

o/e

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

THE ESTATE OFFICER, 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  
15, STRAND ROAD  
(4<sup>th</sup> Floor)  
KOLKATA - 700 001  
\*\*\*\*\*

Court Room At the 2<sup>nd</sup> Floor  
of Kolkata Port Trust's  
Head Office, Old Buildings  
15, Strand Road, Kolkata- 700 001.

REASONED ORDER NO. 09 DT 01.08.2018  
PROCEEDINGS NO. 1592 OF 2017

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

**Shri Sachida Nand Singh (O.P.)**

18227

**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 **Shri Sachida Nand Singh, of 131, Chittaranjan Avenue, Kolkata 700007** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**REASONS**

- 1) That O.P. has failed to appear before this Forum and failed to file reply to the Show Cause Notice/s under the Act inspite of sufficient chances given.
- 2) That O.P. has violated the condition of tenancy under monthly term lease, as granted by the Port Authority, by way of unjustified delay in payment of rent and taxes, to the Port Authority.
- 3) That O.P./any other person on behalf of O.P. have failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 4) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances being provided.
- 5) That the notice to quit dated 04.06.1987 as served upon O.P. by the Port Authority is valid, lawful and binding upon the parties and O.P's occupation, and that of any other occupant of the premises, has become unauthorised in view of Section 2(g) of the P.P Act.
- 6) That O.P. is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

Please see on reverse

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A copy of the reasoned order No. 09 DT 01.08.2018 is attached hereto which also forms a part of the reasons.

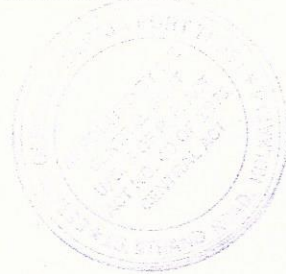
NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said **Shri Sachida Nand Singh, of 131, Chittaranjan Avenue, Kolkata 700007** and all persons who may be in occupation 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 **Shri Sachida Nand Singh, of 131, Chittaranjan Avenue, Kolkata 700007** 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

The said piece or parcel of land Msg. about 13.75 Sq.m or thereabouts situated at PTR siding No. 6, Shalimar, Howrah, Shibpur, Thana : Shibpur, Dist. & Regn. Dist.: Howrah. It is bounded On the North by the Trustees' land occupied by M/s. Universal Steel corporation, On the East by the Trustees' land occupied by M/s. Universal Steel Corporation, On the South by the Trustees' strip of open land used as Railway margin of safety alongside Railway siding No. 6 and On the West by the Trustees' open land then Trustees' land occupied by M/s. Gyan Trading Co.

Trustees' means the Board of Trustees for the Port of Kolkata.

Dated: 01.08.2018



  
Signature & Seal of the  
Estate Officer.

**COPY FORWARDED TO THE ESTATE MANAGER/CHIEF LAW OFFICER,  
KOLKATA PORT TRUST FOR INFORMATION.**



## Estate Officer, Kolkata Port Trust

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

Proceedings No. 1592 Of 2017 Order Sheet No. 09

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Sachidanand Singh <sup>VS</sup>

09  
01-08-2018

#### FINAL ORDER

The matter is taken up today for final disposal. It is the case of Kolkata Port Trust (KoPT), applicant herein, that a monthly term lease was granted to Shri Sachida Nand Singh, O.P. herein, in respect of KoPT's land measuring 13.75 sqm situated at PTR Siding no. 6, Shalimar, Howrah comprised under occupation No. HL-485/1, being the Public Premises in question, on certain terms and conditions and that said O.P. violated the conditions of grant of tenancy by way of not making payment of rental dues, carrying out unauthorised construction in the public premises in question, parting with possession in favour of rank outsiders, and also encroaching into the Trustees' property alongwith change of purpose of tenancy. It is strongly argued on behalf of KoPT that the O.P. has no authority under law to occupy the public premises after expiry of the period as mentioned in the notice to quit dated 04.06.1987 and O.P. is liable to pay damages for wrongful use and occupation of the Port property upto the date of handing over of vacant possession of the same.

This Forum issued Show Cause notice under Section 4 of the Act (for adjudication of the prayer for issuance of Order of Eviction etc.) and Show Cause Notice/s under 7 of the Act (for adjudication of the prayer for recovery of arrears of rent, damages, interest etc) all dated 20.12.2017.

OFFICE OF THE  
ESTATE OFFICER  
KOLKATA PORT TRUST

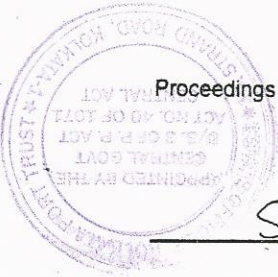
Verified copy of the Order  
issued by the Estate Officer  
Kolkata Port Trust

02 3/8/18  
Head Assistant  
Office of the Ld. Estate Officer  
KOLKATA PORT TRUST

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# Estate Officer, Kolkata Port Trust

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



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## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

SHRI SACHIDANAND SINGH  
VS  
SHRI SACHIDANAND SINGH

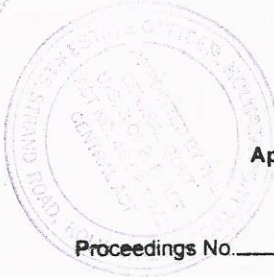
09  
01/08/2018

It reveals from record that the Notice/s sent through Registered Post was returned undelivered with the endorsement "insufficient address". It is reported by the Process Server vide report dated 27.12.2017 that the O.P. was not found at the recorded address. It is however confirmed by the Process Server that the Notice/s have been affixed on the property in question, as per mandate of the Act. This Forum granted several opportunities for effecting service on O.P. but every time it was reported by the Process Server that O.P. was not found at the address. I have gone through Process Server's Report dated 07.03.2018 as well. In my view, as per the Rules framed under the P.P. Act, 1971, affixation on property is due service of Notice on the O.P. as well as on anybody else interested in the property in question. I take note of the fact that nobody appeared before this Forum despite numerous opportunities, and as such, I am inclined to proceed ex-parte against the O.P.

I have carefully considered all the documents placed before me. As regards encroachment, parting with possession, unauthorized construction and change of purpose, it is seen that no evidence has been led by KoPT, and as such it is very difficult to believe these allegations against the O.P. However, the contention of default in payment of rent and taxes appear to have merit. It is seen from the statement of accounts (maintained by the statutory authority in official

NOTED  
THE ESTATE OFFICER  
KOLKATA PORT TRUST  
Certified copy of the Order  
issued by the Estate Officer  
Kolkata Port Trust  
3/8/18  
Head Assistant  
of the Lt. Estate L.  
KOLKATA PORT TRUST

Q



## Estate Officer, Kolkata Port Trust

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

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### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Shri Sachidanand Singh.

09  
01.08.2018

course of business) that the rental dues were satisfied by the O.P. quite late, for instance, rent for the month of August 1983 (bill date 31.08.1983, with due date 09.12.1983) was satisfied by the O.P. as late as 22.06.1987, and so on. In my view, this is a clear breach of the terms and conditions governing the lease. The offer letter dated 02.02.1972 of KoPT (which was accepted by O.P. vide its letter dated 03.02.1972) envisages time bound satisfaction of the rent and taxes. In fact, a monthly lease like the one granted to the O.P. continues on the strength of full and time bound satisfaction of rent. The moment O.P. delays to pay the rent, there is no scope for automatic monthly renewal of the tenancy. Such a tenancy is to be determined immediately by service of appropriate Notice. As such, I do not find anything irregular or illegal on the part of KoPT. In my view, KoPT's Notice to Quit dated 04.06.1987 is very much pertinent and binding upon the parties in question, duly served on O.P. as per records. Thus, I have no hesitation in upholding the said Notice to Quit and declaring the occupation of the O.P. as "unauthorized" within the meaning of Sec. 2 (g) of the P.P. act, 1971.

In view of the circumstances, being satisfied as above, I am left with no other alternative but to issue the Order of Eviction against O.P., as prayed for on behalf of KoPT, on the following grounds/reasons:-

ESTATE OFFICER  
KOLKATA PORT TRUST

Verified copy of the Order  
Passed by the Estate Officer  
Kolkata Port Trust

023/8/18  
Head Assistant  
Estate Officer  
Kolkata Port Trust

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# Estate Officer, Kolkata Port Trust

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



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## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Sachidanand Singh <sup>VS</sup>

09  
01-08-2018

- 1) That O.P. has failed to appear before this Forum and failed to file reply to the Show Cause Notice/s under the Act inspite of sufficient chances being given.
- 2) That O.P. has violated the condition of tenancy under monthly term lease, as granted by the Port Authority, by way of unjustified delay in payment of rent and taxes, to the Port Authority.
- 3) That O.P./any other person on behalf of O.P. have failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 4) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances being provided.
- 5) That the notice to quit dated 04.06.1987 as served upon O.P. by the Port Authority is valid, lawful and binding upon the parties and O.P.'s occupation, and that of any other occupant of the premises, has become unauthorised in view of Section 2(g) of the P.P Act.
- 6) That O.P. is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

ESTATE OFFICER  
KOLKATA PORT TRUST

certified copy of the Order  
issued by the Estate Officer  
Kolkata Port Trust

3/8/18

Head Assistant  
Estate Officer  
Kolkata Port Trust

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## Estate Officer, Kolkata Port Trust

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

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### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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01.08.2018

ACCORDINGLY, I sign the formal order of eviction u/s. 5 of the Act as per Rule made there-under, giving 15 days' time to O.P., and any person/s whoever may be in occupation, to vacate the premises. I make it clear that all person/s, whoever may be in occupation, are liable to be evicted by this order and the Port Authority is entitled to claim damages for unauthorized use and enjoyment of the property against O.P., in accordance with the canons of Law till the date of unencumbered recovery of possession of the same. KoPT is directed to submit a comprehensive status report of the Public Premises in question on inspection of the property after expiry of the 15 days as aforesaid, so that necessary action can be taken for execution of the order of eviction u/s 5 of the Act, as per Rule made under the Act.

As regards KoPT's claim for arrears of rent and taxes, it appears to me that nothing is due from the O.P. at present. As such, I am not inclined to pass any order for recovery of arrears of rent. Similarly, I am not inclined to assess the damages at this stage as the Notice u/s 7(2) was issued only for a particular period whereas the O.P. is liable to pay damages for unauthorized use and enjoyment of the property right upto the date of handing over of possession of the public premises to KoPT. As such, the damages are to be assessed later, upon issuance of fresh Notice u/s 7(2) of the Act by this Forum, at the appropriate time. KoPT is directed to submit a report regarding its claim

ESTATE OFFICER  
KOLKATA PORT TRUST

Certified copy of the Order  
Passed by the Estate Officer  
Kolkata Port Trust

3/8/18  
Estate Officer

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# Estate Officer, Kolkata Port Trust

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

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on account of damages against O.P., indicating there-in, the details of the computation of such damages with the rate of charges so claimed for the respective periods (including the date of taking over of possession) for my consideration in order to assess the damages as per the Act and the Rules made thereunder.

I make it clear that in the event of failure on the part of O.P. or any other occupier to comply with this Order as aforesaid, Port Authority is entitled to proceed further for recovery of possession in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

  
(S. SINHA)

ESTATE OFFICER

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

ESTATE OFFICER  
KOLKATA PORT TRUST

Received copy of the Order  
passed by the Estate Officer  
Kolkata Port Trust

3/5/18

Head Assistant  
Office of the E.O. Kolkata Port Trust