

842



**REGISTERED POST WITH A/D.  
HAND DELIVERY  
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 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Fairlie Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 16 DT (17.08.2021)  
PROCEEDINGS NO. 1363 of 2012

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

**Sri Bhutnath Shaw(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 **Sri Bhutnath Shaw, 67/50, Strand Bank Road, Kolkata-700007 AND ALSO OF No.50, Jagannath Ghat, Calcutta-700007 AND ALSO OF Vill and P.O: Bagnan, P.S: Bagnan, Dist: Howrah** is in unauthorized occupation of the Public Premises specified in the Schedule below :

10775  
10776  
10777

**R E A S O N S**

- 1) That O.P or any other person interested in the property has failed to file any reply to the Show Cause Notice/s U/S 4 & 7 of the Act in spite of sufficient chances being provided to them.
- 2) That O.P. has violated the condition of said monthly term lease as granted by the Port authority by way of not making payment of rental dues and taxes to KoPT, for a prolonged period.
- 3) That O.P has erected unauthorised structures on the demised land, carried out addition & alteration of the said building/shed/godown and also sublet/sold/ transferred/ assigned the tenancy right without having any authority under law.
- 4) That the O.P has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".
- 5) That O.P has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the Notice to Quit dated 18.07.2000.
- 6) That O.P's occupation has become unauthorised in view of Sec 2(g) of the 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.

**PLEASE SEE ON REVERSE**

(2)

A copy of the reasoned order No. 16 dated 17.08.2021 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 Bhutnath Shaw, 67/50, Strand Bank Road, Kolkata-700007 AND ALSO OF No.50, Jagannath Ghat, Calcutta-700007 AND ALSO OF Vill and P.O: Bagnan, P.S: Bagnan, Dist: Howrah** 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 Bhutnath Shaw, 67/50, Strand Bank Road, Kolkata-700007 AND ALSO OF No.50, Jagannath Ghat, Calcutta-700007 AND ALSO OF Vill and P.O: Bagnan, P.S: Bagnan, Dist: Howrah** 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

#### Plate No. SB-95

The said piece or parcel of land msg.7 Chattacks, 12 sq.ft. or thereabouts is situate within the Lessors' property known as Lot No.50, Strand Bank. Jagannath Ghat in the presidency Town of Calcutta. It is bounded on the north by the Lessors' strip of open land beyond which is the Lessors land leased to Baldeoram Beharilall on the east by the Lessors' land leased to Pannalal Mandal on the South by the Lessors' strip of open land used as a passage and on the west by the Lessors' land leased to Jotindra Nath Das.

Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata.)

Date- 17.08.2021



Signature & Seal of the  
Estate Officer.

**COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA FOR INFORMATION.**



**REGISTERED POST WITH A/D.  
HAND DELIVERY  
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 1<sup>st</sup> Floor  
6, Fairlie Place Warehouse  
Kolkata-700001.

**Form " E "**

PROCEEDINGS NO.1363/R OF 2012  
ORDER NO. 16 DATED: 17.08.2012

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

To  
**Sri Bhutnath Shaw,  
67/50, Strand Bank Road,  
Kolkata-700007.  
AND ALSO OF  
No.50, Jagannath Ghat, Calcutta-700007.  
AND ALSO OF  
Vill and P.O: Bagnan, P.S: Bagnan, Dist: Howrah.**

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

AND WHEREAS, by written notice dated 09.09.2013 you are called upon to  
show cause on or before 20.11.2013 why an order requiring you to pay a sum  
of Rs 72,125.27 (Rupees Seventy two Thousand One hundred twenty-five and  
paise twenty seven 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 72,125.27 (Rupees Seventy  
two Thousand One hundred twenty-five and paise twenty seven only) for the  
period 01.07.1983 to 31.08.2000 (both days inclusive) to SMP, Kolkata by  
07.09.2012

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 @ 6.20 % per annum on the above sum till its final payment being the current rate of interest as per the Interest Act, 1978.

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

#### **Plate No. SB-95**

The said piece or parcel of land msg.7 Chattacks, 12 sq.ft. or thereabouts is situate within the Lessors' property known as Lot No.50, Strand Bank. Jagannath Ghat in the presidency Town of Calcutta. It is bounded on the north by the Lessors' strip of open land beyond which is the Lessors land leased to Baldeoram Beharilall on the east by the Lessors' land leased to Pannalal Mandal on the South by the Lessors' strip of open land used as a passage and on the west by the Lessors' land leased to Jotindra Nath Das.

Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata.)

Dated: 17.08.2021



Signature and seal of the  
Estate Officer

**COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA 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. 1363, 1363/R Of 2012 Order Sheet No. 17

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
*Sri Bhutnath Shaw*

16  
17.08.2012

#### FINAL ORDER

The matter is taken up today for final disposal. It is the case of Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust], hereinafter referred to as KoPT, Applicant herein, that a monthly term lease was granted to Sri Bhutnath Shaw (O.P), on certain terms and conditions in respect of land msg. about 30.379 Sq.m situated at 67/50 Strand Bank Road, Cal-7, Thana-Posta, District-Calcutta, comprised under Plate No.SB-95 and O.P violated the condition of such tenancy by way of not making payment of rental dues to KoPT. It is also the case of KoPT that in gross violation of the said tenancy O.P has erected unauthorised structures on the demised land, carried out addition & alteration of the said building/shed/godown and also sublet/sold/transferred/ assigned the tenancy right without having any authority under law. It is argued on behalf of KoPT that O.P has no authority under law to occupy the public premises after expiry of the period as mentioned in the notice to quit dated 18.07.2000 and O.P is liable to pay damages for unauthorised enjoyment of the Port property in question.

This Forum formed its opinion to proceed against O.P. under the relevant provisions of the Act and issued Show Cause Notice U/S 4 of the Act (for adjudication of the prayer for order of eviction etc.) and Show Cause Notice U/S-7(for adjudication of the prayer for recovery of arrear rental dues etc.) both dated 09.09.2013(vide Order No. 02 dated 12.12.2012) as per rule made under the Act.

After issuance of the aforesaid notice, on the scheduled date of appearance and filing of reply to the Show Cause i.e on 20.11.2013 and subsequently thereafter, O.P. did

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*[Signature]*  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*[Signature]*

*[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. 1362, 1363/R Of 2012 Order Sheet No. 18

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
*Sri Bhutnath Ghosh*

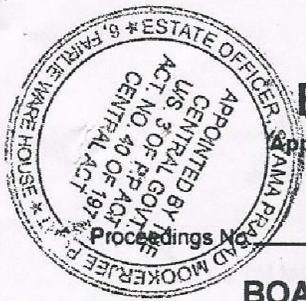
16  
17.08.2021

not appear before the Forum for giving reply to the Show Cause. However, the record depicts that such Notice had been sent to O.P both by hand and Registered Post as per addresses available on record.

The Postal Services to the recorded address of O.P returned undelivered to the Forum with a mark 'addressee Moved' but it reveals from the report of the Process Server dated 12.09.2013 that the Show Cause Notice/s u/s 4 & 7 were affixed on the subject premises on 12.09.2013 at about 2:10 P.M. It is also seen that one Samir Polley was appeared before the Forum on behalf of O.P on 17.02.2014 and thereafter, with a prayer for time to file his reply to the Show Cause. However, apart from a liquidation scheme (Dated 05.03.2014), no reply to the Show Cause was filed by O.P. or any other interested person. Moreover, said Samir Polley also failed to file his Letter of Authority and proof of Identity before this Forum to represent the instant matter on behalf of O.P. When all the efforts for procuring the attendance of O.P remain futile, a decision was taken to publish a Notice in a widely circulated News Paper for a notice to all concerned about the pendency of the instant proceeding in order to give further chances to O.P. to appear before the Forum and to represent their case. Such Notice was published in the classified column of 'The Telegraph' on 27.11.2014 fixing the ultimate date of O.P's appearance on 24.12.2014. But all the efforts went into vain as the O.P failed to appear before the Forum despite publication of such Notice in the News Paper.

Now in view of the spirit laid down in the Public Premises Act, 1971 for speedy and summary disposal of the case and further considering the continuous non appearance of O.P in spite of sufficient opportunities

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 Office  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
17/08/2021



## Estate Officer, Kolkata Port Trust

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

1363, 1363/R Of 2012 Order Sheet No. 19

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS  
Sri Bhutnath Shaw

16  
17.08.2021

being given and after exhaustion of all available means of service, this Forum finds no need to keep the matter pending and final Order was reserved in the matter on 07.11.2016. Now this Forum has decided to adjudicate the matter ex-parte.

As O.P has repeatedly failed to appear before this Forum and no reply to the Show Cause Notice, u/s 4 & 7 of the Act has been filed as yet, I have no bar to accept the claim of KoPT on account of unauthorised occupation of O.P into the Public Premises in question. I think that it is a fit case for issuing Order of eviction u/s 5 of the Act on the following grounds:-

- 1) That O.P or any other person interested in the property has failed to file any reply to the Show Cause Notice/s U/S 4 & 7 of the Act in spite of sufficient chances being provided to them.
- 2) That O.P. has violated the condition of said monthly term lease as granted by the Port authority by way of not making payment of rental dues and taxes to KoPT, for a prolonged period.
- 3) That O.P has erected unauthorised structures on the demised land, carried out addition & alteration of the said building/shed/godown and also sublet/sold/ transferred/ assigned the tenancy right without having any authority under law.
- 4) That the O.P has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".
- 5) That O.P has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the Notice to Quit dated 18.07.2000.
- 6) That O.P's occupation has become unauthorised in view of Sec 2(g) of the Act and O.P is liable to pay

By Order of :

THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT



## 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. 1363, 1363/R of 2012 Order Sheet No. 20

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
*Sri Rohatnath Shaw*

16  
17.08.2021

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.

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.72,125.27 (Rupees Seventy two Thousand One hundred twenty-five and paise twenty seven only) for the period 01.07.1983 to 31.08.2000 (both days inclusive) 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 7.09.2021. Such dues attract compound interest @ 6.20 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) from the date of incurrance of liability, till the liquidation of the same, as per the adjustment of payments, if any made so far by O.P., in terms of KoPT's books of accounts.

I find that KoPT has made out an arguable claim against O.P., founded with sound reasoning, regarding the damages/compensation to be paid for the unauthorised occupation. I make it clear that KoPT is entitled to claim damages against O.P. for unauthorized use and occupation of the public premises right upto the date of

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

*[Signature]*

*[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.

1363, 1363/R

Of

2012

Order Sheet No.

21

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Bhutnath Shaw

16  
17.08.2012

recovery of clear, vacant and unencumbered possession of the same in accordance with Law as the possession of the premises is still lying unauthorisedly with O.P. KoPT is directed to submit a statement comprising details of its calculation of damages, indicating there-in, the details of the rate of such charges, and the period of the damages (i.e. till the date of taking over of possession) together with the basis on which such charges are claimed against O.P., for my consideration for the purpose of assessment of such damages as per Rule made under the Act.

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 the dues etc. in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(Kausik Kumar Manna)  
ESTATE OFFICER

By Order of :  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
18/08/2012  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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