

ATUL

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 144 OF 2016**

The Administrator General	...Petitioner
<i>And</i>	
Smt. Sumati H. Pradhan	...Deceased

Mr. U.S. Upadhyay, AGP (OS) for the Petitioner, State.

**CORAM: G.S. PATEL, J
DATED: 16th December 2016**

PC:-

1. This is a Petition filed by the Administrator General of Maharashtra under Section 10 of the Administrators General Act, 1963. The facts are not in dispute. The Administrator General received a letter dated 3rd September 2016 from the Senior Inspector of Police, Vakola Police Station, requesting him to take action in respect of Flat No. 6, 1st Floor, Vishwashanti Cooperative Housing Society Limited, Prabhat Colony, Santacruz (East), Mumbai 400 055. It seems that this was a flat owned and occupied by Smt. Sumati H. Pradhan. After her husband died, she was living in this flat alone.

2. Before I proceed further, I must note at this stage that there is a pending Writ Petition No. 448 of 2015 (WP (L) No. 65 of 2015)

filed in this Court by the Society and its office bearers. The State of Maharashtra, Principal Secretary (Cooperation), Commissioner of Police, The Senior Inspector, Vakola Police Station and one Vibgyor Homes are the five Respondents to this Writ Petition. The Writ Petition makes it clear that what is being sought by the Administrator General is not only entirely true but there is a reason why the Vakola Police sealed Flat No. 6. Smt. Sumati died on 9th January 1991. She had no heirs. It seems that her death was noticed only when people found that there was a foul odour emanating from this flat. This is when the Senior Inspector of Vakola Police Station took charge of the flat. In its Writ Petition, with which I am not concerned, the Society has sought an order that the Police be directed to remove that lock.

3. In the meantime, the Police wrote to the Administrator General as I have noted. The Vakola Police Station's letter of 3rd September 2016 is on record as Exhibit "A" with its translation at Exhibit "A1". The Petition before me notes that the value of the flat is beyond Rs. 10 lakhs. Exhibit "B" to the present Petition is a short list. The only item mentioned in that list is this particular flat.

4. The Petition correctly notes that the Administrator General is required under Section 10 to take charge of the estate and thereafter to issue a notice as provided in Rule 5. There is no impediment to the grant of relief.

5. The Petition is made absolute in terms of prayer clauses (b), (b-1) and (c). No order as to costs.

6. Prayer (a) is that Writ Petition No. 448 of 2016 be tagged with the present Miscellaneous Petition. That is obviously not a relief that I can grant. The Writ Petition may be placed separately. A copy of this order should be placed before the Court to which the Writ Petition is assigned.

(G. S. PATEL, J.)