

OD -3

ORDER SHEET

WPO No.2606 of 2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SHAHNAWAZ ALI & ORS.
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 26th September, 2022.

Appearance:

Ms. Sharmistha China, Adv.
..for the petitioners.

Mr. Biswajit Mukherjee, Adv.
Ms. Manisha Nath, Adv.
..for KMC.

The Court:- The petitioners' grievance is that the property in question, i.e, 76, Linton Street, Police Station-Beniapukur, Kolkata-700 014, ought not to be incorporated in the list of thika properties maintained by the Kolkata Municipal Corporation. The petitioners submit that the property was never declared as a thika property.

The Controller, Kolkata Thika Tenancy has not been impleaded as a party in the present writ petition.

Learned advocate representing the Kolkata Municipal Corporation submits that the records maintained in the office of the Kolkata Municipal Corporation mentions that the property is a thika property. The property at 76, Linton Street, Police Station-Beniapukur, Kolkata-700 014, has been re-

numbered with the hutment number which indicates that the property is a thika property. Initially, the same happened to be recorded as 'bustee'.

If the petitioners are aggrieved with the recording of the property as thika, then the petitioners ought to apply before the Thika Controller for relief.

The Kolkata Municipal Corporation will not be the appropriate authority to adjudicate whether the property in question is a thika property or not.

In view of the above, no relief can be granted to the petitioners in the instant writ petition. The writ petition fails and is hereby dismissed.

Document from the Assessment-Collection Department of the Kolkata Municipal Corporation in respect of the property in question handed over by the learned advocate representing the Kolkata Municipal Corporation in Court be retained with the records.

Urgent photostat certified copy of this, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)