

**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  
1<sup>st</sup> Floor, 6, Fairlie Place Warehouse,  
Kolkata-700001  
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Court Room At the 1<sup>st</sup> Floor  
6, Fairlie Place Warehouse  
Kolkata- 700 001.

REASONED ORDER NO. 03 DT16.09.20019  
PROCEEDINGS NO.1709 OF 2019

BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
-Vs-  
Shri Shyam Singh & 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 Shyam Singh & Ors, OF 100, Cowies Ghat Road, Shibpur, Howrah-2 AND Also at Village- Haldi, New Kutir Post Office, Thana: Haldi, District: Ballia, Uttar Pradesh** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**REASONS**

1. That O.P. failed to submit its reply to the Show Cause Notice u/s.4 and 7 of the Act in spite of repeated chances.
2. That O.P. failed to bear any witness or adduce any evidence in support of its occupation into the public premises in spite of repeated chances.
3. That O.P. has violated the condition of tenancy under lease as granted by the Port authority by way of unauthorised parting with possession of the Public Premises.
4. That in gross violation of the condition of tenancy as granted by the Port Authority, O.P. failed and neglected to pay the rental dues to KoPT.
5. That O.P. parted with possession of the public premises unauthorizedly without having any authority under law.
6. That O.P. encroached upon Trustees' land without having any authority under law.
7. That the Notice to quit dated 10.02.2011, demanding possession from O.P. as issued by the Port Authority is valid, lawful and binding upon the parties.

PLEASE SEE ON REVERSE

8. That O.P's occupation has become unauthorised in view of Sec.2(g) of the P.P. Act and O.P. is liable to pay damages for wrongful use and enjoyment of the Port Property in question upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.
9. That O.P's occupation into the public premises is wrongful on and from 01.03.2011 and O.P. is liable to pay damages/compensation for such unauthorized use and occupation of the public premises upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

A copy of the reasoned order No. 03 dated 16.09.2019 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 **Shri Shyam Singh & Ors, OF 100, Cowies Ghat Road, Shibpur, Howrah-2 AND Also at Village- Haldi, New Kutir Post Office, Thana: Haldi, District: Ballia, Uttar Pradesh** 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 **Shri Shyam Singh & Ors, OF 100, Cowies Ghat Road, Shibpur, Howrah-2 AND Also at Village- Haldi, New Kutir Post Office, Thana: Haldi, District: Ballia, Uttar Pradesh** 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 9.29 sqm or thereabouts is situate at Shibpur, P.S.- Shibpur, Dist. and Registration District- Howrah. It is bounded on the North & South by the Trustees' open land, on the East by the Trustees' strip of open land beyond which is their drain and on the West by Foreshore Road.

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

Dated: 17.09.2019



Signature & Seal of the  
Estate Officer.

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

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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)  
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Court Room At the 1<sup>st</sup> Floor  
6, Fairlie Place Warehouse

Form "E"

PROCEEDINGS NO.1709/R OF 2019  
ORDER NO. 03 DATED: 16.09.2019

Form of order under Sub-section (1) and (2A) of Section 7 of the Public  
Premises (Eviction of Unauthorised Occupants) Act, 1971

To  
Shri Shyam Singh,  
Shri Prabhu Singh &  
Shri Sambhu Singh,  
100, Cowies Ghat Road,  
Shibpur, Howrah-2  
And Also At  
Village- Haldi,  
New Kutir Post Office,  
Thana: Haldi,  
Dist.: Ballia.  
Uttar Pradesh.

WHEREAS you are in occupation of the public premises described in the  
Schedule below. (Please see on reverse).

AND WHEREAS, by written notice dated 09.04.2019 you were called upon  
to show cause on/or before 23.04.2019 why an order requiring you to pay a  
sum of Rs. 43,692.78/- (Rupees Forty Three Thousand Six Hundred Ninety  
Two and Seventy Eight paise only.) being the rent payable for Plate No. HL-  
231/1 and Rs. 25,857.23/- (Twenty Five Thousand Eight Hundred Fifty Seven  
and Twenty Three paise only) being the rent payable for Plate No. SF-150/9  
together with compound interest in respect of the said premises should not be  
made;

And whereas you have failed to represent the instant proceedings  
inspite of repeated chances being given to you and therefore no evidence have  
been produced by you in support of your case.

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of  
Section 7 of the Public Premises(Eviction of Unauthorised Occupants) Act  
1971, I hereby require you to pay the sum of Rs. 69,550.01/- (Rupees Sixty  
Nine Thousand Five Hundred Fifty and one Paise only.) for the period  
31.03.1980 to 28.02.2011 (both days inclusive) to Kolkata Port Trust by  
30.09.2019

PLEASE SEE ON REVERSE

In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay simple interest @ 7 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) payable from the date of incurrance of liability, on the above sum till its final payment being the current rate of interest as per the Interest Act, 1978.


In case the said sum is not paid within the said period or in the said manner, it will be recovered as arrears of land revenue through the Collector.

**SCHEDULE**

The said piece or parcel of land Msg. about 9.29 sqm or thereabouts is situate at Shibpur, P.S.- Shibpur, Dist. and Registration District- Howrah. It is bounded on the North & South by the Trustees' open land, on the East by the Trustees' strip of open land beyond which is their drain and on the West by Foreshore Road.

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

Dated: 17.09.2019

  
Signature and seal of the

Estate Officer

REGISTERED POST WITH A/D.  
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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  
1<sup>st</sup> Floor, 6, Fairlie Place Warehouse,  
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\*\*\*\*\*

Form G

Court Room At the 1<sup>st</sup> Floor  
6, Fairlie Place Warehouse  
Kolkata- 700 001.

REASONED ORDER NO. 03 DT 16.09.2019  
PROCEEDINGS NO.1709/D OF 2019

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

**Shri Shyam Singh & Ors**

Form of order under Sub-section (2) and (2A) of Section 7 of the Public  
Premises (Eviction of Unauthorised Occupants) Act, 1971

To  
Shri Shyam Singh,  
Shri Prabhu Singh &  
Shri Sambhu Singh,  
100, Cowies Ghat Road,  
Shibpur, Howrah-2.  
And Also At  
Village- Haldi,  
New Kutir Post Office,  
Thana: Haldi,  
Dist.: Ballia.  
Uttar Pradesh.

Whereas I, the undersigned, am satisfied that you are in  
unauthorised occupation of the public premises mentioned in the Schedule  
below:

And whereas by written notice dated 09.04.2019 you were called upon to  
show cause on/or before 23.04.2019 why an order requiring you to pay  
damages of sum of Rs. 63,059.00/- (Rupees Sixty Three Thousand and Fifty  
Nine only.) for Plate No. HL-231/1 and Rs. 35,055.00/- (Thirty Five Thousand  
and Fifty Five only) for Plate No. SF-150/9 together with compound interest for  
unauthorised use and occupation of the said premises, should not be made.

And whereas you have failed to represent the instant proceedings inspite of  
repeated chances being given to you and therefore no evidence have been  
produced by you in support of your case.

PLEASE SEE ON REVERSE

Now, therefore, in exercise of the powers conferred on me by Sub-section (2) of Section 7 of the Public Premises(Eviction of Unauthorised Occupants) Act 1971, I hereby order you to pay the sum of Rs. 98,114.00/- (Rupees Nine Eight Thousand One Hundred and Fourteen only.) for the period 01.03.2011 to 31.05.2017 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust by 30.09.2019.

In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay simple interest @ 7% per annum on the above sum till its final payment being the current rate of interest as per the Interest Act, 1978.

In the event of your refusal or failure to pay the damages within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue.

### SCHEDULE

The said piece or parcel of land Msg. about 9.29 sqm or thereabouts is situate at Shibpur, P.S.- Shibpur, Dist. and Registration District- Howrah. It is bounded on the North & South by the Trustees' open land, on the East by the Trustees' strip of open land beyond which is their drain and on the West by Foreshore Road.

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

Dated: 17.09.2019



Signature and seal of the

Estate Officer

# 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. 1709, 1709/R, 1709/D of 2019 Order Sheet No. 05

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Shyam Singh & Others VS

(Plate no HL-231/1 & SF150/9)

### FINAL ORDER

03

16.09.2019

The matter is taken-up today for Final Disposal. It is the case of Kolkata Port Trust(KoPT) that Shri Shyam Singh, Shri Prabhu Singh and Shri Sambhu Singh (O.P's) came into occupation of the Port Property in question being land Msg. 9.29 Sq.m., situated at Shibpur Howrah, P.S. Shibpur, District and Registration District Howrah comprised under Plate No. HL-231/1 and SF-150/9 as short term lessee and thereafter violated the condition of tenancy by way of not paying rental dues to KoPT. It is also the case of KoPT that O.P. has unauthorisedly parted with possession to rank outsiders and have encroached upon Trustees land and therefore; O.P. is liable to pay damages for wrongful use and occupation of the Public Premises after expiry of the period as mentioned in the notice

to quit dated 10.02.2011 w.e.f 28.02.2011. It is argued that O.P. has lost its authority to occupy the Public Premises on and from 01.03.2011. This Forum of Law formed its opinion to proceed against O.P. and issued Show Cause Notice u/s 4 of the Act (for adjudication of the prayer for issuing order of eviction etc.) and Show Cause Notice u/s 7 of the Act (for adjudication of the prayer for recovery of arrear rental dues etc.) both dated 09.04.2019 as per Rule made under the Act. The Postal Acknowledgement returned undelivered. Perused the report of the Process Server dated 12.04.2019 regarding affixation of Show Cause notice/s on the property. The Notice/s was also received by one Sri Suresh Singh claiming to be the uncle of Shyam Singh(one of the O.P. herein). I am satisfied with the service of notice to all concerned. No one appears on behalf of O.P. with proper authority despite service of the Notice/s.

As no reply to the Show Cause Notice/s u/s 4 and 7 of the Act has been filed on behalf of O.P. inspite of repeated chances, I have no other alternative but to issue order of eviction against O.P. of the following grounds/reasons :

*(Handwritten mark)*

# 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. 1709, 1709/R, 1709/D of 2019 Order Sheet No. 06

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

(Plate no HL-231/1 & SF 150/9)

VS

Shri Shyam Singh & Others

03  
16.09.2019

1. That O.P. failed to submit its reply to the Show Cause Notice u/s.4 and 7 of the Act in spite of repeated chances.
2. That O.P. failed to bear any witness or adduce any evidence in support of its occupation into the public premises in spite of repeated chances.
3. That O.P. has violated the condition of tenancy under lease as granted by the Port authority by way of unauthorised parting with possession of the Public Premises.
4. That in gross violation of the condition of tenancy as granted by the Port Authority, O.P. failed and neglected to pay the rental dues to KoPT.
5. That O.P. parted with possession of the public premises unauthorizedly without having any authority under law.
6. That O.P. encroached upon Trustees' land without having any authority under law.
7. That the Notice to quit dated 10.02.2011, demanding possession from O.P. as issued by the Port Authority is valid, lawful and binding upon the parties.
8. That O.P.'s occupation has become unauthorised in view of Sec.2(g) of the P.P. Act and O.P. is liable to pay damages for wrongful use and enjoyment of the Port Property in question upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

ACCORDINGLY, Department is directed to draw up 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



# 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. 1709, 1709/R, 1709/D of 2019 Order Sheet No. 07

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Shyam Singh & Others VS (Plate no HL 231/1 & SF 150/9)

03

16.09.2019

damages for unauthorized use and enjoyment of the property against O.P. in accordance with Law up to the date of 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 could be taken for execution of the order of eviction u/s 5 of the Act as per Rule made under the Act.

Department is also directed to draw formal order for rent u/s.7 of the Act for Rs. 43,692.78/- for Plate No. HL-231/1 and Rs. 25,857.23/- for Plate No. SF-150/9 both for the period 31.03.1980 to 28.02.2011(both days inclusive), directing O.P. to pay the amount on or before 30.09.2019 and it is hereby ordered that O.P. shall make payment of the aforesaid sum to KoPT by 30.09.2019. In terms of Section 7 (2-A) of the PP Act, 1971, such dues attract simple interest @ 7 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) from the date of incurrance of liability, till the liquidation of the same, as per the adjustment of payments, if any made so far by O.P., in terms of KoPT's books of accounts. I sign the formal order u/s 7 (1) & (2-A) of the Act. I make it clear that in the event of failure on the part of O.P. to pay the amount to KoPT as aforesaid, Port Authority is entitled to proceed further for recovery of its claim in accordance with law.

In my opinion KoPT's claim for damages upto 31.05.2017 for Rs. 63,059/- against Plate No. HL-231/1 and Rs. 35,055/- against Plate No. SF-150/9 (excluding interest for delayed payment) for wrongful occupation may be payable by O.P. as it is gathered in course of hearing that the charges so claimed by KoPT is on the basis of the Schedule of Rent Charges published under the Authority of Law as per provisions of the Major Port Trusts Act 1963. In course of hearing, I find that KoPT has made out an arguable claim against O.P., founded with sound reasoning. I make it clear that Kolkata Port Trust is entitled to claim damages against O.P. for unauthorized use and

# 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. 1709, 1709/R, 1709/D of 2019 Order Sheet No. 08

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Shri Shyam Singh & Others

(Plate no. HL-231/1 & SF 150/9)

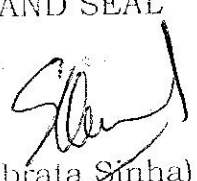
03

16.09.2019

occupation of the public premises upto the date of recovery of clear, vacant and unencumbered possession of the same in accordance with Law and KoPT is entitled to claim interest upon dues/charges right from the date of incurrance of liability by O.P. as per KoPT's Rule.

NOW THEREFORE, I hereby assess the damages payable by the O.P. for wrongful and unauthorised occupation of the public premises in question, for the period 01.03.2011 to 31.05.2017 as Rs 98,114/- (principal amount). In terms of Section 7 (2-A) of the PP Act, 1971, such dues attract simple interest @ 7 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) from the date of incurrance of liability, till the liquidation of the same, as per the adjustment of payments, if any made so far by O.P., in terms of KoPT's books of accounts. I sign the formal order u/s 7 (1) & (2-A) of the Act. I make it clear that in the event of failure on the part of O.P. to pay the amount to KoPT as aforesaid, Port Authority is entitled to proceed further for recovery of its claim in accordance with law.

GIVEN UNDER MY HAND AND SEAL

  
(Satyabrata Sinha)  
ESTATE OFFICER

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