Temple and control of the State Government on the Trust and for matters connected therewith or incidental thereto. Even in the preamble it is stated that complaints were received by the State Government regarding irregular management of the previous Board of Management which prompted it to have the separate law. The law was enacted in 2018, but for the reasons best known to the State Government, it was kept dormant and all of a sudden then the appointed day was declared without any preparation as contemplated under the Act and then it is stated that as a stop gap arrangement to look after the management of the Trust, the Collector, Ahilyanagar has been appointed as Administrator.

18. We are aware that the State Government has a power to bring into force a law, however, when such Act is brought into force, then the State Government, who has to give effect to all the provisions under the

Act, cannot travel beyond the same. The State Government, as per the Shingnapur Trust Act, 2018, has power to appoint those persons in the Management Committee i.e. Chairman, Vice-Chairman, Secretary and members, of whose number shall not exceed nine, as per its choice but for that purpose, there shall be rules, their qualifications should be prescribed. Though qualification for being member has been prescribed under Section 8 of the Shingnapur Trust Act, 2018, qualification of the Chairman has not been provided. Their allowances/honorarium are to be fixed as contemplated under Section 6 of the Shingnapur Trust Act, 2018. Section 46 of the Shingnapur Trust Act, 2018 prescribes that the State Government by Notification in the Official Gazette may make rules to carry out the purposes of the Act. Section 47 of the Act gives power to the Committee to make regulations not inconsistent with the Act. No such procedure has been adhered to and directly without there being any power under the Shingnapur Trust Act, 2018, the Collector, Ahilyanagar appears to have been appointed as Administrator.

19. We would place reliance on the observations of the Coordinate Bench decision of this Court in **Sachin Gopal Bhanage Vs. The State of Maharashtra and others**, [Public Interest Litigation No.102 of 2016 with companion matters decided on 29.11.2017], wherein after

taking note of the decision in **Gazula Dasaratha Rama Rao Vs. State of Andhra Pradesh and Ors.**, [AIR 1961 SC 564], it has been observed “when such is the principle laid down by the judgment of the Hon’ble Supreme Court of India, then it goes without saying that the mandate of Article 14 of the Constitution of India has to be fulfilled and every state of action has to be informed by reason and ought to be fair, transparent and non-discriminatory.” Note has also been taken of the decision in **State of Punjab and another Vs. Brijeshwar Singh Chahal and another**, [2016 (6) SCC 1], wherein after following **Kumari Shrilekha Vidyarthi Vs. State of Uttar Pradesh** [AIR 1991 537] the propositions were summed up. Here, we are giving only relevant propositions taking into consideration the fact that they relate to the law, which reads as under :-

“41. To sum up, the following propositions are legally unexceptionable:

41.1. The Government and so also all public bodies are trustees of the power vested in them.

41.2. Discharge of the trust reposed in them in the best possible manner is their primary duty.

41.3. The power to engage, employ or recruit servants, agents, advisors and representatives must like any other power be exercised in a fair, reasonable, non- discriminatory and objective manner.

41.4. The duty to act in a fair, reasonable, non-discriminatory

and objective manner is a facet of the Rule of Law in a constitutional democracy like ours.

41.5. An action that is arbitrary has no place in a polity governed by Rule of Law apart from being offensive to the equality clause guaranteed by Article 14 of the Constitution of India

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41.10.

41.11. Appointments made in an arbitrary fashion, without any transparent method of selection or for political considerations will be amenable to judicial review and liable to be quashed.

41.12. Judicial review of any such appointments will, however, be limited to examining whether the process is affected by any illegality, irregularity or perversity/irrationality. The Court exercising the power of judicial review will not sit in appeal to reassess the merit of the candidates, so long as the method of appointment adopted by the competent authority does not suffer from any infirmity.”

Therefore, we are of the view that power of judicial review can be exercised in the present case also.

19-A. Apart from the statutory inconsistencies noted hereinabove, the action of the State Government also falls foul of the constitutional

guarantee under Article 14 of the Constitution of India. As held in **E.P. Royappa v. State of Tamil Nadu**, (1974) 4 SCC 3 and reiterated in **Maneka Gandhi v. Union of India**, (1978) 1 SCC 248, arbitrariness is the very antithesis of equality. When a statute prescribes the precise manner in which transition of management must occur, the executive cannot selectively apply portions of the Act and bypass the mandatory requirement of constituting a Management Committee under Section 5. The declaration of the appointed day and the simultaneous appointment of an Administrator, without adherence to the statutory pre-conditions, is neither transparent nor rational. The exercise of power is thus vulnerable on the touchstone of Article 14, being arbitrary, unguided and inconsistent with the rule of law.

19-B. The scheme of the Shingnapur Trust Act, 2018 manifests a deliberate legislative choice to entrust management of the Trust to a duly constituted Management Committee and not to any executive authority. Once the legislature has occupied the field, the executive cannot, under Article 162, create an alternative administrative mechanism. The Supreme Court in **State of Bihar v. Project Uchcha Vidya, Sikshak Sangh**, (2006) 2 SCC 545 and in **DDA v. Joint Action Committee**, (2008) 2 SCC 672 has emphasized that the executive cannot exercise a power that the statute

does not confer. The appointment of the Collector as Administrator, without the existence of a Committee whose failure could trigger Section 36, amounts to executive legislation - an exercise clearly impermissible within our constitutional framework.

20. Learned Advocate Mr. Talekar has rightly relied on the decisions in **Raghunath Rai (Supra)** and **B. Premanand (Supra)**, wherein it has been held that when there is no ambiguity and the words of the statute are absolutely clear, then there is no scope for importing any other rule or it can be the reason for exercise of inherent powers by the State. In every matter, the State has no unequivocal power to interfere. Even for its interference, the enactment should provide for such interference, which is absent in the present Shingnapur Trust Act, 2018. The ratio laid down in **Marathwada University Vs. Seshrao Balwant Rao Chavan, [(1989) 3 SCC 132]** is squarely applicable here, which prescribes that when the Act prescribes a particular body to exercise a power, it must be exercised only by that body. It cannot be exercised by others unless it is delegated and the law also provide for such delegation. Similar is the ratio in Coordinate Bench decision in **Eknath Bayaji Gadkari Vs. Union of India, [2009 SCC OnLine Bom.1642]** and **S. Kuldeep Singh Vs. S. Prithpal Singh, [(2023) 19 SCC 609]**.

21. Now, when we have arrived at the conclusion that the State Government had no power to appoint Collector, Ahilyanagar as Administrator under the Shingnapur Trust Act, 2018, it is obvious that the events those are contemplated under Section 3 of the Shingnapur Trust Act, 2018 cannot be said to have been come into force or come into existence. As per the affidavit of Mr. Pankaj Ashiya, the Collector, Ahilyanagar/Administrator of the Devasthan, he has taken the charge of the Trust on 27.09.2025. Now, he is relying on the letter given by the office Superintendent of erstwhile Trust to him, which is produced at Exhibit-“R-1”. Important point to be noted is that Section 3 of the Shingnapur Trust Act, 2018 contemplates that Board of Trustees should handover all the properties whether movable or immovable and Section 4 of the said Act as aforesaid regulates it. Even time till thirty days can be given by the Management Committee for such handing over and there shall be inventory for the same. Now, it appears that some panchanama has been drawn regarding sealing the office, proceeding record room, account department etc. between 12.30 p.m. to 1.50 p.m. on 27.01.2025. Here, the said panchanama does not bear the signature of Mr. Pankaj Ashiya, Collector, Ahilyanagar and immediately on 30.09.2025, the Collector, without any authority, has appointed the Committee and he has

not quoted any reason or power given to him by the State Government to appoint such a Committee. Therefore, the order issued by respondent No.2, Collector/Administrator on 30.09.2025 will have to be held to be illegal. Even Section 36 of the Shingnapur Trust Act, 2018 does not empower Administrator to appoint a Committee to assist him. Now, Mr. Atul Chormare, who has been designated as Chief Executive Officer in the Committee appointed by respondent No.2 has filed his affidavit on behalf of respondent No.3. No doubt, the Committee members have also been made as respondents. He then states that after he and the Committee was appointed, the panchanama was drawn and the charge was taken even before this Court passed the order on 04.10.2025 of maintaining *status quo* as on today. It will not be out of place to mention here that the matter was taken up on 04.10.2025 by this Court and after considering the submissions on behalf of both the sides, we have observed that “Now, it is a disputed question of fact as to whether the charge has been taken or not. It can be considered at a later point of time when the matter would be heard taking into consideration the questions about the legality of the action of the State has been raised and, therefore, we direct maintaining *status quo* as on today.” Now, we are coming at a conclusion that the action taken by the State Government of appointing the Collector, Ahilyanagar as Administrator by Government Resolution dated

22.09.2025 is illegal and, therefore, the acts done by the Administrator and the Committee Constituted by him without any authority are illegal and, therefore, *status quo ante* is required to be granted. It will have to be held that the possession of the Trust property has not been taken as contemplated under the Act i.e. as per Sections 3 and 4 of the Shingnapur Trust act, 2018 and the position prior to the issuance of Government Resolution dated 22.09.2025 regarding appointment of Collector, Ahilyanagar as Administrator, deserves to be restored.

22. We reiterate that the Government was within its power to declare the appointed day, however, without establishing a Committee under Section 5 of the Shingnapur Trust Act, 2018, it could not have proceeded to take action of taking the possession of the properties of the erstwhile Trust.

22-A. Before parting, we deem it appropriate to observe that the effectiveness of the Shingnapur Trust Act, 2018 requires timely framing of rules under Section 46 and regulations under Section 47. These subordinate legislative measures are essential for transparent appointment of the Management Committee, qualification standards, operational protocols, and financial accountability. We expect the State Government to complete the rule-making process with due expedition so that the

statutory mandate is operationalised in its entirety. We, therefore, proceed to pass the following order :-

ORDER

- I) The Writ Petition is hereby partly allowed.
- II) The Government Resolution dated 22.09.2025, issued by the Law and Judiciary Department, Mantralaya, Mumbai, appointing the Collector, Ahilyanagar as Administrator on Shree Shanaishwar Devasthan Trust at Shingnapur, Ahilyanagar, stands quashed and set aside.
- III) The communication dated 30.09.2025 issued by the Collector, Ahilyanagar in the capacity as Administrator of Shree Shanaishwar Devasthan Trust at Shingnapur, District Ahilyanagar, stands quashed and set aside.
- IV) *Status quo ante* be maintained. The Collector, Ahilyanagar and/or the Committee appointed by him by communication dated 30.09.2025 to handover the movable and immovable properties of the Trust to the erstwhile Trust within a period of seven (07) days from today.
- V) The State Government is at liberty to take steps as contemplated under the Shingnapur Trust Act, 2018, after framing rules.

VI) Till the appropriate steps are taken by State Government under the Shingnapur Trust Act, 2018, the erstwhile Trust should operate the Bank Account.

VII) Civil Application No.12131 of 2025 and Civil Application No.12385 of 2025 stand disposed of.

VIII) Rule is made absolute in the above terms.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

LATER ON :-

. Learned AGP, after the pronouncement of the order, requests that the *status quo* as on today be maintained for about eight weeks.

2. Here, it is to be noted that when we had granted *status quo* by order dated 04.10.2025, it was mentioned that we were not inclined to go into the question of fact as to whether the charge has been taken or not, but it can be considered at later point of time when the matter would be heard taking into consideration the question about the legality about the action of the State Government. Now, after considering the submissions from both sides, we have come to the conclusion that the appointment of Collector as Administrator by the State Government is illegal and the so

called taking of charge from the Executive Superintendent of the Trust and not by the trustees of the erstwhile trust by way of panchanama is also illegal. In that situation, we cannot allow the illegality to go on and, therefore, the request on behalf of the State Government stands rejected.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm