

क्रमांक..... 1122 / 2026 .....

1. नमोदाय आयुक्त भवन,

२ रा मजला, सास्मिरा इन्डस्ट्र,

सास्मिरा मार्ग, वरळी,

मुंबई - ४०० ०१०.

Judicial Branch  
04 MAR 2026

**OFFICE OF THE CHARITY COMMISSIONER, MAHARASHTRA  
STATE, MUMBAI.**

**Reference -**

- (1) Directions issued by Hon'ble High Court of Bombay, Bench at Aurangabad in Writ Petition No. 12746 of 2024 on January 07, 2025.
- (2) Sections 3, 19, 22, 22A and 79 of the Maharashtra Public Trusts Act.
- (3) Rules 7 and 7A of the Maharashtra Public Trusts Rules, 1951.

**CIRCULAR No. 624 DATED 04-03-2026**

**Introduction :-**

In the case of "Shri Chayya Narayanbua Gosavi v/s. Shri Sudhir Ramnath Chormale", Writ Petition No. 12746 of 2024, Hon'ble High Court of Bombay, Bench at Aurangabad observed that while granting certificate of registration of the Trust if the orders accepting any property to be the Trust property are passed in a casual manner, prejudice, irreparable loss and injustice would be caused to the owners of the property or person having interest therein. Hon'ble Court also expressed the fear that unattended properties can be usurped by disgruntled persons with the aid of the provisions of the Maharashtra Public Trusts (MPT) Act. Hon'ble Court, in the judgment dated 7<sup>th</sup> January 2025, ordered the Charity Commissioner, Maharashtra State to issue appropriate directions to all Assistant and Deputy Charity Commissioners to scrupulously follow the procedure of inquiry as

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contemplated by MPT Act and Rules made under the Act before accepting any property to be the Trust property. In compliance thereof, the following directions and instructions are issued -

**Directions and Instructions :-**

- (1) Upon receipt of an application for the registration of the public Trust, the Deputy or Assistant Charity Commissioner shall make an inquiry under Section 19 of the MPT Act.
- (2) An inquiry under section 19 of the MPT Act contemplates an inquiry for ascertaining, amongst other things, whether any property is the property of such Trust.
- (3) An inquiry under or for the purposes of section 19 of the MPT Act is to be made in the manner laid down in Rule 7 of the Maharashtra Public Trusts Rules, 1951 (MPT Rules).
- (4) Rule 7A of the MPT Rules mandates giving of public notice in making an inquiry under section 19 of the MPT Act, for calling upon all concerned persons to submit their objections, if any.
- (5) During inquiry, the Deputy or Assistant Charity Commissioner shall, by an order, cause the notice to be given in one or more local newspapers having wide circulation in the area where the property is



situated as well as where the Trust is being registered. While passing the final order, the concerned Deputy or Assistant Charity Commissioner should record a finding in respect of service of notice by such publication in widely circulated newspaper. Else, it would be regarded as non-compliance of the relevant rules, as held by Hon'ble High Court in the above referred case.

- (6) When the revenue record or other relevant documents available on the file indicates existence of the right of any person in the property presented as the Trust property, it is mandatory for the concerned Deputy or Assistant Charity Commissioner to issue notice to such person. This notice is in addition to the notice published in the widely circulated newspaper. Any default or omission in this regard shall, as per the judgment referred above, be treated as non-compliance of Rule 7A of the MPT Rules.
- (7) The Deputy or Assistant Charity Commissioner shall also issue a notice to the person who appears to be in occupation or possession of the property stated to be the Trust property. This notice is in addition to the notice published in the widely circulated newspaper.
- (8) All the Authorities functioning under the MPT Act should bear in mind that the purpose of issuance of notice to the person concerned is to enable the said Authorities to decide whether any property is the

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property of the Trust. It will ensure that the property of third party is not shown as the Trust property. As held by Hon'ble High Court, this does not involve decision of title of any property, if in dispute, but it certainly enables the Authority to satisfy itself that the property claimed by the Trust is in fact the Trust property.

- (9) Contention that a particular property is the Trust property should not be accepted merely on the basis of an affidavit, but the concerned Deputy or Assistant Charity Commissioner must ask for the documents of title as well as revenue record of such property. Any default or omission on this count would amount to non-compliance of the requisite procedure of mandatory nature.
- (10) It is the bounden duty of the concerned Deputy or Assistant Charity Commissioner to inquire whether the property is of the Trust. This does not involve any decision of title.
- (11) The procedure mentioned hereinabove shall be followed while deciding change report filed under section 22 of the MPT Act for taking a particular property on Register of Public Trust as well as making further inquiry under section 22A of the MPT Act.

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declaration whether the said property is owned by 'X' or by 'Y' or by 'Z'.

- (16) Where as a result of an inquiry conducted under or for the purposes of section 79 of the MPT Act, the Deputy or Assistant Charity Commissioner decides that a particular property is not the property of a public Trust, he shall order that such property be deleted from the Register of the said Public Trust.

This Circular is issued in compliance with the directions issued by the Hon'ble High Court of Bombay in the case referred above, and in exercise of the powers available to the Charity Commissioner under section 3 of the MPT Act and Rule 7 of the MPT Rules. It is directed that all the concerned Authorities shall scrupulously follow the directions and instructions hereby issued.

Date : 04-03-2026  
Place : Mumbai

  
(Amogh S. Kaloti)  
Charity Commissioner,  
Maharashtra State, Mumbai.

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