

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  
**OFFICE OF THE ESTATE OFFICER**  
6, Fairley Place (1st Floor)  
KOLKATA - 700 001  
\*\*\*\*\*

Court Room At the 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Fairlie Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO.13DT 08.11.2019  
PROCEEDINGS NO. 1153 OF 2011

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA**  
**-Vs-**  
**Sri Thakur Prosad Sukla, Sri Hari Bansh Sukla**

**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 **Sri Thakur Prosad Sukla, Sri Hari Bansh Sukla Son of Late Ram Lakhan Sukla of D1/92, Taratala Road, Kolkata -700024 AND ALSO AT 8B, Hari Mohan Ghosh Road, Kolkata-700024** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**REASONS**

1. That O.P. has failed to file reply to the Show Cause Notice/s in spite of sufficient chances and as such, there is nothing to disbelieve KoPT's contention regarding service of Quit notice to O.P., demanding possession dated 18.08.1983.
2. That O.P. has failed to bear any witness or adduce any evidence in support of their occupation as "Authorized Occupation" despite sufficient chances.
3. That the Quit notice dated 18.08.1983 as served upon O.P. by the Port authority is valid, lawful and binding upon the parties and O.P's occupation into the Public Premises has become unauthorised in view of Sec.2(g) of the P.P. Act.

**Please see on reverse**

(2)

A copy of the reasoned order No. 13 dated 08.11.19 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 Thakur Prosad Sukla, Sri Hari Bansh Sukla Son of Late Ram Lakhan Sukla of D1/92, Taratala Road, Kolkata -700024 AND ALSO AT 8B, Hari Mohan Ghosh Road, Kolkata-700024** 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 **Sri Thakur Prosad Sukla, Sri Hari Bansh Sukla Son of Late Ram Lakhan Sukla of D1/92, Taratala Road, Kolkata -700024 AND ALSO AT 8B, Hari Mohan Ghosh Road, Kolkata-700024** 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

All that piece or parcel of land measuring 753.909 sq.m or thereabouts under Plate No.D-153 is situate at Taratala Road, Fatehpur, Fatehpur to the West of Fathepur Mosque, Thana-South Port Police Station, Calcutta, District. 24parganas. It is bounded on the North by the said Trustees' land leased to you, on the East and South by the said Trustees' open land and on the West by the said Trustees' drain alongside Taratala Road. Trustees' means the Board of Trustees' of the Port of Kolkata.

Date- 13.11.19



Signature & Seal of the  
Estate Officer.

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

**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  
\*\*\*\*\*

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

**Form " E "**

PROCEEDINGS NO.1153/R OF 2011  
ORDER NO. 13 DATED: 08.11.2019

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

To  
**Sri Thakur Prosad Sukla, Sri Hari Bansh Sukla  
Son of Late Ram Lakhan Sukla,  
Of D1/92, Taratala Road, Kolkata -700024 AND ALSO AT  
8B, Hari Mohan Ghosh Road,  
Kolkata-700024.**

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 06.03.2018 why an order  
requiring you to pay a sum of Rs.38,969.10/- (Rupees Thirty Eight  
thousand Nine Hundred Sixty Nine and Paisa Ten only.) for Plate  
No.D-153 being the rent payable 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. Even  
Paper Publication of the Notice yield no fruitful result 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.38,969.10/- (Rupees Thirty Eight thousand Nine  
Hundred Sixty Nine and Paisa Ten only.) for Plate No.D-153 for the  
period 01.05.1971 to 30.09.1983 (both days inclusive) to Kolkata  
Port Trust by 22.11.2019.

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 compound interest at the rate of 15% per annum upto 18.09.1996 and thereafter @18% per annum upto 06.04.2011 and thereafter at the rate of 14.25% per annum on the above sum from the date of incurrance of liability till its final payment in accordance with Kolkata Port Trust's Notification published in Official Gazette/s.


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**

All that piece or parcel of land measuring 753.909 sq.m or thereabouts under Plate No.D-153 is situate at Taratala Road, Fatehpur, Fatehpur to the West of Fathepur Mosque, Thana-South Port Police Station, Calcutta, District. 24parganas. It is bounded on the North by the said Trustees' land leased to you, on the East and South by the said Trustees' open land and on the West by the said Trustees' drain alongside Taratala Road. Trustees' means the Board of Trustees' of the Port of Kolkata.

Dated: 13.11.19



  
Signature and seal of the  
Estate Officer

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



**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  
OFFICE OF THE ESTATE OFFICER  
6, Fairlie Place (1st Floor)  
KOLKATA - 700 001  
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Court Room At the 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Fairlie Warehouse  
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1153/D OF 2011  
ORDER NO.13 DATED: 08.11.2019

**Form- G**

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

To  
**Sri Thakur Prosad Sukla, Sri Hari Bansh Sukla  
Son of Late Ram Lakhn Sukla,  
of D1/92, Taratala Road, Kolkata -700024 AND ALSO AT  
8B, Hari Mohan Ghosh Road,  
Kolkata-700024.**

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

And whereas by written notice dated 19.02.2018 you are/were called upon to show cause on/or before 06.03.2018 why an order requiring you to pay damages of **Rs.61,88,944.69/-** (Rupees Sixty One Lakhs Eighty Eight thousand Nine hundred Forty Four and paisa Sixty Nine only) for **Plate No.D-153** 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.61,88,944.69/-** (Rupees Sixty One Lakhs Eighty Eight thousand Nine hundred Forty Four and paisa Sixty Nine only) for **Plate No.D-153** as damages on account of your unauthorised occupation of the premises for the period from 01.10.1983 to 26.04.2017 to Kolkata Port Trust by 22.11.2019.

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

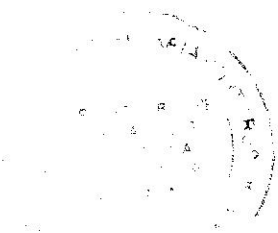
**PLEASE SEE ON REVERSE**


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**

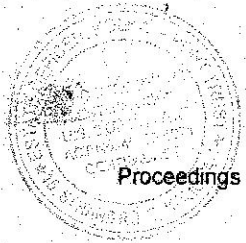
All that piece or parcel of land measuring 753.909 sq.m or thereabouts under Plate No.D-153 is situate at Taratala Road, Fatehpur, Fatehpur to the West of Fathepur Mosque, Thana-South Port Police Station, Calcutta, District. 24parganas. It is bounded on the North by the said Trustees' land leased to you, on the East and South by the said Trustees' open land and on the West by the said Trustees' drain alongside Taratala Road. Trustees' means the Board of Trustees' of the Port of Kolkata.

Date 13.11.19



  
Signature & Seal of the  
Estate Officer.

**COPY FORWARDED TO THE ESTATE MANAGER/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. 1153, 1153/R, 1153/D Of 20 11 Order Sheet No. 11

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Thakur Prosad Sukla, Sri Hari Bansh Sukla

### FINAL ORDER

13  
08.11.2019

The instant proceedings No. 1153, 1153/R, 1153/D of 2011 arises out of the application bearing No. Lnd.4307/08/11440 dated 02.01.2009 filed by the Kolkata Port Trust (KoPT), the applicant herein, praying for an order of eviction and recovery of rent, compensation/damages and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against Sri Thakur Prosad Sukla, Sri Hari Bansh sukla S/O Late Ram Lakhan Sukla, the O.P herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The fact of the case in a nutshell is that the O.P. came into occupation of the port property being land measuring 753.909 sq.mtrs. or thereabout situated at Taratala Road, Fathepur (under Plate No.D-153) Thana- Erstwhile South Port Police Station, Now West Port Police Station District-Kolkata as a short term lessee, morefully described in the Schedule 'A' of the KoPT's application dated 02.01.2009. The allegations levelled by KoPT against the O.P is that while in possession of Port property as lessee, the O.P has defaulted in payment of monthly rent/Compensation/damages/mesne profit also accrued interest thereon the details of which has given in 'Schedule-B and C' of the KoPT's application dated 02.01.2009.

It is also the case of KoPT that the said lease with O.P. was determined by way of a Quit Notice dated 18.08.1983 and the O.P. was asked to vacate the premises on 30.09.1983 but O.P failed and neglected to vacate/ hand over the

*(Handwritten mark)*

THE ESTATE OFFICER  
KOLKATA PORT TRUST  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
KOLKATA PORT TRUST  
Heard on 18/11/19  
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.

1153, 1153/R, 1153/D of 2011

Order Sheet No.

12

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Thakur Prasad Sukla, Sri Hari Banish Sukla

13

08.11.2019

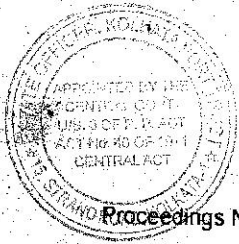
possession of the premises after service of the said Notice to Quit.

Considering the submission advanced by KoPT and the documents on record, Notice/s to Show Cause under section 4 and 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 all dated 19.02.2018 (vide Order No.7 dated 08.02.2018) were issued by this forum to O.P. The Notice/s were issued in terms of the said provisions of the Act calling upon the O.P. to appear before this forum in person or through authorized representative capable to answer all material questions in connection with the matter along with the evidence which the opposite party intends to produce in support of their case.

The said notice/s was served through Speed Post to both the correct recorded addresses of O.P. at D1/92, Taratala Road, Kolkata-700024 and also at 8B, Hari Mohan Ghosh Road Kolkata-700024. It appears from records that the Notice/s sent to both the recorded addresses of O.P. were returned back by the postal department with a mark "O.P. Deceased". The Notice/s have also been sent to the occupation of O.P. by hand delivery. It appears from the report of the Process Server dated 22.02.2018 that O.P. was not found at above addresses. However, the copy of the said Notice/s have been affixed on the property under schedule on the same day at about 12.15 P.M. in compliance of the provisions of the Act. On the day fixed for appearance and filing of reply to the Show Cause by the O.P., none appeared on behalf of O.P. before this forum. Thereafter the attempts have been made by this Forum to provide chances to the O.P. for his appearance and filing of reply before this Forum following the principles of natural justice.

*[Handwritten signature]*





## 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. 1153, 1153/R, 1153/D Of 2011 Order Sheet No. 13

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Thakur Prasad Sukla, Sri Haribansh Sukla

13

08.11.2019

As none appeared on behalf of O.P in spite of repeated chances and affixation of the Notice/s on subject premises, the matter was published in the classified column of the Statesman(Kolkata) on 10.07.2018 vide Order dated 05.06.2018 fixing the penultimate date of O.P's appearance on 31.07.2018. Finally as the O.P failed to appear on 31.07.2018 the final Order was reserved in the matter. Now this forum has decided to adjudicate the matter ex-parte.

Now, while passing the Final Order, I have carefully considered the documents on record and the submissions of KoPT.

It is seen that no one appears on behalf of O.P. and no attempts has ever been made by the O.P. to satisfy this Forum of Law about any consent on the part of KoPT in occupying the public premises. Rather it is a case of KoPT that by notice dated 18.08.1983 O.P. was directed to hand over possession of the premises to KoPT. A letter /notice issued in official course of business has definitely got an evidentiary value unless there is no material, sufficient to contradict the case of KoPT on the basis of such letter/Notice. It is a settled question of law that O.P. cannot claim any legal right to hold the property after expiry of the notice in question, without any valid grant or allotment from KoPT's side.

Further, as there is no reply to the Show Cause notice issued u/s 4 and u/s 7 of the Act inspite of sufficient chances provided to the O.P., I am left with no other alternative but to issue order of eviction u/s 5 of the Act against O.P. on the following grounds/reasons :-

1. That O.P. has failed to file reply to the Show Cause Notice/s inspite of sufficient chances and as such, there is nothing to disbelieve KoPT's contention regarding service of Quit notice to O.P., demanding possession dated 18.08.1983.

*[Handwritten signature]*

*[Handwritten signature]*  
18/11  
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. 1153, 1153/R, 1153/D Of 2011 Order Sheet No. 14

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Thakur Prasad Sukla, Sri Hari Banth Sukla

13

08.11.2019

2. That O.P. has failed to bear any witness or adduce any evidence in support of their occupation as "Authorized Occupation" despite sufficient chances.

3. That the Quit notice dated 18.08.1983 as served upon O.P. by the Port authority is valid, lawful and binding upon the parties and O.P.'s occupation into the Public Premises has become unauthorised in view of Sec.2(g) of the P.P. Act.

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.Ps' 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.Ps' in accordance with Law up to the date of recovery of possession of the same.

It is my considered view that a sum of Rs.38,969.10 for the period 01.05.1971 to 30.09.1983 is due and recoverable from O.P. by the Port authority on account of rental dues and O.P. must have to pay such dues to KoPT on or before 15.10.2019. Such dues attracts interest at the rate of 15% per annum upto 18.09.1996 and thereafter at the rate of 18% per annum upto 13.02.2010 and thereafter at the rate of 14.25% per annum till its liquidation of the same from the date of incurrence of liability in accordance with the notification of KoPT issued under Authority of Law as per adjustment of payments made so far by O.P as per KoPT's books of accounts.

It is further considered that a sum of Rs.61,88,944.69/- for the period 01.10.1983 to 26.04.2017 is due and recoverable from O.P. by the Port authority on account of compensation /Damages dues and O.P. must have to pay such dues to KoPT on or before 15.10.2019. Such dues attracts interest at the rate of 15% per annum upto 18.09.1996 and

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

Readings No. 1153, 1153/R, 1153/D Of 2011 Order Sheet No. 15

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sri Thakur Prasad Sukla <sup>VS</sup> Sri Hari Bansh Sukla

13  
08-11-2019

thereafter at the rate of 18% per annum upto 13.02.2010 and thereafter at the rate of 14.25% per annum till its liquidation of the same from the date of incurrence of liability in accordance with the notification of KoPT issued under Authority of Law as per adjustment of payments made so far by O.P as per KoPT's books of accounts.

Department is directed to draw up formal order as per Rule u/s 7 of the Act. I make it clear that in the event of failure on the part of O.P. to pay the dues/charges as aforesaid, KoPT is at liberty to recover such dues etc. 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\*\*\*

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

