

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
1st Floor, 6, Fairlie Place Warehouse
Kolkata-700001

Court Room at
Fairlie Warehouse,
6, Fairlie Place, 1st floor,
Kolkata-700 001.

REASONED ORDER No.4 DT 13.05.2019
PROCEEDINGS NO.1701/L OF 2019

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

Shri Charan Das Balmiki 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

BY ORDER OF
THE ESTATE OFFICER
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
13.05.2019

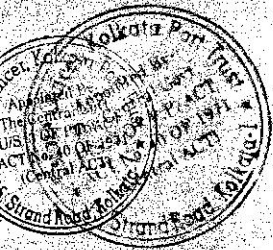
HEAD ASSISTANT
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Shri Charan Das Balmiki and his family members, Quarters No. : 13 & 14 at 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.

Please see on reverse



:: 2 ::

A copy of the Reasoned Order No 4 DT. 13.05.2019 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 Charan Das Balmiki and his family members, Quarters No. : 13 & 14 at 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 Charan Das Balmiki and his family members, Quarters No. : 13 & 14 at 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 No. : 13 & 14 at Block No. : Q, 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. 'N' at Taratala New Colony Mazdoor Line, On the South by KoPT's Boundary Wall, On the East by Block No. Q/15 & 16 at Taratala New Colony Mazdoor Line and On the West by Block No. 'R' at Taratala New Colony Mazdoor Line.

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

Dated: 13.05.2019

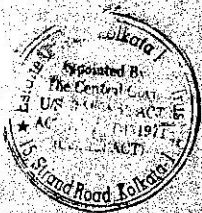
Sumit Mukherjee
Signature & Seal of the
Estate Officer.

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

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. 1701/L of 2019 Order Sheet No. 03

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Charan Das Balmiki & his family Members ^{VS}

03

26.04.2019

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

No one appears on behalf of O.P. on 2nd call. Nothing has been heard from O.P's end. No reply to the Show Cause has been filed as yet. Considered the matter. Let the Final order be reserved.

(S. Mukhopadhyay)
ESTATE OFFICER.

FINAL ORDER

Nobody appears before me in course of hearing with proper authority to stay into the quarters in question. Perused the report of the Process Server dated 08.04.2019 regarding affixation of Show Cause Notice u/s.4 of the Act on the property in question. I am satisfied with the service of notice to all concerned. No reply to the Show Cause Notice u/s. 4 of the Act issued on 20.03.2019 against O.P. has been filed as yet. 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.

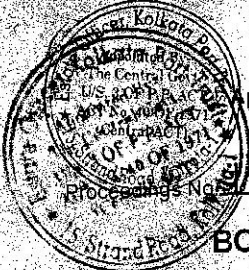
04

13.05.2019

BY ORDER OF
THE ESTATE OFFICER
KOLKATA PORT TRUST

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

13.05.2019
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. 701/L of 2019 Order Sheet No. -04-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Charan Das Balmiki & his family Members:
VS

04
13.05.2019

5. That O.P's occupation is unauthorized in all respect and O.P has failed to make out any case in support of his occupation.

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***

BY ORDER OF
THE ESTATE OFFICER
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
13.05.2019
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST