

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO. 404 OF 2025

Narayana Panchapikesan Iyer alias N.P. Iyer
alias Narayan P. Ayyar .. Deceased

The Administrator General, Maharashtra State .. Petitioner

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• Mr. Prashant Kamble, AGP for Petitioner.

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CORAM : MILIND N. JADHAV, J.
DATE : OCTOBER 3, 2025.

P.C.:

1. Heard Mr. Kamble, learned AGP for Petitioner.
2. Present Petition is filed under Section 10 of the Administrator General Act 1963, for short (“**said Act**”) wherein Petitioner is praying for a direction from this Court to collect the entire estate of the Deceased Narayana Panchapikesan Iyer alias N.P. Iyer alias Narayan P. Ayyar (for short “**deceased**”) as reflected in the Schedule at Exhibit ‘Q’ appended to page No. 202 of Petition.

Briefly stated, deceased was the sole owner of Room No. 1685 in Kalyan Ashirwad Co-operative Society Limited, Kalyan (for short “**Society**”) along with Share Certificate No.17 containing 5 shares bearing numbers 81 to 85 in Society without nominee. On 07.11.2003, deceased expired and one of his relatives performed last

rights and rituals also put a lock on Room No. 1685, left the premises and no one has returned till date. The Society addressed letter dated 21.04.2021 to Petitioner asking Petitioner to take custody / possession of Room No. 1685 belonging to deceased hereinabove as no legal heir has addressed any correspondence to Society with respect to the said Room No.1685.

2.1. On 13.07.2021, in accordance with the provisions of Section 83(1) of Maharashtra Police Act 1861, Petitioner addressed letter to Senior Police Inspector Mahatma, Phule Chowk Police Station, Kalyan seeking enquiry and panchanama into the demise and estate of deceased. However Petitioner was informed that deceased's address lay within the jurisdiction of Khadakpada Police Station hence on 25.08.2021. Hence Petitioner addressed letter to Senior Police Inspector of aforementioned police station seeking enquiry and panchanama into the demise and estate of deceased.

2.2. On 07.03.2022, Society addressed letter to Petitioner seeking NOC on behalf of deceased for purpose of redevelopment pf Society and on 29.03.2022, Petitioner replied to aforementioned letter stating that no NOC could be given as Petitioner had not taken possession of estate of deceased. On 19.04.2022, Society published Public Notice in "Indian Express" English newspaper and "Loksatta" Marathi newspaper inviting claims from heirs and legal representatives

of deceased to estate of the deceased however no response was received by Society. On 22.07.2022, 14.09.2022 and 14.07.2023 Petitioner addressed number of letters to Senior Police Inspector Khadakpada Police Station following up on enquiry and panchanama into demise and estate of deceased. On 30.07.2023, Senior Police Inspector Khadakpada Police Station sent all statements, panchanama recorded. On 05.03.2024, Society addressed another letter to Petitioner seeking grant of NOC for redevelopment hence Petitioner filed present Petition.

3. It is seen that Petitioner is the Administrator General constituted under Section 10 of the said Act and possess powers to collect and hold assets of deceased persons where there is a danger of misappropriation, deterioration or waste of said assets. Section 10 of the said Act is reproduced hereinbelow for ease of reference:-

“10. Power of Administrator-General to collect and hold assets where immediate action is required.—(1) Whenever any person has died leaving assets within any State exceeding rupees [ten lakhs] in value, and the High Court for that State is satisfied that there is imminent danger of misappropriation, deterioration or waste of such assets, requiring immediate action, the High Court may, upon the application of the Administrator-General or of any person interested in such assets or in the due administration thereof, forthwith direct the Administrator-General—

(a) to collect and take possession of such assets, and

(b) to hold, deposit, realise, sell or invest the same according to the directions of the High Court, and, in default of any such directions, according to the provisions of this Act so far as the same are applicable to such assets.

(2) Any order of the High Court under sub-section (1) shall entitle the Administrator-General—

- (a) to maintain any suit or proceeding for the recovery of such assets;*
- (b) if he thinks fit, to apply for letters of administration of the estate of such deceased person;*
- (c) to retain out of the assets of the estate any fees chargeable under rules made under this Act; and*
- (d) to reimburse himself for all payments made by him in respect of such assets which a private administrator might lawfully have made”*

4. It is seen that, when deceased expired, his his flat being Room No.1685 was locked by his relative but since then there is no claim has been laid upon the flat despite the Society inviting claims from the public at large. It is seen that Petitioner has followed the due procedure of law by contacting jurisdictional police station to conduct inquiry so as to ascertain position of Room No.1685. It is seen that and inquiry report along with panchanamas and C.D containing video of Room No. 1685 and it is seen that none of the possessions of deceased are disturbed. The inquiry report, panchanamas and CD are dispatched to Petitioner and are found at Exhibit ‘O’ appended to page No. 183 of Petition. Schedule of assets of deceased is at Exhibit ‘P’ appended to page No. 199 of Petition.

5. In the circumstances, there is no impediment to allow the Petitioner to collect and take possession of the estate of deceased as prayed for and administer the same in accordance with law.

6. In view of the above, there can be no impediment in allowing the Petition. Misc. Petition is allowed and disposed of in terms

of prayer clauses 'a', 'b' and 'c' which read thus:-

"a) To collect and take possession of the entire estate of the Deceased Shri Narayana Panchapikesan Iyer alias N.P. Iyer alias Narayan P. Ayyar as reflected in the Schedule of property and credits at Exhibit "Q" hereto and/or that may be found hereinafter and to hold and administer the same under the provision of Section 10 and other enabling Provisions of the Administrators General Act, 1963 as amended by the (Maharashtra) Act No. 12 of 2002,

b) For cost and incidental expenses to be Petition to be paid out of the Estate of the said Deceased"

c) To grant liberty to the Petitioner to apply further as and when required"

7. Misc. Petition is allowed and disposed subject to compliance of office objections, if any, forthwith which shall be allowed by the Department.

[MILIND N. JADHAV, J.]

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