

124
14.12.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 17 of 2023

**Subhra Kalwani Mukherjee
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Dhiman Ray,
Mr. Dip Chanda.
...For the Petitioner.**

**Mr. Piyali Sengupta,
Ms. Manisha Nath.
...For KMC.**

The petitioner is aggrieved by the act of the Kolkata Municipal Corporation Act, 1980 in recording the property standing at premises no. 19, Ahiritolla Street, Kolkata-700005 as thika property.

It appears from the documents annexed to the writ petition that the Controller, Kolkata Thika Tenancy accepted that there are two thika tenants in respect of the said property.

The petitioner seeks cancellation of the Assessee number which has been generated in the name of the tenants in respect of the selfsame property.

Learned advocate appearing for the Kolkata Municipal Corporation submits that the recording of thika has been made relying upon the communication made by the Enquiring Officer, Kolkata Thika Tenancy on 3rd June, 2019.

It appears from the submissions made on behalf of the parties and upon perusal of the materials on record that the Assessor Collector, Kolkata Municipal Corporation may not be the competent authority to decide whether the property is thika or not. The Assessor Collector has merely relied upon the information supplied by the Controller of Thika tenancy and recorded the property as thika.

In the event the petitioner is aggrieved by the recording of the property as thika, the petitioner ought to approach the appropriate forum for relief.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)