

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  
Fairlie Warehouse,  
6, Fairlie Place, 1st floor,  
Kolkata- 700 001.

REASONED ORDER No.05 DT 16-09-2019  
PROCEEDINGS NO.1746/L OF 2019

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

Shri Mehmood & Others.

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 Mehmood and his family members,  
Quarters No. : 11 & 12 at Block No. : K, at Taratala New Colony  
Mazdoor Line, P.S. Taratala, Kolkata - 700 088 is in  
unauthorized occupation of the Public Premises specified in the  
Schedule below:

REASONS

- i) That you have failed to file reply to the Show Cause Notice u/s  
4 of the Act inspite of repeated chances.
- ii) That you have failed to bear any witness or adduce any  
evidence in support of his occupation as "Authorized  
Occupation" inspite of opportunities.
- iii) That nothing has been shown in support of your occupation as  
"authorised occupation".
- iv) That you are occupying the Public Premises without having  
any authority under law.
- v) That your occupation is unauthorized in all respect and you  
have failed to make out any case in support of your  
occupation.

Please see on reverse

A copy of the Reasoned Order No 8 DT. 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 that **Shri Mehmood and his family members, Quarters No. : 11 & 12 at Block No. : K, at Taratala New Colony Mazdoor Line, P.S. Taratala, Kolkata - 700 088** 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 **Shri Mehmood and his family members, Quarters No. : 11 & 12 at Block No. : K, at Taratala New Colony Mazdoor Line, P.S. Taratala, Kolkata - 700 088** 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

Quarters No. : 11 & 12 at Block No. : K, at Taratala New Colony Mazdoor Line, P.S. Taratala Kolkata - 700 088 which is butted and bounded in the manner as follows:-

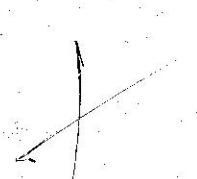

On the North by Block No. J at Taratala Colony (New) Mazdoor Line,  
On the South by Block No. N at Taratala Colony (New) Mazdoor Line  
, On the East by Quarters No. K/9 & 10 at Taratala Colony (New) Mazdoor Line and On the West by Block No. L at Taratala Colony (New) Mazdoor Line.

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

Dated: 16.09.2019

  
Signature & Seal of the  
Estate Officer.

COPY FORWARDED TO THE SR. PERSONNEL OFFICER( LA & IRO)/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. 1746/L of 2019 Order Sheet No. 3

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Mehmood & others <sup>VS</sup>

Present: D. Das, AEM.

Kolkata Port Trust (KoPT)

No one appears on behalf of O.P. on 2<sup>nd</sup> call. Nothing has been heard from O.P's end. No reply to the Show Cause Notice has been filed as yet. Considered the matter. Let the Final order be reserved.

*Sumit Mukherjee*  
ESTATE OFFICER.

### FINAL ORDER

Present : D. Das, Asst. Estate Manager

Kolkata Port Trust (KoPT)

No one appears on behalf of O.P. although the order and the next date of hearing were communicated to O.P. It is seen that O.P. last appeared on 17.07.2019 and prayed for time to surrender the subject quarter on or before 31.07.2019 to the competent authority of KoPT. But O.P. not only failed to appear before this Forum on the said date but also failed to honour his commitment to surrender the subject quarter to the officials of KoPT. As such, I have nothing to disbelieve the statements made against O.P. by the Port Authority. In fact, I am left with no other alternative but to issue order of eviction as prayed for on behalf of the Port Authority on the following grounds/reasons.

1. That no reply to the show cause notice is filed by O.P.
2. That nothing has been shown in support of O.P's occupation into the public premises.

04  
31.07.2019

05  
16.09.2019

*10/2*

# 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. 1746/L Of 2019 Order Sheet No. 4

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Mahmood & Others <sup>VS</sup>

05  
16.09.2019

3. That no evidence has been laid to support the possession of O.P. as "authorized possession/occupation".

4. That mere occupation into the quarters for a certain period without any authority for such occupation cannot create any right over the property in question.

5. That O.P's occupation is unauthorized in all respect and O.P has failed to make out any case in support of her occupation.

ACCORDINGLY, Department is directed to draw up formal order of eviction u/s. 5 of the Act and Rules made thereunder against O.P., giving 15 days time to all to vacate the public premises. I make it clear that all the occupants of the quarters in question whoever may be in occupation are liable to be evicted by this order and KoPT is entitled to claim damages for unauthorized use and occupation of the public premises upto the date of recovery of possession in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND & SEAL

*Suman Mukhopadhyay*

(SUMAN MUKHOPADHYAY)  
ESTATE OFFICER

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