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AFFIXATION ON PROPERTY

**ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(ERSTWHILE 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 1st Floor
6, Fairley Place Warehouse Kolkata-700 001.

REASONED ORDER NO.03 DT 02.09.2024.
PROCEEDINGS NO. 2086 OF 2024

**SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(ERSTWHILE BOARD OF TRUSTEES OF THE PORT OF KOLKATA)**

-Vs-

Prem Kumar Sahani & Ors (O.P)

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 1. Prem Kr. Sahani 2. Amar Deep Sahani 3. Pramond Sahani 4. Ful Kumari Devi 5. Mohini Devi 6. Deepak Kr Zwala 7. Nanu Singh 8. Lalan Paswan 9. Parasuram Mondal 11. Santosh Kr. Mondal 12. Pramod Mondal 13. Kapil Deo Mondal 14. MD. Kalim 15. Md.Ismail 16. Aravind Mondal 17. Dhaneswari Mondal 18. Jitendra Thakur 19. Upendr Thakur 20. Pankaj Thakur 21. Bishwanath Shaw 22. Kanai Giri 23. Niraj Singh 24. Ramnarayan Yadav 25. Md. Subhan 26. Sk. Sirajul 27. Md.Mijamuddin 28. Md.Khrushid 29. Marjina Bibi 30. Md. Domin 31. Md Juman 32. Anil Yadav 33. Laxmi Devi 34. Safe Cargo 35. Bijoy Kr Shaw 36. Temple 37. Promod Paswan 38. Saalo Begam 39. Afraja Begam 40. Rokia Bibi 41. Safrana Begam 42. Rajkapur Sahani 43. Sanjay Singh 44. Safe Cargo and others all of 1 No. Armenian Ghat are in unauthorized occupation of the Public Premises specified in the Schedule below:-

R E A S O N S

1. That Opposite Parties/existing occupants have failed to file reply to the Show Cause Notice u/s 4 of the Act inspite of getting chances.
2. That Opposite Parties/existing occupants are the rank outsiders having no authority to occupy the public premises at any point of time.
3. That Opposite Parties/ existing occupants have failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation" inspite of sufficient chances.
4. That Opposite Parties/existing occupants occupation have become unauthorised in view of Sec.2 (g) of the P.P. Act and Opposite Parties/existing Occupiers are liable to pay damages to SMPK for their unauthorised use and occupation of the public premises.

PLEASE SEE ON REVERSE

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Assistant
OFFICE OF THE LD ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

903 PREM KR SAHANI
HOUSE ARMEINIAN WARE
KOLKATA
700001

4204

(2)

A copy of the reasoned order No. 03 dated 02.09.2024 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 **1. Prem Kr. Sahani 2. Amar Deep Sahani 3. Pramond Sahani 4. Ful Kumari Devi 5. Mohini Devi 6. Deepak Kr Zwala 7. Nanu Singh 8. Lalan Paswan 9. Parasuram Mondal 11. Santosh Kr. Mondal 12. Pramod Mondal 13. Kapil Deo Mondal 14. MD. Kalim 15. Md.Ismail 16. Aravind Mondal 17. Dhaneswari Mondal 18. Jitendra Thakur 19. Upendr Thakur 20. Pankaj Thakur 21. Bishwanath Shaw 22. Kanai Giri 23. Niraj Singh 24. Ramnarayan Yadav 25. Md. Subhan 26. Sk. Sirajul 27. Md.Mijamuddin 28. Md.Khrushid 29. Marjina Bibi 30. Md. Domin 31. Md Juman 32. Anil Yadav 33. Laxmi Devi 34. Safe Cargo 35. Bijoy Kr Shaw 36. Temple 37. Promod Paswan 38. Saalo Begam 39. Afraja Begam 40. Rokia Bibi 41. Safrana Begam 42. Rajkapur Sahani 43. Sanjay Singh 44. Safe Cargo and others all of 1 No. Armenian Ghat** 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 **1. Prem Kr. Sahani 2. Amar Deep Sahani 3. Pramond Sahani 4. Ful Kumari Devi 5. Mohini Devi 6. Deepak Kr Zwala 7. Nanu Singh 8. Lalan Paswan 9. Parasuram Mondal 11. Santosh Kr. Mondal 12. Pramod Mondal 13. Kapil Deo Mondal 14. MD. Kalim 15. Md.Ismail 16. Aravind Mondal 17. Dhaneswari Mondal 18. Jitendra Thakur 19. Upendr Thakur 20. Pankaj Thakur 21. Bishwanath Shaw 22. Kanai Giri 23. Niraj Singh 24. Ramnarayan Yadav 25. Md. Subhan 26. Sk. Sirajul 27. Md.Mijamuddin 28. Md.Khrushid 29. Marjina Bibi 30. Md. Domin 31. Md Juman 32. Anil Yadav 33. Laxmi Devi 34. Safe Cargo 35. Bijoy Kr Shaw 36. Temple 37. Promod Paswan 38. Saalo Begam 39. Afraja Begam 40. Rokia Bibi 41. Safrana Begam 42. Rajkapur Sahani 43. Sanjay Singh 44. Safe Cargo and others all of 1 No. Armenian Ghat** 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

SMPK's two storied Armenian Ghat Warehouse msg. about 4390 Sq.m situated in the Presidency Town of Kolkata under your jurisdiction. It is bounded on the **North** by SMPK land encroached by Somay Services, on the **South** by Muttu Lal Seal Ghat, on the **East** by SMPK open passage then Strand Bank Road and on the **West** by river Hooghly.

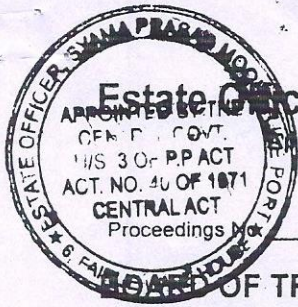
By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Asst. Officer
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Dated: 02.09.2024.

ISSUED ON
03 SEP 2024

Signature & Seal of
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA FOR INFORMATION.



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971

2086

Of

2024

Order Sheet No.

06

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

PREM KR. SAHANI & OTHERS

FINAL ORDER

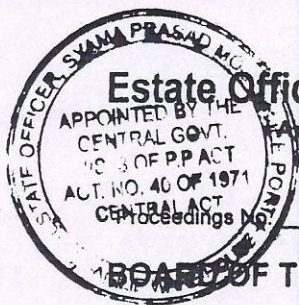
The matter is taken up today for final disposal. The background of the matter is required to be put forward in a nutshell in order to appreciate the issues involved in the proceedings on the basis of factual aspect involved in this matter. It is the case of Syama Prasad Mookerjee Port Kolkata (erstwhile Kolkata Port Trust/KoPT) hereinafter referred to as "SMPK", the applicant herein, that the Opposite Parties namely 1.Prem Kr. Sahani 2.Amar Deep Sahani 3. Pramond Sahani 4.Ful Kumari Devi 5.Mohini Devi 6.Deepak Kr Zwala 7. Nanu Singh 8.Lalan Paswan 9. Parasuram Mondal 11. Santosh Kr. Mondal 12.Pramod Mondal 13.Kapil Deo Mondal 14. MD. Kalim 15.Md.Ismail 16.Aravind Mondal 17.Dhaneswari Mondal 18.Jitendra Thakur 19.Upendr Thakur 20.Pankaj Thakur 21.Bishwanath Shaw 22. Kanai Giri 23. Niraj Singh 24. Ramnarayan Yadav 25. Md. Subhan 26. Sk. Sirajul 27.Md.Mijamuddin 28.Md.Khrushid 29. Marjina Bibi 30. Md. Domin 31. Md Juman 32.Anil Yadav 33. Laxmi Devi 34. Safe Cargo 35. Bijoy Kr Shaw 36. Temple 37. Promod Paswan 38. Saalo Begam 39. Afraja Begam 40. Rokia Bibi 41. Safrana Begam 42.Rajkapur Sahani 43. Sanjay Singh 44. Safe Cargo and others all of 1 No. Armenian Ghat are occupying the public premises being Warehouse measuring about 4390 Sq.m or thereabouts situated within the presidency Town of Kolkata, without having any authority under law and as such rank outsiders. It is also the case of SMPK that all such Opposite Parties being rank outsiders/trespassers have unauthorisedly encroached an area of about 984 Sq.m and 1033 Sq.m in front of Armenian Warehouse by way of erecting huts/jhupri for the purpose of shelter, saloon, shops including pan shops, storage/dumping of materials, making of wooden boxes, residential for truck parking etc. It has also been argued by SMPK that the subject Warehouse has already been

08

02.09.2024

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
02.09.2024

92



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971

2086

Of

2024

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07

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

PREM KUMAR SAHANI & ORS.

03

02.09.2024

declared as an unsafe building by the competent authority despite of that above named opposite Parties are occupying the subject premises unauthorisedly without having any authority of law.

It appears from the records that the notice/order was duly affixed on the property and subsequently published in a widely circulated news paper, I have reasons to believe that all concerned interested into the property have had due knowledge of the proceedings which is being continued against above named Opposite Parties/existing occupants. Therefore, I make it clear that whoever is occupying the subject public premises is liable to be evicted by this Order.

After considering the allegation of SMPK, this Forum being prima facie satisfied with the submission of SMPK, issued Show Cause notice u/s 4 of the P.P Act to the Opposite Parties on 23.07.2024 (vide order No.01 dated 08.07.2024) through the Process Server attached with the Forum.

Perused the report of the Process Server dated 25.07.2023. It reveals that although Opposite Parties/existing occupants have refused to take the order, however, due affixation of such Show Cause Notice u/s 4 was made on the subject public premises in question as per the mandate of the P.P Act. As per order of this Forum, notice of the Proceedings was also published in an English daily namely "The Times of India (Kolkata edition)" on 26.07.2024 fixing the date for the Opposite Parties' appearance on 05.08.2024. I am satisfied with the service of notice to all concerned.

No one appeared on behalf of Opposite Parties with proper authority during the course of hearing.

It is my considered view that the Opposite Parties/ existing occupants cannot claim their right to occupy the Public Premises without any valid grant from the Port Authority.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
02.09.2024
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971

2086

Of

2024

Order Sheet No.

08

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

PREM KUMAR SAHANI & ORS.

03

02.09.2024.

Moreover, nothing has been produced or disclosed by the occupants above named as to how they took the possession of the Public Premises or on what contractual relationship with Port Authority they came into occupation of the Port Property in question.

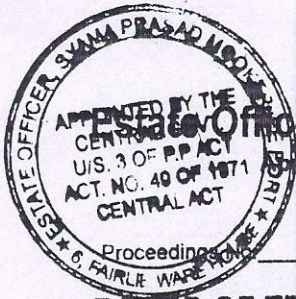
I am convinced that occupation of the aforesaid occupants are wholly unauthorised and occupants are rank outsider to the Public Premises. As no one appeared on behalf of Opposite Parties or any person interested in this proceedings inspite of affixation and publication of notice in Daily Newspaper having wide circulation and no reply to the Show Cause Notice u/s 4 of the Act has been filed on behalf of Opposite Parties/existing occupants inspite of giving chances, I have no other alternative but to allow the prayer of SMPK for eviction against Opposite Parties on the following grounds/reasons:

1. That Opposite Parties/existing occupants have failed, to file reply to the Show Cause Notice u/s 4 of the Act inspite of getting chances.
2. That Opposite Parties/existing occupants are the rank outsiders having no authority to occupy the public premises at any point of time.
3. That Opposite Parties/ existing occupants have failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation" inspite of sufficient chances.
4. That Opposite Parties/existing occupants occupation have become unauthorised in view of Sec.2 (g) of the P.P. Act and Opposite Parties/existing Occupiers are liable to pay damages to SMPK for their unauthorised use and occupation of the public premises.

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 Opposite Parties and any person/s whoever may be in occupation to vacate the

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THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
03.09.24
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

20/



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971

2086

Of

2024

Order Sheet No.

09

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

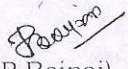
VS
PREM KUMAR SAHANI & ORS

03
02.09.2024

premises. I make it clear that all person/s whoever may be in occupation are liable to be evicted by this order and at the same time the encroachments made by the Opposite Parties also be remove. Liberty is given to SMPK to claim damages against Opposite Parties for unauthorised use and occupation of SMPK's property by them (O.P) in accordance with Law up to the date of recovery of possession of the same. SMPK 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. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
02.09.2024


(J.P. Boipai)
ESTATE OFFICER

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