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**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  
(4<sup>th</sup> Floor)  
KOLKATA - 700 001  
\*\*\*\*\*



Court Room At the 2<sup>nd</sup> Floor  
of Kolkata Port Trust's  
Head Office, Old Buildings  
15, Strand Road, Kolkata- 700 001.

REASONED ORDER NO. 14 DT 12.03.2019  
PROCEEDINGS NO.1276 OF 2012

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA**  
**-Vs-**  
**Estate Sona Kunwar (represented by legal heirs) (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**

39774

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Estate Sona Kunwar (represented by legal heirs), OF P-46, Chetla Railway Siding, Kolkata 700027** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**REASONS**

1. That O.P. has been found to be in arrears of rent and taxes for long period, in utter defiance of the contractual terms and conditions.
2. That O.P. has failed to come up with any proposal to liquidate the dues, even after several opportunities provided by this Forum for the sake of natural justice.
3. That KoPT's notice dated 09.08.2010 demanding possession of Port property from O.P. is very much valid, lawful and enforceable in the facts and circumstances of the case.
4. That no case has been made out on behalf of O.P. as to how its occupation in the Public Premises could be termed as "authorized" after expiry of the period mentioned in the Notice to Quit, and accordingly, the occupation of O.P. has definitely become unauthorized in view of Sec.2(g) of the P.P. Act, 1971.
5. That right since expiry of the period as mentioned in the Notice to Quit dated 09.08.2010, O.P. has lost its authority to authorisedly occupy the Public Premises and O.P. is liable to pay compensation charges/damages with interest for wrongful use and enjoyment of the Public Property from that date upto the date of handing over of clear, vacant and unencumbered possession of the same to the Port Authority.

Handwritten signature and date '19/3/19'.

Handwritten mark or signature.

**Please see on reverse**

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A copy of the reasoned order No. 14 dated 12.03.2019 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 **Estate Sona Kunwar (represented by legal heirs), OF P-46, Chetla Railway Siding, Kolkata 700027** 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 **Estate Sona Kunwar (represented by legal heirs), OF P-46, Chetla Railway Siding, Kolkata 700027** 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

The said piece or parcel of land Msg. about 65.12 sqm or thereabouts, situated at Chetla Station Yard, Thana- Chetla Police Station, Dist. 24 Parganas, Registration Dist. Alipore. It is bounded on the North & West by the lessor's roadway, on the East by the lessor's leased out land, on the South by the lessor's open land.

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

Dated: <sup>18</sup>12.03.2019



Signature & Seal of the  
Estate Officer.

**COPY FORWARDED TO THE ESTATE MANAGER/CHIEF LAW OFFICER, KOLKATA  
PORT TRUST FOR INFORMATION.**

REGISTERED POST WITH A/D  
HAND DELIVERY/AFFIXATION ON PROPERTY

**ESTATE OFFICER, KOLKATA PORT TRUST**

(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971-Central Act)  
Public Premises (Eviction of Unauthorised Occupants) Act 1971  
OFFICE OF THE ESTATE OFFICER  
15, STRAND ROAD (4<sup>TH</sup> FLOOR) KOLKATA-700001

**Form " E "**

PROCEEDINGS NO.1276/R OF 2012  
ORDER NO. 14 DATED: 12.03.2019

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

To

**Estate Sona Kunwar**  
**(represented by legal heirs),**  
**P-46, Chetla Railway Siding,**  
**Kolkata 700027**

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

AND WHEREAS, by written notice dated 02.01.2018 you were  
called upon to show cause on/or before 30.01.2018 why an order  
requiring you to pay a sum of Rs. 1,34,643.29/- (Rupees One Lakh  
Thirty Four thousand six hundred and forty three and paise twenty  
nine only) being the rent payable together with compound interest  
in respect of the said premises should not be made;

And whereas I have considered your objection and/or the  
evidence produced by you.

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. 1,34,643.29/- (Rupees One Lakh Thirty Four thousand  
six hundred and forty three and paise twenty nine only) for the  
period 01.11.1983 to 30.09.2010 (both days inclusive) to Kolkata  
Port Trust by 31.03.2019.

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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 simple interest at the rate of 15% per annum upto 18.09.1996 and thereafter @18% per annum upto 06.04.2011 and thereafter at the rate of 14.25% per annum on the above sum till its final payment in accordance with Kolkata Port Trust Notification Published in Official Gazette/s.

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

The said piece or parcel of land Msg. about 65.12 sqm or thereabouts, situated at Chetla Station Yard, Thana- Chetla Police Station, Dist. 24 Parganas, Registration Dist. Alipore. It is bounded on the North & West by the lessor's roadway, on the East by the lessor's leased out land, on the South by the lessor's open land.

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



Dated: 12.03.2019

*(Handwritten signature)*

Signature and seal of the  
Estate Officer



ESTATE OFFICER, KOLKATA PORT TRUST  
(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971-Central Act)  
Public Premises (Eviction of Unauthorised Occupants) Act 1971  
OFFICE OF THE ESTATE OFFICER  
15, STRAND ROAD (4<sup>TH</sup> FLOOR) KOLKATA-700001

**FORM -G**

PROCEEDINGS NO. 1276/D OF 2012  
ORDER NO. 14 DATED: 12.03.2019

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

To

**Estate Sona Kunwar  
(represented by legal heirs),  
P-46, Chetla Railway Siding,  
Kolkata 700027**

Whereas I, the undersigned, am satisfied that you are in unauthorised occupants of the public premises described in the schedule below:

AND, whereas, by written notice dated 02.01.2018 you were called upon to show cause on or before 30.01.2018 why an order requiring you to pay a sum of Rs. 1,51,056.00/- (Rupees One lakh fifty one thousand and fifty six only) being the damages payable together with compound interest in respect of the said premises should not be made;

AND, whereas, I have considered your objections and/or the evidence produced by you;

NOW, THEREFORE, in exercise of the powers conferred on me by Sub-Section (2) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, I hereby require you to pay the sum of Rs. 1,51,056.00/- (Rupees One lakh fifty one thousand and fifty six only) assessed by me as damages on account of your unauthorised occupation of the public premises for the period 01.10.2010 to 30.06.2017 to Kolkata Port Trust by 31.03.2019.

PLEASE SEE ON THE REVERSE

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IN exercise of the powers conferred by Sub-section (2-A) of Section 7 of the said Act, I also hereby require you to pay simple interest @ 18% per annum upto 06.04.2011 and thereafter @14.25% per annum on the above sum till its final payment in accordance with Kolkata Port Trust's Notification Published in Calcutta Gazetted.

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**

The said piece or parcel of land msg. about 65.12 sqm or thereabouts, situated at Chetla Station Yard, Thana- Chetla Police Station, Dist. 24 Parganas, Registration Dist. Alipore. It is bounded on the North & West by the lessor's roadway, on the East by the lessor's leased out land, on the South by the lessor's open land. The Trustees' means the Board of Trustees for the Port of Kolkata.



Dated: 12.03.2019

Signature and Seal of the  
Estate Officer



## 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. 1276, 1276R, 1276D Of 2012 Order Sheet No. 10

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
Sona Kunwar & ORS.

14  
12-03-2019

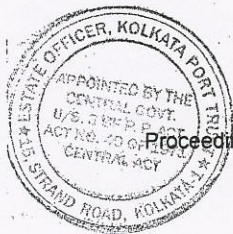
#### FINAL ORDER

The matter is taken up today for final disposal. It is the case of Kolkata Port Trust (KoPT), applicant herein, vide their application dated 21.12.2010, that one Shri Suraj Singh came into occupation of KoPT's land measuring 65.12 sqm or thereabouts, situated at Chetla Station Yard, comprised under occupation No. D-460/B, being the public premises in question, as a monthly lessee, on certain terms and conditions and after the death of the said lessee, the lease was mutated in favour of Smt. Sona Kunwar with effect from 01.08.1979. It is further submitted by KoPT that the said monthly lessee violated the condition of tenancy under lease as granted by KoPT, by defaulting in payment of rent and taxes and parting with possession of the demised land to rank outsiders. KoPT has argued that the said lessee has no authority under law to occupy the public premises after expiry of the period as mentioned in the notice to quit dated 09.08.2010, and that Smt Sona Kunwar is liable to pay damages for wrongful use and occupation of the Port property upto the date of handing over of vacant possession of the same.

This Forum issued Show Cause notice under Section 4 of the Act (for adjudication of the prayer for issuance of Order of Eviction etc.) and under 7 of the Act (for adjudication of the prayer for recovery of rent, interest, damages etc) all dated 02.01.2018.

It is seen from records that one Shri Ashok Kr Singh claiming to be son of Late Sona Kunwar appeared before this Forum, with the submission that his mother Smt Sona Kunwar has expired. However, no document was produced by him in support of his contention except a Driving Licence bearing no. WB-2020160135476. As per law, in case of death of a lessee, the legal

By Order of  
THE ESTATE OFFICER  
KOLKATA PORT TRUST  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
KOLKATA PORT TRUST  
Head Assistant  
OFFICE OF THE LD ESTATE OFFICER  
KOLKATA PORT TRUST



# 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. 1276, 1276/R, 1276/D Of 2012 Order Sheet No. 11

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
Sona Kunwar & ORS.

14  
12.03.19

heirs/representatives are very much liable to bear the liabilities of the deceased. In the case in hand, KoPT did not object to the submissions of the said Shri Ashok Kr Singh as regards death of Smt Sona Kunwar. As such, this Forum vide order dated 30.01.2018 directed the matter to be treated as against "Estate Sona Kunwar, represented by legal heirs" as O.P.

Be that as it may, as against a Reply dated 30.01.2018 filed by Shri Ashok Kr Singh, KoPT filed a Rejoinder on 13.03.2018. Subsequently, however, nobody on behalf of O.P. appeared before this Forum despite sufficient opportunities in accordance with law. As such, after hearing the submissions of KoPT, the Forum proceeded to reserve the final order on 10.04.2018.

Now while passing the final order, I have carefully considered the deliberations of the parties and gone through the documents placed on record. As regards the allegations of breach of contract against the O.P., I find that KoPT has produced letters dated 17.05.1988, 01.12.1988, 09.01.1990, 26.11.2008, 16.02.2009, 15.02.2010 whereby O.P. was repeatedly requested to satisfy the rental dues, taxes and interest on immediate basis but apparently no heed was paid by the O.P. which finally led to issuance to Notice to Quit dated 09.08.2010 by the Port Authority. During course of hearing, KoPT has produced detailed statement of accounts maintained in official course of business, from where the dues on the part of the O.P. is very much established. I have, also considered the Reply dated 30.01.2018 of the O.P. Leaving aside the suggestion of the O.P. as regards overcharging/removal of railway facilities as there is no iota of supporting document/evidence, I find that there is clear admission on the part of the O.P. as regards rates and taxes being due to the Port Authority. In my view, nothing further needs

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By Order of  
THE ESTATE OFFICER  
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
KOLKATA PORT TRUST

*[Signature]*  
OFFICE OF THE ESTATE OFFICER  
KOLKATA PORT TRUST





## 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. 1276, 1276 (R, 1276) D Of 2012 Order Sheet No. 12

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sona Kunwar & ors.

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12.03.19

to be considered after such clear and unequivocal admission of breach by the representative of the O.P. As per law, a monthly lease like the one granted to Suraj Singh / Sona Kunwar continues on the basis of timely payment of the rent bill, in the mode and manner prescribed. In case the lessee refuses to pay rent within the prescribed time, the renewal of the monthly lease automatically comes to an end and the landlord is no longer bound to treat such an occupant as a monthly lessee. In the instant case, I find that the Port Authority not only gave opportunity to the lessee to breach the remedy but also made its intention crystal clear by issuing the Notice to Quit dated 09.08.2010 and as such, it is my firm conviction that the O.P. is not entitled to any protection and O.P.'s continued occupation in the public premises without paying a single penny to the landlord is very much "unauthorized" within the meaning of Sec. 2 (g) of the P.P. Act 1971.

The position being thus, this Forum need not discuss about the issue of unauthorized parting of possession at all, as the major default of non-payment of rent and taxes is already established against the O.P. During course of hearing, I am given to understand by the Port Authority that the rent charged from time to time is based on the rates notified by the Tariff Authority for Major Ports (TAMP) in the Official Gazette, which is binding on all users of the port property. As such, in my view, there is no scope to grant any differential treatment to the O.P. in any manner whatsoever.

As such, I hereby conclude that the occupation of the O.P. is definitely unauthorized after expiry of the period mentioned in the Notice to Quit dated 09.08.2010. I must reiterate that the ejection notice, demanding possession as stated above, has been validly served upon O.P., in the facts and

By Order of  
THE ESTATE OFFICER  
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
KOLKATA PORT TRUST

*[Signature]*  
OFFICE ASSISTANT  
OFFICE OF THE ESTATE OFFICER  
KOLKATA PORT TRUST



# 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. 1276, 1276/R, 1276/D Of 2012 Order Sheet No. 13

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sona Kunwar & Sons

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12.03.19.

circumstances of the case and such notice is valid, lawful and binding upon the parties.

NOW THEREFORE, I consider it a fit case for allowing KoPT's prayer for eviction against O.P. i.e. "Estate Sona Kunwar, represented by legal heirs" u/s 5 of the Act on the following grounds/reasons:

1. That O.P. has been found to be in arrears of rent and taxes for long period, in utter defiance of the contractual terms and conditions.
2. That O.P. has failed to come up with any proposal to liquidate the dues, even after several opportunities provided by this Forum for the sake of natural justice.
3. That KoPT's notice dated 09.08.2010 demanding possession of Port property from O.P. is very much valid, lawful and enforceable in the facts and circumstances of the case.
4. That no case has been made out on behalf of O.P. as to how its occupation in the Public Premises could be termed as "authorized" after expiry of the period mentioned in the Notice to Quit, and accordingly, the occupation of O.P. has definitely become unauthorized in view of Sec.2(g) of the P.P. Act, 1971.
5. That right since expiry of the period as mentioned in the Notice to Quit dated 09.08.2010, O.P. has lost its authority to authorisely occupy the Public Premises and O.P. is liable to pay compensation charges/damages with interest for wrongful use and enjoyment of the Public Property from that date upto the date of handing over of clear, vacant and unencumbered possession of the same to the Port Authority.

ACCORDINGLY, formal order of eviction u/s 5 of the Act as per Rule made there-under, is drawn giving 15 days' time to O.P. and any person/s whoever may be in occupation, to vacate the

*A*

By Order of:  
THE ESTATE OFFICER  
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
KOLKATA PORT TRUST

*[Signature]*  
OFFICE OF THE ESTATE OFFICER  
KOLKATA PORT TRUST



## 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. 1276, 1276) B, 1276) D Of 2012 Order Sheet No. 14

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

*Sona Kunnar & Sons*

14  
12.03.19

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.P. in accordance with the Law, up to the date of recovery of unencumbered possession of the same.

KoPT is directed to submit a comprehensive status report of the Public Premises in question on inspection of the property after expiry of the 15 days as aforesaid so that necessary action could be taken for execution of the order of eviction u/s 5 of the Act, as per Rule made under the Act.

Regarding payment of rental dues to KoPT, I must say that Rs. 1,34,643.29/- as claimed by the Port Authority in relation to the Plate in question, is correctly payable by O.P. for the period 01.11.1983 to 30.09.2010 (both days inclusive) and it is hereby ordered that O.P. shall make payment of the aforesaid sum to KoPT by 31.03.2019. O.P. shall be liable to pay simple interest @ 15% per annum upto 18.09.1996 and thereafter @ 18% per annum till 06.04.2011 and thereafter @ 14.25% per annum on the above sum from the date of incurrence of liability till its final payment in accordance with the relevant notification/s published in Official Gazette.

Likewise, 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 unauthorised occupation. As such, I must say that Rs. 1,51,056.00/- as claimed by the Port Authority as damages in relation to the Plate in question, is correctly payable by O.P. for the period 01.10.2010 to 30.06.2017 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to KoPT by 31.03.2019. The said damages shall carry simple interest @ 18% per annum till 06.04.2011

By Order of:  
THE ESTATE OFFICER  
KOLKATA PORT TRUST  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
KOLKATA PORT TRUST  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
KOLKATA PORT TRUST



## 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. 1276, 1276) R, 1276) D Of 2012 Order Sheet No. 15

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS  
Sona Kumar & Sons

14

12.03.19

and thereafter @14.25% per annum on the above sum from the date of incurrance of liability till its final payment in accordance with the relevant notification/s published in Official Gazette. The formal orders u/s 7 of the Act are signed accordingly.

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 recovery of clear, vacant and unencumbered possession of the same in accordance with Law, and as such liability of O.P. to pay damages extends beyond 30.06.2017 as well, as the possession of the premises is still with the O.P.. KoPT is directed to submit a statement comprising details of its calculation of damages after 30.06.2017, 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.

I make it clear that in the event of failure on the part of O.P. to comply with this Order, Port Authority is entitled to proceed further for recovery of possession in accordance with law.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(A.K. SARKAR)  
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 ESTATE OFFICER  
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
KOLKATA PORT TRUST

Read 12/3/19  
OFFICE OF THE ESTATE OFFICER  
KOLKATA PORT TRUST