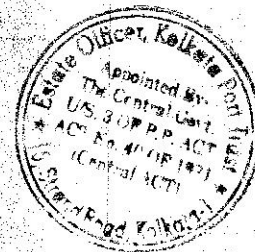


REGISTERED POST WITH A/D.
HAND DELIVERY
AFFIXATION ON PROPERTY



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.3- DT 02.05.2019
PROCEEDINGS NO.1713/L OF 2019

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

Sk. Jubir.

F O R M - "B"

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

P.R. OF
THE ESTATE OFFICER
KOLKATA PORT TRUST
RECEIVED COPY OF THE ORDER
DATED 13.05.2019
ESTATE OFFICER
KOLKATA PORT TRUST

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that Sk. Jubir, Quarters No. : 11 Block No. 2 at K.F. Loco Drivers 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.

8

Please see on reverse



:: 2 ::

A copy of the Reasoned Order No 3 DT. 02.05.2019 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 Sk. Jubir, Quarters No. : 11 Block No. 2 at K.F. Loco Drivers Majdoor Lines, 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 that Sk. Jubir, Quarters No. : 11 Block No. 2 at K.F. Loco Drivers Majdoor Lines, 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. 11 Block No. 2 at K.F. Loco Drivers Majdoor Lines, P.S. South Port Police Station, Kolkata – 700 023 which is butted and bounded in the manner as follows:

On the North by Vacant Place & Fireman Quarters, On the South by Vacant Place & Boundary Wall, On the East by Quarters No. 2/10 at K.F. Loco Driver's Mazdoor Line, On the West by Quarters No. 2/12 at K.F. Loco Driver's Mazdoor Line.

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

Dated: 02.05.2019


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

13.05.2019
HEAD 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. 1713/L of 2019 Order Sheet No. 01

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

S.K. JUBIR

01
15.03.2019

S.K. Sarder, Asst. Personnel Officer

Present : S.De, Sr. Asst. Estate Manager (Legal)
Kolkata Port Trust (KoPT)

Record is put up on being mentioned by KoPT. Heard the submissions and considered the matter of urgency pleaded. It is submitted that KoPT's Qtr. No. 11, Bl. No. 2 at K.F. Loco Driver's Mazdoor Line, P.S. South Port Police Station, Kolkata- 700023 was under the occupation of KoPT (under lock & key) since 24.02.2009. It further submitted that on or about 12.07.2012 the Opposite Party forcibly occupied the said quarters by breaking open the padlock and since then has been living there unauthorisedly. My attention is drawn to KoPT's application signed by Shri Benoy Kumar Sarkar, Labour Officer (H&W) KoPT dated 23.08.2012 filed on 28.08.2012.

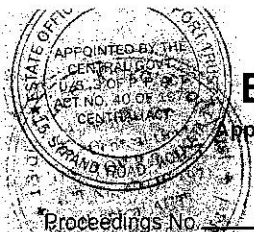
Heard the submissions and considered the matter on the basis of materials on record. After careful consideration of the submissions/arguments made on behalf of KoPT, I find that KoPT has made out a strong case to proceed against O.P. under relevant provisions of The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (which shall hereinafter be referred to as "The Act") and Rules made thereunder.

Let Show Cause notice under Section 4 of the Act be issued to O.P. fixing date for production of documents evidence, hearing etc. on 29.03.2019 at 11 A.M. Reply to Show cause notice/s on behalf of O.P. must have to be filed on or before 29.03.2019

It is made clear that Show Cause Notice must have to be affixed on the property and with the affixation of notice under Section 4 of the Act, I am inviting attention of all interested person/s in the property in question and any person interested in the property may appear before me for hearing etc. Notice must have to be served

BY ORDER OF
THE ESTATE OFFICER
KOLKATA PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
HEARD BY ASSTANT
OFFICE OF THE LD. ESTATE OFFICER
KOLKATA PORT TRUST

S



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. 1713/2 of 20/11/2019 Order Sheet No. 02

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sr. Jabin

01
15.03.2019

upon O.P. through Registered Post with A/D etc.
All concerned are directed to act accordingly.

Sumit Mukhopadhyay
15.03.19
ESTATE OFFICER

02
29.03.2019

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.

Sumit Mukhopadhyay
(S. Mukhopadhyay)
ESTATE OFFICER

0303
02.05.2019

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 20.03.2019 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 15.03.2019 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:

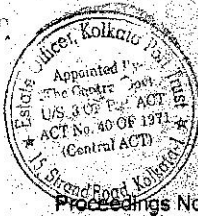
1. That no reply to the show cause notice is filed by O.P.
2. That nothing has been shown in support of O.P's occupation into the public premises.

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 ESTATE OFFICER
KOLKATA PORT TRUST

S



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. 1713/L Of 2019 Order Sheet No. 03

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
SK. JUBIR

03
03
02.05.2019

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 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
HEAD ASSISTANT
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST