



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

974 PUBLIC INTEREST LITIGATION NO.15 OF 2020

SANJAY BHASKARRAO KALE  
VERSUS  
THE UNION OF INDIA AND OTHERS

...

Ms. Pradnya S. Talekar i/by Talekar And Associates, Advocate for the petitioner.

Mr. D.R. Kale, Government Pleader for Respondents State

Mr. A. N. Patale, Advocate for respondent Nos. 1 and 2

Mr. S.V. Munde, Advocate for respondent No.8.

CORAM : RAVINDRA V. GHUGE &  
Y. G. KHOBRAGADE, JJ.

DATE : 3rd August, 2023

**ORDER:**

1. We have heard the submissions of the learned Advocates for the respective sides and the learned Government Pleader on behalf of the State.

2. After an extensive hearing and on perusing the various records available before us, we need to express that the core issue in this PIL with regard to the security system would be that, the Holy Shrine of Shree Saibaba Sansthan at Shirdi is protected to the hilt and a fool-proof security system is put in place so as to meet any **'threat perception'** and or any untoward incident of whatsoever magnitude. The security system should be in all readiness, to such an extent that if any untoward incident occurs in the nature of a terrorist attack or a

blast or crime, etc., the security system should be able to combat such situation. In short, the security system should not be of such nature that if any such incident occurs, they would have to frantically seek additional police force or external assistance.

3. We find that all historical sites which are under the Archaeological Survey of India, are covered by the CISF. The learned Advocates are unable to inform us as to the exact nature of the security system at the Tirumala Tirupati Devasthan, though the petitioner has done quite an amount of research and has placed before us the documents which indicate that the Tirumala Tirupati Devasthan was contemplating deployment of security system with the assistance of the security system operated in Israel. The documents placed before us also indicates that the security of the Konark Sun Temple has been placed under CISF and even the Bodh Gaya historical site is covered by the CISF.

4. The learned GP submits on the basis of the report 'X-3' that the Committee is of the view that the Maharashtra State Security Corporation (MSSC) would be capable of protecting Shree Saibaba Sansthan and no outside agency would be required. We notice from 'X-3' that the said Corporation has been recruiting fresh personnel and is giving them 'police like' training. The petitioner submits that the issue is of ensuring a strong and capable security system which can combat

even a terrorist attack. This will not be possible if the personnel is selected from the public who and is then trained 'police like' and deployed under a fanciful impression that they are as well trained as are the personnel from the CISF.

5. Before arriving at any conclusion, we are of the view that information needs to be collected from the Tirumala Tirupati Devasthan since it is considered to be the largest religious site considering the largest footfall and Shree Saibaba Sansthan is considered to be the second most visited site.

6. It appears from the documents placed before us that from 2012 onwards and even in 2017, the Shirdi Sansthan had insisted on CISF deployment which is a para military force. However, at the relevant time, the CISF had expressed it's inability. The situation has now changed, as is visible from the affidavit filed by the Commandant of CISF Unit, ISP Nashik dated 1<sup>st</sup> October, 2022, wherein, it is stated in paragraph No.26, 27 and 28 that if the cost reimbursement basis principle is accepted by the Sansthan, the CISF can be deployed with the approval of the Ministry of Home Affairs (MHA).

7. As such, in order to be well informed, we direct the learned Registrar (Administration) of this Court to contact the learned Register General of the High Court of Andhra Pradesh so as to collect first hand information from the Trust/ Management of Tirumala Tirupati

Devasthan with regard to the security system deployed. We must be informed of the entire details of the security system that is deployed, save and except, such information, which could be termed as being confidential/classified and cannot be shared.

8. List this petition on 31<sup>st</sup> August, 2023.

( Y. G. KHOBRAGADE, J. )

( RAVINDRA V. GHUGE, J. )

JPChavan