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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  
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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.7 DT.02.08.2018  
PROCEEDINGS NO.1589/L OF 2017

BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
-Vs-  
Shri Ram Avatar Jeswara & Ors.

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 Ram Avatar Jeswara & Ors., Quarters being No. 5 & 6, Block No. C, at Taratala New Colony Mazdoor Line, P.S. Taratala, Kolkata – 700 088** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**REASONS**

- i) That you have failed to file reply to the Show Cause Notice u/s 4 of the Act inspite of repeated chances.
- ii) That you have failed to bear any witness or adduce any evidence in support of his occupation as “Authorized Occupation” inspite of opportunities.
- iii) That nothing has been shown in support of your occupation as “authorised occupation”.
- iv) That you are occupying the Public Premises without having any authority under law.
- v) That your occupation is unauthorized in all respect and you have failed to make out any case in support of your occupation.

Verified copy of the Order  
issued by the Estate Officer  
Kolkata Port Trust  
02/08/18  
Head Assistant  
of the Ld. Estate Officer  
KOLKATA PORT TRUST

Please see on reverse



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A copy of the Reasoned Order No 7 DATED 02.08.2018 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 Ram Avatar Jeswara & Ors., Quarters being No. 5 & 6, Block No. C, at Taratala New Colony Mazdoor Line, P.S. Taratala, Kolkata – 700 088** 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 **Shri Ram Avatar Jeswara & Ors., Quarters being No. 5 & 6, Block No. C, at Taratala New Colony Mazdoor Line, P.S. Taratala, Kolkata – 700 088** 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.

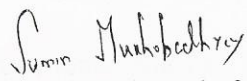
#### SCHEDULE

Quarters being No. 5 & 6, Block No. C, at Taratala New Colony Mazdoor Line, P.S. Taratala, Kolkata – 700 088 which is butted and bounded in the manner as follows:

On the North by Vacant Land, On the South by Block No. G at Taratala Colony(New) Mazdoor Line, On the East by Quarters No. C-7 & 8 at Taratala Colony(New) Mazdoor Line and On the West by Block No. B at Taratala Colony (New) Mazdoor Line .

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

Dated: 02.08.2018

  
Signature & Seal of the  
Estate Officer.

**COPY FORWARDED TO THE SR. PERSONNEL OFFICER( LA & IRO)/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. 1589/2 Of 2017 Order Sheet No. 45

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Ram Avatar Jeswara & ors. <sup>VS</sup>

### FINAL ORDER

07  
02.8.2018

It transpires from record that several opportunity was granted to O.P. to surrender the subject quarter to the authorized representative of KoPT, but O.P. failed to honour his commitment to surrender the subject quarter to the officials of KoPT. As such, I have nothing to disbelieve the statement made against O.P. 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.

1. That you have failed to file reply to the Show Cause Notice u/s 4 of the Act inspite of repeated chances.
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 has failed to hand over clear vacant and unencumbered possession of the subject quarter

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 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



# Estate Officer, Kolkata Port Trust

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(Eviction of Unauthorised Occupants) Act 1971

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## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Ram Avatar Jeywarajathun. <sup>VS</sup>

07  
02.8.18.

and KoPT 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

*Suman Mukhopadhyay*  
(SUMAN MUKHOPADHYAY)  
ESTATE OFFICER

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