

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
6, FAIRLIE PLACE (1ST Floor)
KOLKATA - 700 001

Court Room At the 1ST Floor
of Kolkata Port Trust's
Fairlie Warehouse
6, Fairlie Place, Kolkata- 700 001.

REASONED ORDER NO. 33 DT 24.05.2019
PROCEEDINGS NO. 1380 OF 2013

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

Sri Dhaneswar Rajbhar (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

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Sri Dhaneswar Rajbhar, of Shop no. 27, CPT Taratala Staff Colony, West Side Market, Taratala Road, Kolkata 700053** is in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

- 1) That O.P or any person interested in the subject property has failed to appear before this Forum and has failed to file Reply to the Show Cause Notice/s under the Act, inspite of sufficient chances being given.
- 2) That O.P has violated the condition of tenancy under monthly term lease as granted by the Port Authority by way of not making payment of the dues to KoPT without any valid justification.
- 3) That O.P has violated the condition of tenancy under monthly term lease as granted by the Port Authority by way of unauthorisedly parting with possession to various rank outsiders / strangers without any authority of law.
- 4) That O.P. has failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 5) That O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances.
- 6) That the notice/s to quit dated 20.06.1983 as served upon O.P by the Port Authority is valid, lawful and binding upon the parties and O.P's occupation, and that of any other occupant of the premises, has become unauthorised in view of Section 2(g) of the P.P Act.
- 7) That O.P is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession of the subject premises to the Port Authority.

Please see on reverse

By Order of:
THE ESTATE OFFICER
KOLKATA PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
203-06-19
A Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
KOLKATA PORT TRUST



:: 2 ::

A copy of the reasoned order No. 33 dated 24.05.2019 is attached hereto which also forms a part of the reasons.

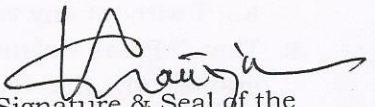
NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said **Sri Dhaneswar Rajbhar, of Shop no. 27, CPT Taratala Staff Colony, West Side Market, Taratala Road, Kolkata 700053** 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 **Sri Dhaneswar Rajbhar, of Shop no. 27, CPT Taratala Staff Colony, West Side Market, Taratala Road, Kolkata 700053** 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

- 1) Plate no. D378/12 - The said piece or parcel of land msg. 33.445 sqm or thereabouts situated at the Western side of Taratala Staff Colony, Thana - Taratala, District - 24 Parganas, Registration District - Alipore. It is bounded on the North by the Trustees' open land used as passage, on the East by the Trustees' land leased to Shri Dhaneswar Rajbhar, on the South by the Trustees' strip of open land alongside the drain and on the West by the Trustees' leased out land.
- 2) Plate no. D378/16 - The said piece or parcel of land msg. 19.325 sqm or thereabouts situated at the Western side of Taratala Staff Colony, Thana - Taratala, District - 24 Parganas, Registration District - Alipore. It is bounded on the North by the Trustees' open land used as passage, on the East by the Trustees' land leased to Shri Dhaneswar Rajbhar, on the South by the Trustees' strip of open land alongside the drain and on the West by the Trustees' leased to Shri Dhaneswar Rajbhar.

Trustees mean the Board of Trustees for the Port of Kolkata.

Dated: 24.05.2019


Signature & Seal of the
Estate Officer.

**COPY FORWARDED TO THE ESTATE MANAGER/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 Act 40 of 1971-Central Act)
Public Premises (Eviction of Unauthorised Occupants) Act 1971
OFFICE OF THE ESTATE OFFICER
6, FAIRLIE PLACE (1st FLOOR) KOLKATA-700001



FORM -G

PROCEEDINGS NO. 1380/D OF 2013
ORDER NO. 33 DATED: 24.05.2019

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

To

Sri Dhaneswar Rajbhar,
Shop no. 27, CPT Taratala Staff Colony,
West Side Market, Taratala Road,
Kolkata 700053

By Order of:
THE ESTATE OFFICER
KOLKATA PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
15.06.2019
+ HEAD ASSISTANT
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

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 06.03.2019 you were called upon to show cause on or before 27.03.2019 why an order requiring you to pay a sum of Rs. 10,11,893.87/- (Rupees Ten Lakhs Eleven Thousand Eight Hundred and Ninety Three and paise Eighty Seven only) for Plate no. D378/12 and Rs 5,49,996.48/- (Rupees Five Lakhs Forty Nine Thousand Nine Hundred Ninety Six and paise Forty Eight only) for Plate no. D378/16 being the damages payable together with compound interest in respect of the said premises should not be made;

AND, whereas, you have failed to appear before me either in person or through duly authorized representative;

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. 10,11,893.87/- (Rupees Ten Lakhs Eleven Thousand Eight Hundred and Ninety Three and paise Eighty Seven only) for Plate no. D378/12 and Rs 5,49,996.48/- (Rupees Five Lakhs Forty Nine Thousand Nine Hundred Ninety Six and paise Forty Eight only) for Plate no. D378/16 assessed by me as damages on account of your unauthorised occupation of the public premises for the period 01.09.1983 to 25.01.2019 to Kolkata Port Trust by 15.06.2019.

PLEASE SEE ON THE REVERSE



:: 2 ::

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 @ 15% per annum upto 18.09.1996 and thereafter @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 Gazette.

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.

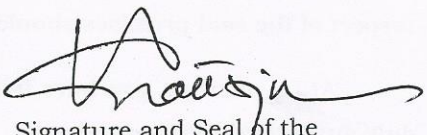
SCHEDULE

- 1) Plate no. D378/12 - The said piece or parcel of land msg. 33.445 sqm or thereabouts situated at the Western side of Taratala Staff Colony, Thana - Taratala, District - 24 Parganas, Registration District - Alipore. It is bounded on the North by the Trustees' open land used as passage, on the East by the Trustees' land leased to Shri Dhaneswar Rajbhar, on the South by the Trustees' strip of open land alongside the drain and on the West by the Trustees' leased out land.
- 2) Plate no. D378/16 - The said piece or parcel of land msg. 19.325 sqm or thereabouts situated at the Western side of Taratala Staff Colony, Thana - Taratala, District - 24 Parganas, Registration District - Alipore. It is bounded on the North by the Trustees' open land used as passage, on the East by the Trustees' land leased to Shri Dhaneswar Rajbhar, on the South by the Trustees' strip of open land alongside the drain and on the West by the Trustees' leased to Shri Dhaneswar Rajbhar.

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

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

Dated: 24.05.2019


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. 1380 & 1380/D Of 2013 Order Sheet No. -24-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sri Dhameswar Rajbhar VS

{ D-378/12 }
{ S-378/16 }

Matter could not taken up for hearing due to official engagement on 27.03.2019 of Estate Officer.

30
27-03-2019

Let the matter be refixed on ³~~03~~ 04.2019 at 12 Noon at 1st floor, 6 Fairlie Place Warehouse, Kolkata-700 001. All concerned are directed to act accordingly.



(Signature)
(Kaushik Chatterjee)
Estate Officer

Present : R.Biswas Resolution Officer (Legal)
For Kolkata Port Trust
No one appeared on behalf of the
Opposite Party (O.P.)

31
03.04.2019

Representative of KoPT is present but despite repeated calls, no one appears on behalf of O.P. On perusal of records it is observed that Order No.30 dated 27.03.2019 was duly served on the O.P. Let another chance be given to O.P. for the sake of natural justice to appear before this Forum.



Next date for hearing, submission of evidence, etc is fixed on 17.04.2019.

Parties are directed to collect the certified copy of this Order from the Department. All concerned are directed to act accordingly.

By Order of:
THE ESTATE OFFICER
KOLKATA PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
03.06.19.
Head Assistant
OFFICE OF THE LEGAL OFFICER
KOLKATA PORT TRUST

(Signature)
(K. Chatterjee)
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. 1380 & 1380/D Of 2013 Order Sheet No. 25

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

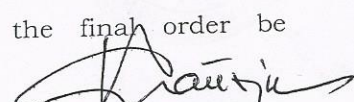
Sri Dhaneswar Rajbhar VS D-378/12
D-378/16

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17-04-2019

Matter is taken up for hearing today. No one appears on behalf of O.P., despite 2nd call. It is seen that O.P. had failed to appear before the Forum earlier also. Such being the case, I think O.P. is not interested at all to contest the proceedings. I have no option but to proceed to dispose the matter, ex-parte O.P.

Under such circumstances let the final order be reserved.


ESTATE OFFICER

FINAL ORDER

The instant proceedings nos. 1380 & 1380/D of 2013 arises out of the application dated 06.11.2012 of the Kolkata Port Trust (KoPT), the applicant herein, praying for an order of eviction and recovery of dues and other charges etc. along with accrued interest against Sri Dhaneswar Rajbhar, the O.P. herein, under the relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The facts of the case, in terms of a nutshell, are that the O.P. came into occupation of the port properties measuring 33.445 sqm or thereabouts (under plate no. D378/12) and 19.32 sqm or thereabouts (under Plate no. D378/16), both situated at the western side of Taratala Staff Colony, Thana -Taratala, Registration District : Alipore and District : 24 Parganas, (morefully described under the 'Schedule of Property' of the KoPT's application filed on 06.11.2012) as a month to month lessee and had defaulted in making payment of KoPT's dues and taxes and unauthorisedly parted with possession of the Public Premises in question to the rank outsiders. Subsequently, it was informed by KoPT that O.P. has also changed the purpose of the use of the Premises in clear violation of the terms and conditions of the lease in question.

It is the case of KoPT that the O.P. was asked to vacate the premises on the expiry of the month of August, 1983 in terms of the Quit Notices dated 20.06.1983, served as per statute upon the O.P. by registered post with acknowledgement due. The said notices have been duly acknowledged by one Sri Sarju Prosad Singh

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. 1380 & 138/D Of 2013 Order Sheet No. 26

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sri Dhaneswar Rajbhar VS *D-378/12*
D-378/16

33
24-05-2019

introducing himself as an employee of Sri Dhaneswar Rajbhar, the O.P. herein. The said notice was also simultaneously sent by KoPT authority to the O.P., under Certificate of Posting to the correct address of the O.P. Another copy of the notice was personally served by the KoPT's Jr. land Inspector by handing over to the representative of the O.P. It is further the case of KoPT that inspite of Ejectment Notices, the O.P. failed and neglected to quit, vacate and deliver up vacant and peaceful possession of the said premises on the expiry of the month of August, 1983 and hence is liable to be evicted therefrom.

Considering the submissions and materials on record as submitted by KoPT, Notice/s to Show Cause U/s 4 and 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 both dated 06.03.2019 were issued to the O.P. as well as any other person interested on the subject property, as to why an order of eviction should not be made against the O.P. The O.P. as well as any other person interested was also called upon to appear before this Forum in person or through their duly authorized representative, capable of answering all material questions connected to the matter along with evidence which the O.P. or such other interested person intends to produce in support of their case. The Notices were served upon the address of O.P. by 'Speed Post' in KoPT's usual course of business as well as by Hand Delivery through Process Server of this Office.

It appears from the records that one Sri Tripurari Shaw received the Notice/s, along with the KoPT's original application, sent through personal service upon the subject property on 08.03.2019. Further, as per the Report dated 08.03.2019 of the Process Server, the notice/s were also affixed upon the subject Premises on the same very date, for Notice to all concerned. It requires mention here that the Notice served through 'Speed Post' has not been reverted to this Forum which offers a reasonable presumption that the Notice/s have duly been served upon the O.P. in the usual course of business.

By Order of:
THE ESTATE OFFICER
KOLKATA PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
03-08-19
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. 1380 x 1380/D Of 2013 Order Sheet No. 27

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sri Dhaneswar Rajbhar } D-378/12
D-378/16

33
24-05-2019

By Order of:
THE ESTATE OFFICER
KOLKATA PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
D. 03.06.19.
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
KOLKATA PORT TRUST

On 27.03.2019, i.e. the day fixed under the Notice/s for appearance of O.P. for answering all material questions connected with the matter alongwith the evidence in support of the Cause Shown, one Sri Sunny Nandy, expressing himself as the Ld. Advocate of Sri Dhaneswar Rajbhar (without any authority or Vakalatnama or the Reply to Show Cause or any papers/ documents in connection with the case) made himself present but as the undersigned was not available due to other official engagement, the matter could not be heard. It appears from records that the re-fixed next date of hearing (i.e. 03.04.2019 at 12 noon) was duly intimated to the said Ld. Advocate (without authority) and the said Ld. Advocate also acknowledged the same by putting his signature in the pre-printed Hearing Notice. On 03.04.2019, however, none appeared on behalf of O.P. despite knowledge that the date was fixed for filing Reply to the Show cause notice, production of documents/ evidence and personal hearing. Furthermore, no reply/ documents/ evidence reached this Forum. Following the principles of natural justice, another opportunity was given to the O.P. by fixing the next date on 17.04.2019 to appear, file reply to the Show cause and the said order was served personally upon the subject property through Process Server and the same Sri Tripurari Shaw received the certified copy of the Order under acknowledgement, on 11.04.2019 as before. On 17.04.2019 again none appeared on behalf of the O.P., nor any reply / documents / evidence was filed before this Forum.

Since none appeared on behalf of O.P. despite opportunities being provided to them nor shown any interest in filing Reply to the show cause, and being satisfied with service of notice upon all concerned as per the mandate of the Act, the Final Order was reserved by this Forum on 17.04.2019.

Now while delivering the final order, I have carefully gone through the submissions of KoPT. It is noted that KoPT vide their original application filed dated 06.11.2012 and subsequently vide detailed statement of accounts, filed under the cover of KoPT's application

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. 1380 x 1380/D Of 2013 Order Sheet No. 28

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sri Dhaneswar Rajbhar VS D-378/12
D-378/16

33
24.05.2019.

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

dated 15.03.2017 has drawn my attention to the fact that huge amount is lying outstanding with the O.P. I have also gone through the communications of the Port Authority addressed to the O.P., particularly the letters dated 04.04.1983 whereby the O.P. was repeatedly requested to liquidate the dues but, apparently, no heed was paid by the O.P. The most vital piece of evidence is of course, the admission of such dues on the part of the O.P. by a letter signed by the O.P. himself and received by the Port Authority on 13.08.1984 whereby the O.P. clearly confessed that due to his financial difficulties, he could not pay the dues in time. Such being the case, the contention of the Port Authority regarding non-payment of outstanding dues definitely bears the stamp of correctness. As regards the charge of unauthorised parting with possession, it is seen from the records that the Quit Notice, the Notice/s to Show cause as well the present orders/ communications were received/being received by persons other than the O.P., with one Sri Tripurari Shaw, introducing himself as 'sitting occupant', while acknowledging receipt of the Show Cause Notice, on behalf of Dhaneswar Rajbhar. This clearly suggests that O.P. is not in possession of the property at all and rather the property is being enjoyed by rank outsiders. Moreover, it is clear from KoPT's Inspection Reports dated 22.09.2017 and 28.01.2019 that various strangers are in possession of the property with no trace of O.P. in the premises. The premises are also found to be used for purposes other than the ones originally agreed into.

As such, after perusal of all these evidences produced by KoPT, there is no doubt or confusion in my mind that the monthly lease/s of the O.P. were rightly determined by the Port Authority vide Notice/s to Quit dated 20.06.1983. I think that all the breaches, as claimed by the KoPT, are very much established against the O.P. and consequently, I have no hesitation to hold that the Notice/s to Quit dated 20.06.1983 had been validly issued and served on the O.P. and the same are binding on the parties.

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. 1380 & 1380/D Of 2013 Order Sheet No. 29

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
sri Dhaneswar Rajbhar { D-378/12 }
{ D-378/16 }

33
24-05-2019

In view of the circumstances, as there is no Reply to the Show Cause Notice/s under the Act, either on behalf of O.P or on behalf of any other person/s interested in the property in question, inspite of sufficient chances being served to the O.P., I am left with no other alternative but to issue the Order of Eviction against O.P., as prayed for on behalf of KoPT, on the following grounds/reasons:-

- 1) That O.P or any person interested in the subject property has failed to appear before this Forum and has failed to file Reply to the Show Cause Notice/s under the Act, inspite of sufficient chances being given.
- 2) That O.P has violated the condition of tenancy under monthly term lease as granted by the Port Authority by way of not making payment of the dues to KoPT without any valid justification.
- 3) That O.P has violated the condition of tenancy under monthly term lease as granted by the Port Authority by way of unauthorisedly parting with possession to various rank outsiders / strangers without any authority of law.
- 4) That O.P. has failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 5) That O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances.
- 6) That the notice/s to quit dated 20.06.1983 as served upon O.P by the Port Authority is valid, lawful and binding upon the parties and O.P's occupation, and that of any other occupant of the premises, has become unauthorised in view of Section 2(g) of the P.P Act.

By Order of:
THE ESTATE OFFICER
KOLKATA PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
20.06.19.
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. 1380 & 1380/D Of 2013 Order Sheet No. 31

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sri Dhameswar Rajbher VS {Φ - 378/12
D - 378/16}

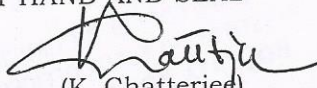
33
24.05.2019.

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 25.01.2019 as well, as the possession of the premises is still lying unauthorisedly with the O.P.. KoPT is directed to submit a statement comprising details of its calculation of damages after 25.01.2019, 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, the Port Authority is entitled to proceed further for execution of this Order in accordance with law.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL


(K. Chatterjee)
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
03.06.19
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. 1380 x 1380/D of 2013 Order Sheet No. 30

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
Sri Dhameswar Rajbhar { D-378/12 }
{ D-378/16 }

33
24-05-2019

- 7) That O.P is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession of the subject premises to the Port Authority.

ACCORDINGLY, I sign the formal order of eviction u/s. 5 of the Act as per Rule made there-under, giving 15 days' time to O.P. and any person/s whoever may be in occupation, to vacate the 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, upto the date of recovery of 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 can be taken for execution of the order of eviction u/s 5 of the Act, as per Rule made under the Act.

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. 10,11,893.87/- and Rs 5,49,996.48/- (in respect of Plate nos. D378/12 and D378/16 respectively) as claimed by the Port Authority as damages, is correctly payable by O.P. for the period 01.09.1983 to 25.01.2019 (both days inclusive) for each of the Plates in question and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to KoPT by 15.06.2019. The said damages shall carry 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 incurrance of liability till its final payment in accordance with the relevant notification/s published in Official Gazette. The formal order u/s 7 of the Act is signed accordingly.

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 L.L. ESTATE OFFICER
KOLKATA PORT TRUST