

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

MISCELLANEOUS PETITION NO.162 OF 2016

The Administrator General, Maharashtra StatePetitioner

V/s.

Mr. Barsati Sumai Kevat @ Barsati Somai KevatDeceased

Mr. U.S. Upadhyay, AGP for the petitioner.

CORAM : K.R.SHRIRAM,J

DATE : 4th JANUARY, 2017

P.C.:-

1 The petition has been filed by the Administrator General of Maharashtra under Section 10 of the Administrators General Act, 1963. The Administrator General received a letter dated 26th September, 2016 from the Senior Inspector of Police, Dadar Police Station, Mumbai requesting to take possession of residential room of the deceased – Shri Barsati Sumai Kevat (the deceased). According to the Police, the deceased was found dead at his residence on 9th September, 2016 and since none of his relatives were available, the Police made Panchnama and collected Adhar Card, Electricity Bill and Share Certificate of Shree Sai Siddhi Building and recorded the same in their register under no.190/16 and they further kept the dead body at Sion Corpse House.

2 According to the Police, on 17th September, 2016 one Santram Kayar Nishad and one Dharmendra Barsati Nishad came to the Police Station claiming to be the nephew and son of the deceased. There is a dispute between them with regards to the residential room no.812 of the deceased situated on the 8th floor of Sai Siddhi Building, Garage Lane, Dadar, Mumbai – 400 028.

3 It is stated in the petition that these two persons did not submit any document in support of their claim. According to the Police, in the presence of Society's Secretary they have handed over the articles of one Tabrej Munir Patel, who was residing in room no.812 and sealed the said premises. Since there is a dispute with regards to the said residential room no.812 amongst the persons claiming to be relatives of the deceased, the said room be taken in possession for further legal action. It is also stated in the petition that the value of the said premises is more than Rs.10 lakhs and the petitioner apprehends that in the absence of proper administration of the properties mentioned in the Schedule annexed to the petition, in which item no.1 is the said premises and item no.2 is articles and assets, if any, that would come to the knowledge of the petitioner, the properties would be subjected to theft, waste, damage, trespass, loss,

misappropriation, misuse, etc.

4 The Administrator General has accordingly sought leave from the court to collect and take possession of the entire estate of the deceased as reflected in the Schedule of property at Exhibit 'B' to the petition and/or that may be found hereinafter and to administer the same under the provisions of Section 10 and other provisions of Administrators General Act, 1963. The Administrator General, in accordance with the provisions of the Administrator General Rules, 1970, shall have to issue a notice as provided in Rule 5. The Administrator General shall now proceed to exercise his powers, in accordance with law, including the Rules.

5 The petition is made absolute in terms of prayer clauses – (a), (b) and (c).

(K.R.SHRIRAM,J)