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

REASONED ORDER No.4 DT 27.02.2019
PROCEEDINGS NO.1681/L OF 2018

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
Shri Swaminath Singh and Ors.

F O R M – “B”

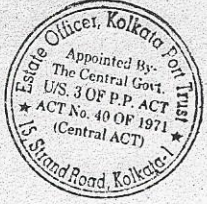
ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that Shri Swaminath Singh and his family members, Quarters No. : 9 & 10 at Block No. : B, at Fair Weather House Majdoor Lines, P.S. South Port Police Station, Kolkata – 700 023 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



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A copy of the Reasoned Order No 4 DT.27.02.2019 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 the said that **Shri Swaminath Singh and his family members, Quarters No. : 9 & 10 at Block No. : B, at Fair Weather House Majdoor Line, P.S. South Port Police Station, Kolkata – 700 023** 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 Swaminath Singh and his family members, Quarters No. : 9 & 10 at Block No. : B, at Fair Weather House Majdoor Line, P.S. South Port Police Station, Kolkata – 700 023** 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. : 9 & 10 at Block No. : B, at Fair Weather House Majdoor Line, P.S. South Port Police Station, Kolkata – 700 023 which is butted and bounded in the manner as follows:

On the North by Car Parking place, On the South by Quarters No. B/11 & 12 at Fair Weather House Mazdoor Lines, On the East by Block No. A at Fair Weather House Mazdoor Line and On the West by Fair Weather Office.

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

Dated: 27.02.2019

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. 1681/L of 2018 Order Sheet No. — 05 —

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Swaminath Singh ^{VS} and Ors.

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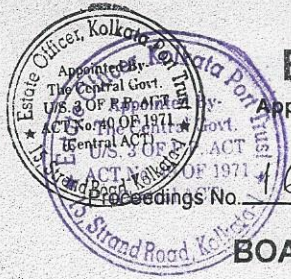
27-02-2019

FINAL ORDER

It seen that O.P. appeared today before this Forum and prayed for time. Such prayer of O.P. is rejected since a number opportunity was granted to O.P. on the earlier occasions where O.P. miserably failed to vacate the quarter. 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 nothing has been shown in support of O.P's occupation into the public premises.
2. That no evidence has been laid to support the possession of O.P. as "authorized possession/occupation".
3. 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.
4. That O.P has failed to hand over clear vacant and unencumbered possession of the subject quarter

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Estate Officer, Kolkata Port Trust

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(Eviction of Unauthorised Occupants) Act 1971

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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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

(PABITRA MUKHOPADHYAY)
ESTATE OFFICER

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