



SCAN

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

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

REASONED ORDER NO. 13 DT 30.09.2019
PROCEEDINGS NO.1428 OF 2013

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
Sri Sakaldip Singh

F O R M - "B"

**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

Handwritten signature and date: 9/10

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that
Sri Sakaldip Singh of 34, Oketla Station, Kolkata-700027 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. erected unauthorised construction without having any authority under law.
6. That the Notice to quit dated 27.07.2010, demanding possession from O.P. as issued by the Port Authority is valid, lawful and binding upon the parties.

Please see on reverse

7. 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.

8. That your occupation has become unauthorised in view of sec.2(g) of the Act and you are liable to pay damages for wrongful occupation of the Public Premises in question upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

A copy of the Reasoned Order No. 13 DT. 30.09.2014 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 **Sri Sakaldip Singh of 34, Chetla Station, Kolkata-700027** 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 **Sri Sakaldip Singh of 34, Chetla Station, Kolkata-700027** 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 piece or parcel of land msg. about 134.62 Sq.m or thereabouts is situate at Chetla Station Yard under Plate No. D-450/B, Thana : Chetla, Dist. 24 Parganas & Regn. Dist.: Alipore. It is bounded On the North by the strip of Trustees' open land, On the East by the Trustees leased out land, On the South by the Trustees' Roadway and On the West by Trustees' open land beyond which is their surface drain.

Handwritten initials and date: 9/10/19

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

Dated: 9/10/19



Handwritten signature

Signature & Seal of the Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER/CHIEF LAW OFFICER, Kolkata Port Trust for information please.



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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 Unauthorised Occupant) Act 1971
1st Floor, 6, Fairlie Place Warehouse;
Kolkata-700001

Court Room At the 1st Floor
6, Fairlie Place Warehouse

Form "E"

PROCEEDINGS NO.1428/R OF 2013
ORDER NO.13 DATED:30.09.2019

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

To
Sri Sakaldip Singh,
34, Chetia Station Yard,
Kolkata-700027.

Handwritten signature and date: 9/10

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

AND WHEREAS, by written notice dated 19.02.2018 you were called upon to show cause on or before 06.05.2018 why an order requiring you to pay a sum of Rs.2,76,553.56/- (Rupees Two Lakhs Seventy Six Thousand Five Hundred and Fifty Three and paise Fifty six only.) being the rent payable together with compound interest in respect of the said premises should not be made;

And whereas you have not made any objections or produced any evidence before the said date.

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.2,76,553.56/- (Rupees Two Lakhs Seventy Six Thousand Five Hundred and Fifty Three and paise Fifty six only.) for the period 01.08.1983 to 31.08.2019 to Kolkata Port Trust by 10.10.2019.

Handwritten mark

PLEASE SEE ON REVERSE

// 2 //

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 at the rate of 15% per annum upto 18.09.1996 and thereafter @18% per annum upto 06.04.2011 and thereafter @ 14.25% per annum on the above sum, till its final payment in accordance with Kolkata Port Trust Notification Published in Calcutta Gazette/s as per Kolkata Port Trust's Rule.

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 piece or parcel of land msg. about 134.62 Sq.m or thereabouts is situate at Chetla Station Yard under Plate No. D-450/B, Thana : Chetla, Dist. 24 Parganas & Regn. Dist.: Alipore. It is bounded On the North by the strip of Trustees' open land, On the East by the Trustees leased out land, On the South by the Trustees' Roadway and On the West by Trustees' open land beyond which is their surface drain.

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

Dated: 9/10/19



Signature and seal of the

Estate Officer.

Handwritten initials and date: 9/10/19



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

Form G

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

PROCEEDINGS NO. 1428/D OF 2013
ORDER NO. 13 DATED: 30.09.2019

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

Sri Sakaldip Singh

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

To
Sri Sakaldip Singh,
34, Chelia Station Yard,
Kolkata-700027.

Handwritten signature and date: 9/10/19

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 19.02.2018 you were called upon
to show cause on/ or before 06.03.2018 why an order requiring you to pay
damages of Rs.3,14,316/- (Rupees Three Lakhs Fourteen Thousand Three
Hundred and sixteen only.) together with compound interest for unauthorised
use and occupation of the said premises, should not be made.

And whereas you have not made any objections or produced any
evidence before the said date.

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.3,14,316/- (Rupees Three
Lakhs Fourteen Thousand Three Hundred and sixteen only.) for the period
01.09.2010 to 30.06.2017 assessed by me as damages on account of your
unauthorised occupation of the premises to Kolkata Port Trust by 10.10.2019.

Handwritten mark

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 @18% per annum upto 06.04.2011 and thereafter @ 14.25% per annum on the above sum till its final payment in accordance with Kolkata Port Trust Notification Published in Calcutta Gazettee/s as per Kolkata Port Trust's Rule.

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 piece or parcel of land msg. about 134.62 Sq.m or thereabouts is situate at Chetla Station Yard under Plate No. D-450/B, Thana : Chetla, Dist. 24 Parganas & Regn. Dist.: Alipore. It is bounded On the North by the strip of Trustees' open land, On the East by the Trustees leased out land, On the South by the Trustees' Roadway and On the West by Trustees' open land beyond which is their surface drain.

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

Dated: 9.10.19



Signature and seal of the Estate Officer.

5/10/19
9/10
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. 1422/1422/R-D Of 2013 Order Sheet No. 9

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Sakaldip ^{VS} Singh.

13

30/09/19

FINAL ORDER

The matter is taken-up today for Final Disposal. It is the case of Kolkata Port Trust (KoPT) that Shri Sakaldip Singh (O.P's) came into occupation of the Port Property in question being land Msg. 134.62 Sq.m., situated at Chetla Station Yard, Thana -New Alipore District 24 parganas(S) Registration District- Alipore under Plate No. D-450/B as month to month 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 erected unauthorised construction 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 27.07.2010 w.e.f. 31.08.2010. It is argued that O.P. has lost its authority to occupy the Public Premises on and from 01.09.2010. 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/s u/s 7 of the Act (for adjudication of the prayer for recovery of arrear rental dues, damages etc.) all dated 19.02.2018 as per rule made under the Act. The Postal Acknowledgement returned undelivered with the remark 'Deceased'. Perused the report of the Process Server dated 23.03.2018 from where it is evident that the Notice was refused but the same was affixed on the property.

As regards the remark of postal acknowledgement of O.P. being deceased, this Forum has not got any corroborative evidence when different modes of service of the said statutory Notice/s were exercised. Neither KoPT had informed this Forum about any incident reflecting demise of O.P. Therefore, I am satisfied with the service of notice to all concerned.

No one appears on behalf of O.P. with proper authority despite service and/or affixation 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, or any other party interested in the

r *[Signature]*
9/10



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. 1428, 1428/R-D Of 2013 Order Sheet No. 10

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
Sri Sakaldip Singh

13
30/09/19

instant proceedings, I have no other alternative but to issue order of eviction against O.P. of the following grounds/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. erected unauthorised construction without having any authority under law.
6. That the Notice to quit dated 27.07.2010, demanding possession from O.P. as issued by the Port Authority is valid, lawful and binding upon the parties.
7. 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.
8. That your occupation has become unauthorised in view of sec.2(g) of the Act and you are liable to pay damages for wrongful occupation of the Public Premises 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



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. 1428, 1428/R-D Of 2013 Order Sheet No. 11

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sri Sakaldip Singh ^{VS}

13
30/9/19

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 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. 2,76,533.56/- for Plate NoD-450/B for the period 01.06.1983 to 31.03.2010(both days inclusive), directing O.P. to pay the amount on or before 30.10.2019 and it is hereby ordered that O.P. shall make payment of the aforesaid sum to KoPT by 30.10.2019. In terms of Section 7 (2-A) of the PP Act, 1971, such dues attract simple interest @ 18% per annum till 06.04.2011 and thereafter @14.25% per annum on the above sum with effect from the date of incurrance of liability till its final payment in accordance with Notification Published in Official Gazettes. 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 from 01.09.2010 to 30.06.2017 for Rs. 3,14,316/- against Plate No. D-450/B (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



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

Sri Sakaldeep Singh
^{VS}

13
08/09/19

Trust is entitled to claim damages against O.P. for unauthorized use and 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 incurrence 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 01.09.2010 to 30.06.2017 as Rs 3,14,316/- (principal amount). In terms of Section 7 (2-A) of the PP Act, 1971, such dues attract simple interest @ 18% per annum till 06.04.2011 and thereafter @14.25% per annum on the above sum with effect from the date of incurrence of liability, till its final payment in accordance with Notification Published in Official Gazette/s. 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. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(A.K. Sarkar)
ESTATE OFFICER

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

S. K. Sarkar
3/10