



REGISTERED POST WITH A/D.
HAND DELIVERY
AFFIXATION ON PROPERTY

**ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(Erstwhile KOLKATA PORT TRUST)**

(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971-Central Act)
Public Premises (Eviction of Unauthorized Occupant) Act 1971

OFFICE OF THE ESTATE OFFICER

6, Fairlie Place (1st Floor)

KOLKATA - 700 001

Court Room At the 1st Floor
of SMPK's
Fairlie Warehouse
6, Fairlie Place, Kolkata- 700 001.

REASONED ORDER NO. 11 DT 02.05.2023
PROCEEDINGS NO. 490/L of 2004

**SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(Erstwhile Board of Trustees' for the Port of Kolkata)**

-Vs-

Sri Santosh Jadav

&

Sri Raju Chowhan

F O R M - "B"

**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Sri Santosh Jadav & Sri Raju Chowhan, residing at Qrs. No. 1, Block No.21, Hide Road Mazdoor Line, P.S.: S.P.P.S, Kolkata-700023** is in unauthorized occupation of the Public Premises specified in the Schedule below :

REASONS

- 1) That no reply to the Show Cause notice is filed by O.P.
- 2) That nothing has been shown in support of O.P's occupation into the public premises.
- 3) That no evidence has been laid to support the possession of O.P. as "authorized possession/ occupation".
- 4) That mere occupation into the quarters for a certain period without any authority for such occupation cannot create any right over the property in question.
- 5) That O.P's occupation is unauthorized in all respect and O.P has failed to make out any case in support of his occupation.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



(2)

A copy of the reasoned order No. 11 dated 02.05.2023 is attached hereto which also forms a part of the reasons.

NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said **Sri Santosh Jadav & Sri Raju Chowhan, residing at Qrs. No. 1, Block No.21, Hide Road Mazdoor Line, P.S.: S.P.P.S, Kolkata-700023** and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above the said **Sri Santosh Jadav & Sri Raju Chowhan, residing at Qrs. No. 1, Block No.21, Hide Road Mazdoor Line, P.S.: S.P.P.S, Kolkata-700023** and all other persons concerned are liable to be evicted from the said premises, if need be, by the use of such force as may be necessary.

SCHEDULE

Quarters No.1, Block No.21 at Hide Road Mazdoor Line , P.S: S.P.P.S, Kolkata-700023 is-butted and bounded in the manner as follows :

On the North by : 21/12, Hide Road Mazdoor Line;
On the South by : 20/12, Hide Road Mazdoor Line.
On the East by : 21/2, Hide Road Mazdoor Line
On the West by : ---Road---

Date-03.05.2023

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT


Signature & Seal of the
Estate Officer.

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

03/05/23
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

SERVICE TO SYAMA PRASAD MOOKERJEE PORT, KOLKATA (ERSTWHILE KOLKATA PORT TRUST) THROUGH THE LABOUR ADVISOR & INDUSTRIAL RELATION OFFICER, SYAMA PRASAD MOOKERJEE PORT KOLKATA FOR INFORMATION.



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 490/L of 2004 Order Sheet No. 09

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
SRI SANTOSH JADAV & SRI RAJU CHOWHAN.

11
02.05.2023

FINAL ORDER

The matter is taken up today for final disposal. It is the case of Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust/KoPT], hereinafter referred to as SMPK, Applicant herein, that Quarter No.1, Block No. 21 at Hide Road Mazdoor Line, P.S. South Port Police Station, Kolkata-700023 was under the lock and key of SMPK since 13.11.2000. However, one **Sri Santosh Jadav** (hereinafter referred to as **O.P.**), forcibly occupied said Quarter by breaking open SMPK's padlock on or about 29.11.2000 and since then the O.P was living unauthorisedly in the said quarter/ public premises as an unauthorised occupant. It is further the case of SMPK that on a recent inspection it has been found that the said quarter is presently being unauthorisedly occupied by one **Sri Raju Chowhan**, who is a rank outsider into the quarter/public premises in question.

This Forum formed its opinion to proceed against both O.P. and the rank outsider by issuing the Show Cause Notice dated 22.08.2022 (vide Order no 06 dated 18.08.2022) for adjudication of the prayer of eviction, under the relevant provisions of **Public Premises (Eviction of Unauthorized Occupants) Act, 1971** (hereinafter referred to as '**the Act**') and the Rules made thereunder. The O.P. and the rank outsider both were called upon as per the relevant provisions of the Act and the Rules made thereunder to appear before this forum in person or through authorized representative/s, capable of answering all material questions connected with the matter, along with the evidence which the O.P.s intends to produce in support of their case.

The said Notice was sent through 'Speed Post' to the Quarter address of the O.P., however, the notice was

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
[Signature] 03/05/23
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 490/L Of 2004 Order Sheet No. 10

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Sri SANTOSH JADAV VS Sri RAJU CHOWHAN.

11
02.05.2023

dated 25.08.2022 intimating that the service of the notice has not been effected due to refusal of Sitting Occupant. However, such Notice was affixed on the property in question, as per the mandate of the Act, as it appears from the said report of Process Server dated 25.08.2022. In spite of such efforts, the appearance of O.P. or other person interested in the property could not be procured and the efforts remained futile. Following the principles of natural justice, further attempt was made to serve such notice in terms of Order dated 01.09.2022 both by Speed Post/hand delivery. Although the Postal communication again returned undelivered to the Forum however, the report of 'Process Server' dated 21.09.2022 depicts that such order was personally served upon the person residing in the premises and affixation was also made on the subject quarter in question as per the mandate of the P.P Act.

In spite of such efforts, as nobody appeared before me with any authority to stay into the quarter in question. Considered the report of the Process Server dated 21.09.2022 regarding service and affixation of Show Cause Notice u/s 4 of the Act on the property in question. I am satisfied with the service of notice to all concerned. No reply to the Show Cause Notice u/s 4 of the Act dated 18.08.2022 on behalf of either O.P. or any person interested in the property has been filed. As such, I have nothing to disbelieve the statements made against the O.P. and other person interested in the property by the Port Authority. In fact, I am left with no other alternative but to issue order of eviction as prayed for on behalf of the Port Authority on the following grounds/reasons.

By Order of:
**THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT**

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
[Signature] 02/05/23
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 490/L Of 2004 Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

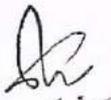
Sri SANTOSH JADAV & Sri RAJU CHOWHAN

11
12.05.2023

3. That mere occupation into the quarters for a period without any authority for such occupation cannot create any right over the property in question.
4. That both the O.P's occupation is unauthorized in all respect and both the O.P's have failed to make out any case in support of their occupation.

ACCORDINGLY, Department is directed to draw up formal order of eviction u/s. 5 of the Act and Rules made thereunder against O.P., giving 15 days time to all to vacate the said Quarter/ public premises. I make it clear that all the occupants of the quarters in question whoever may be in occupation are liable to be evicted by this order and Port Authority is entitled to claim damages for unauthorized use and occupation of the public premises upto the date of recovery of possession in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND & SEAL


(A.K Das)
ESTATE OFFICER.

***ALL EXHIBITS AND DOCUMENTS
ARE REQUIRED TO BE TAKEN BACK
WITHIN ONE MONTH FROM THE DATE
OF PASSING OF THIS ORDER***

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER