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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
1st Floor, 6, Fairlie Place Warehouse
Kolkata-700001

Court Room at
Fairlie Warehouse,
6, Fairlie Place, 1st floor,
Kolkata- 700 001.

REASONED ORDER No.7 DT 17.04.2019
PROCEEDINGS NO.1677/L OF 2018

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

Shri Abdul Gaffar and 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 Abdul Gaffar and his family members, Quarters No. : 25 & 26 at Block No. : L, 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.

Please see on reverse



:: 2 ::

A copy of the Reasoned Order No 7 DT.17.04.2019 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 that **Shri Abdul Gaffar and his family members, Quarters No. : 25 & 26 at Block No. : L, 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 Abdul Gaffar and his family members, Quarters No. : 25 & 26 at Block No. : L, 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.

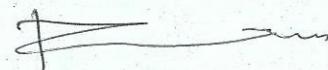
SCHEDULE

Quarters No. : 25 & 26 at Block No. : L, 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 Trustee's Vacant Land then 'H' Block, On the South by Block No. 'N' at Taratala Colony (New) Mazdoor Line, On the East by Block No. 'K' at Taratala Colony (New) Mazdoor Line and On the West by Quarters No. 27 & 28 of 'L' Block at Taratala Colony New Mazdoor Line.

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

Dated: 17.04.2019


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. 1677/2 Of 2018 Order Sheet No. 05


BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Abdul Gaffar VS
and his family Members

06
10.04.2019

Present: Swapan Kumar Naskar
Kolkata Port Trust (KoPT)
Abdul Gaffar, O.P.

O.P. appears and again prays for 1 month time to vacate the subject quarter. Heard the prayer and is rejected. Let the Final order be reserved. All concerned are directed to at accordingly.


(P. Mukhopadhyay)
ESTATE OFFICER.

FINAL ORDER

It seen that O.P. last appeared on 08.02.2019 and prayed for time to surrender the subject quarter on or before 08.03.2019 to the competent authority of KoPT. But O.P. not only failed to appear before this Forum but also 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 nothing has been shown in support of O.P's occupation into the public premises.
2. That no evidence has been laid to support the possession of O.P. as "authorized possession/occupation".
3. 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.

BY ORDER OF
THE ESTATE OFFICER
KOLKATA PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
18.04.2019
HEAD ASSISTANT
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST



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. 1677/L Of 2018 Order Sheet No. - 06 -

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sheri Abdul Gaffar and his family Members
VS

07
17.04.2019

4. 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 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

(PABITRA MUKHOPADHYAY)
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
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST

HEAD ASSISTANT
OFFICE OF THE LD. ESTATE OFFICER
KOLKATA PORT TRUST