

REGISTERED WITH A/D
HAND DELIVERY / AFFIXATION ON PROPERTY

THE ESTATE OFFICER

**(APPOINTED BY THE CENTRAL GOVERNMENT IN EXERCISE OF THE
POWERS CONFERRED BY SECTION 3 OF THE PUBLIC PREMISES
EVICTION OF UNAUTHORISED OCCUPANTS ACT 1971 -40 OF 1971).**

Office of The Estate Officer
Kolkata Port Trust
6, Fairlie Place Warehouse office 1st Floor
Kolkata - 700001

Proceedings & No. 1762 of 2019
Order No. 1 Dated 24.9.19
Board of Trustees' of the Port of Kolkata
-Vs-

M/s. The Andaman Public Works Department

To

M/S The Andaman Public Works Department,
Andaman Nicobar Administration,
Nirman Bhavan,
Port Blair.

AND

I.S.S.D., Andaman P.W.D.
2nd, M.S. Hostel Building, 5th Floor,
Q.No. S-9, Nizam Palace Complex,
234/4, A.J.C Bose Road,
Kolkata- 700 020

AND ALSO AT

'A' Shed Jagganath Ghat Warehouse,
Strand Bank Road, Kolkata.

AND ANY PERSON/S INTERESTED
ON THE PROPERTY UNDER SCHEDULE

Whereas I, the under signed, am of opinion on the grounds specified below that you are in unauthorised occupation of the public premises mentioned in the schedule below and that you should be evicted from said premises.

GROUND

THAT YOU HAVE VIOLATED THE FUNDAMENTAL CONDITION FOR GRANT OF LICENCE IN RESPECT OF PUBLIC PREMISES BY KOLKATA PORT TRUST (KOPT). THAT YOU HAVE FAILED AND NEGLECTED TO HAND OVER POSSESSION VIDE NOTICE OF REVOCATION OF LICENCE DATED 17.06.2019 AS SERVED UPON YOU BY KOPT. THAT YOU HAVE LOST YOUR AUTHORITY WHATSOEVER TO OCCUPY THE PUBLIC PREMISES AFTER EXPIRY OF THE PERIOD AS MENTIONED IN THE SAID NOTICE OF REVOCATION OF LICENCE DATED 17.06.2019. AS SUCH YOU ARE A WRONGFUL OCCUPANT OF THE PREMISES IN QUESTION AND ARE LIABLE TO BE EVICTED FROM THE PUBLIC PREMISES. THAT THE SUBJECT PREMISES WAS GUTTED BY FIRE ON 08.06.2019 AND THE SAID PREMISES REQUIRES IMMEDIATE DEMOLITION TO AVOID ANY UNTOWARD EVENTUALITY. THAT YOUR OCCUPATION TO SUCH PREMISES EXPOSES HIGH RISK THAT IS NOW POSED TO BOTH LIFE AND PROPERTY AT AND WITHIN THE VICINITY OF THE BUILDING. THE APPLICATION FROM KOPT BEARING NO. LND. 5468/19/1709 DATED 09.08.2019 ALSO FORMS A PART OF THE GROUNDS.

PLEASE SEE ON REVERSE

Now, therefore in pursuance of Sub-Section (1) of Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, I hereby call upon you to show cause on or before 15.10.19 why such an order of eviction should not be made.

And in pursuance of Clause (b) (ii) of Sub-Section 2 of Section 4, I also call upon you to appear before me in person or through the duly authorised representative capable to answer all material questions connected with the matter along with the evidence which you intend to produce in support of the cause shown on 15.10.19 at 11 AM. for personal hearing. In case you fail to appear on the said date and time, the case would be decided exparte.

SCHEDULE OF THE PUBLIC PREMISES
REFERRED TO ABOVE

Godown space msg.195 Sq.m of thereabouts and under Plate No. AJ-4 at Kolkata Port Trust's A Shed, Jagannath Ghat Warehouse within the Presidency Town of Kolkata under North Port Police Station butted and bounded by KoPT's vacant godown space of 'A' shed Jagannath Ghat in the North, by Strand Bank Road in the East by vacant godown space of 'A' shed Jagannath Ghat in the South and by River Hooghly in the West.

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

DATE 25.9.19




ESTATE OFFICER

SERVICE TO THE KOLKATA PORT TRUST THROUGH ESTATE
MANAGER, Ko.P.T. AT 15, STRAND ROAD, KOLKATA- 700001.

26/10/19



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. 1762 Of 2019 Order Sheet No. 1

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

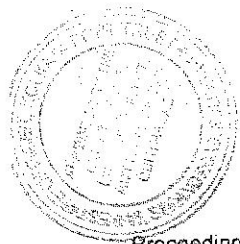
VS
M/s The Andaman Public Works Department

01
24.09.2019

Record is put up today on the basis of application bearing No.Lnd,5468/19/1709 dated 09.08.2019 received by this Forum on 13.08.2019 filed by KoPT. It transpires from such application dated 09.08.2019 of KoPT that O.P. came into occupation of the Port Property being land measuring about 195 sq.mtrs. situated at "A" shed Jagannath Ghat Warehouse in the presidency town of Kolkata (under Plate No AJ-4) as a Licensee for 11 months term i.e upto 30.04.2018 and thereafter O.P's occupation was unauthorised from 01.05.2018. It is submitted that O.P. has no authority under law to occupy the public premises after issuance of vacation Notice dated 17.06.2019 and was required to hand over the possession of the property in question to KoPT as required under the vacation Notice. My attention is drawn that the cause of action arises upon failure on the part of the O.P. to hand over possession in terms of the said notice dated 17.06.2019 as duly served upon O.P and this is well-within the jurisdiction of the Office of the Estate Officer. It is also submitted that abovementioned property was severely damaged by fire on 08.06.2019. KoPT in its original application has submitted that the fire-damaged structure was inspected both by its in-house structural engineering team and that of Kolkata Municipal Corporation. Both suggested immediate demolition of the structure given the present precarious state of the building as its present condition is dangerous to life and property. The Kolkata Municipal Corporation has already issued notices to KoPT on 11.06.2019 and 11.07.2019 directing immediate demolition and removal of debris of the first floor and demolition of dangerous portion at ground floor.

It is argued that O.P. is in wrongful occupation on and from 01.05.2018 and is liable to pay compensation charges/mesne profits for unauthorised use and occupation of the Port property in question. It is also seen from report of experts that the present condition of the subject premises/building after the damage caused by fire on 08.06.2019, is deplorable and unsafe and it is posing serious threat to life and may collapse at any time owing to which Kolkata Municipal Corporation has already issued notices to Kolkata Port Trust on 11.06.2019 and 11.07.2019 for immediate demolition of portions of Ground Floor of the building.

[Handwritten signature]
24/9



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

M/S The Andaman ^{VS} Public Works Department

01

24.09.2019

Heard the submissions of KoPT and considered the matter on the basis of materials on record. After careful consideration of the submissions made on behalf of KoPT and materials produced before me, I find that KoPT has made out a case to proceed against O.P. under relevant provisions of The Public Premises (Eviction Of Unauthorised Occupants) Act, 1971 (which shall hereinafter be referred to as "The Act") and Rules made thereunder.

Let notice under Section 4 of the Act be issued to O.P. for production of documents, evidence and hearing etc. on 15.10.19 at 11 AM.

The notice must have to be served upon O.P. through Registered Post with A/D, affixation on property etc. O.P. and/or any party interested in the subject property to file reply to show cause notice by 15.10.19.

[So far as Section 7 is concerned, it will be issued at later stage after submission of consolidated Statement of Accounts by KoPT.]

Parties are directed to appear before the Forum of Estate Officer with proper identity and authority.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(Sayan Sinha)
ESTATE OFFICER

KOLKATA