



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, 15, STRAND ROAD

(4th Floor)

KOLKATA – 700 001

Court Room At the 2nd Floor

of Kolkata Port Trust's

Head Office, Old Buildings

15, Strand Road, Kolkata- 700 001.

REASONED ORDER No.9 DT.17.07.2018

PROCEEDINGS NO.1336/L OF 2012

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

Shri Gaya Prosad

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 Gaya Prosad, Quarters being No. 47&48, Block No. Q, 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.

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Please see on reverse

A copy of the Reasoned Order No 9 DT.17.07.2018 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 **Shri Gaya Prosad, Quarters being No. 47&48, Block No. Q, 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 Gaya Prosad, Quarters being No. 47&48, Block No. Q, 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 being No. 47&48, Block No. Q, Kolkata Port Trust, Taratala Colony New Mazdoor Line, P.S. Taratala, Kolkata – 700 088 which is butted and bounded in the manner as follows:

On the North by Block No. P, at Taratala Colony(New) Mazdoor Line , On the South by Boundary wall, On the East by Road and On the West by Quarters No. Q/45&46 at Taratala Colony New Mazdoor Line

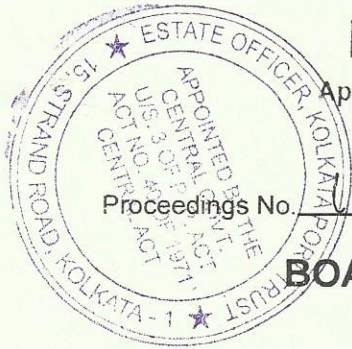
The Trustees' means Board of Trustees' for the Port of Kolkata.

Dated: 17.07.2018



Sumit Mukherjee
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.

33612

Of

2012

Order Sheet No.

06

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sri Gaya Prasad ^{VS}

08
5.7.2018

Present: D.Das, Asst Estate Manager
Kolkata Port Trust (KoPT)

No one appears on behalf of O.P. It is seen from record that a considerable time and/or opportunity was granted to O.P. to vacate the subject quarter and handover the same to the representative of KoPT, but O.P. miserably failed to vacate the same. In the above facts and circumstances, let the instant proceeding be reserved for delivering Final order. All concerned are directed to act accordingly.

Suman Mukhopadhyay
(S. Mukhopadhyay)
ESTATE OFFICER.

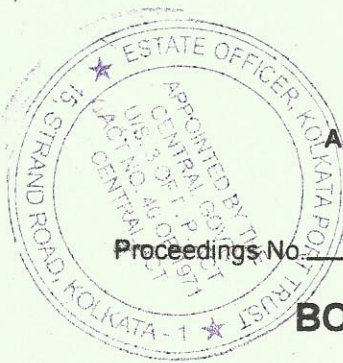
09
17.7.2018

FINAL ORDER

It transpires from record that several opportunity was granted to O.P. to surrender the subject quarter to the authorized representative of KoPT, but O.P. miserably failed to honour his commitment to surrender the subject quarter to the officials of KoPT. As such, I have nothing to disbelieve the statement 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 you have failed to file reply to the Show Cause Notice u/s 4 of the Act inspite of repeated chances.

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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.

1336/2

Of

2012

Order Sheet No.

07

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sri ^{VS} *Gaya Prasad.*

09
17.7.2018

2. That nothing has been shown in support of O.P's occupation into the public premises.
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 has failed to hand over clear vacant and unencumbered possession of the subject quarter

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***