

o/e

**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.14.08.2018
PROCEEDINGS NO.1586/L OF 2017

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
Paro Devi & Ors.

F O R M – “B”

**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

20484
WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Paro Devi & Ors. Quarters being No. 1 & 2, Block No. M, 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.

A copy of the Reasoned Order **No 9 DT.14.08.2018** 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 **Paro Devi & Ors., Quarters being No. 1 & 2, Block No. M, 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 **Paro Devi & Ors., Quarters being No. 1 & 2, Block No. M, 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. 1 & 2, Block No. M, 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. L at Taratala(New) Colony Mazdoor Line , On the South by Block No. R at Taratala(New) Colony Mazdoor Line, On the East by Block No. N at Taratala (New) Colony Mazdoor Line and On the West by Quarters No. H-3 & 4, at Taratala (New) Colony Mazdoor Line.

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

Dated: 14.08.2018


Signature & Seal of the
Estate Officer.

COPY FORWARDED TO THE SR. PERSONNEL OFFICER(LA & IRO)/CHIEF LAW OFFICER, KOLKATA PORT TRUST FOR INFORMATION.

RECEIVED
14/8



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. SMT 1586/L Of 2017 Order Sheet No. 07

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

SMT PARO DEVI

FINAL ORDER

09
14.08.2018

It seen that O.P. last appeared on 05.07.2018 and prayed for time to surrender the subject quarter to the competent authority of KoPT. But O.P. not only failed to appear before this Forum on 26.07.2018 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 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.

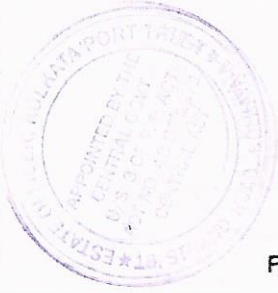
1. That no reply to the show cause notice is filed by O.P.
2. That nothing has been shown in support of O.P's occupation into the public premises.
3. That no evidence has been laid to support the possession of O.P. as "authorized possession/occupation".
4. That mere occupation into the quarters for a 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.

BY ORDER OF
THE ESTATE OFFICER,
KOLKATA PORT TRUST

Certified copy of the Order
issued by the Estate Officer
Kolkata Port Trust

21/8/18
Head Assistant
Officer of the E.O. Estate Officer
KOLKATA PORT TRUST

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



Estate Officer, Kolkata Port Trust

Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1974

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Smt PARO DEVI **VS**

09
14.08.2018

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***

BY ORDER OF
THE EST. OFFICER
KOLKATA PORT TRUST
KOLKATA
02 21/8/18
Sd/-
Estate Officer
KOLKATA PORT TRUST