



**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, Fairley Place (1st Floor)
KOLKATA - 700 001

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

REASONED ORDER NO. 14 DT 08.11.2019
PROCEEDINGS NO. 1152 OF 2011

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
Sri Thakur Prosad Sukla, Sri Hari Bansh Sukla

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 Thakur Prosad Sukla, Sri Hari Bansh Sukla Son of Late Ram Lakhna Sukla of D1/92, Taratala Road, Kolkata -700024 AND ALSO AT 8B, Hari Mohan Ghosh Road, Kolkata-700024** is in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

1. That O.P. has failed to file reply to the Show Cause Notice/s inspite of sufficient chances and as such, there is nothing to disbelieve KoPT's contention regarding service of Quit notice to O.P., demanding possession dated 18.08.1983.
2. That O.P. has failed to bear any witness or adduce any evidence in support of their occupation as "Authorized Occupation" despite sufficient chances.
3. That the Quit notice dated 18.08.1983 as served upon O.P. by the Port authority is valid, lawful and binding upon the parties and O.P's occupation into the Public Premises has become unauthorised in view of Sec.2(g) of the P.P. Act.

A

Handwritten signature/initials

Please see on reverse

(2)

A copy of the reasoned order No. 14 dated 03.11.2019 is attached hereto which also forms a part of the reasons.

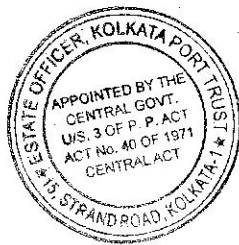
NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said **Sri Thakur Prosad Sukla, Sri Hari Bansh Sukla Son of Late Ram Lakhan Sukla of D1/92, Taratala Road, Kolkata -700024 AND ALSO AT 8B, Hari Mohan Ghosh Road, Kolkata-700024** 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 Thakur Prosad Sukla, Sri Hari Bansh Sukla Son of Late Ram Lakhan Sukla of D1/92, Taratala Road, Kolkata -700024 AND ALSO AT 8B, Hari Mohan Ghosh Road, Kolkata-700024** 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

All that piece or parcel of land measuring 230.120 sq.m or thereabouts (under Plate No.D-153/1/A) is situate at Taratala Road, Fatehpur, Thana-South Port Police Station, Calcutta, District. 24parganas. It is bounded on the North by drain and then open space on the South by Trustees' land allotted to Sri Thakur Prosad Sukla and Haribansh Sukla. On the East by drain and then Fatheour Mosque. On the West by drain and then Taratala Road.

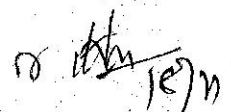
Trustees' means the Board of Trustees' of the Port of Kolkata.

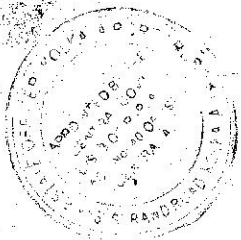
Date- 13/11/19




Signature & Seal of the
Estate Officer.

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





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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 the 1st Floor
6, Fairlie Place Warehouse

Form " E "

PROCEEDINGS NO.1152/R OF 2011
ORDER NO.14 DATED: 08.11.2019

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

To
**Sri Thakur Prosad Sukla, Sri Hari Bansh Sukla
Son of Late Ram Lakhan Sukla,
Of D1/92, Taratala Road, Kolkata -700024 AND ALSO AT
8B, Hari Mohan Ghosh Road,
Kolkata-700024.**

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

AND WHEREAS, by written notice dated 19.02.2018 you were
called upon to show cause on/or before 06.03.2018 why an order
requiring you to pay a sum of Rs.11,249.77/- (Rupees Eleven
thousand Two Hundred Forty Nine and Paise Seventy seven only.)
for Plate No.D-153/1/A being the rent payable together with
compound interest in respect of the said premises should not be
made;

And whereas you have failed to represent the instant
proceedings inspite of repeated chances being given to you. Even
Paper Publication of the Notice yield no fruitful result and therefore
no evidence have been produced by you in support of your case.

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.11,249.77/- (Rupees Eleven thousand Two Hundred
Forty Nine and Paise Seventy seven only.) for the period 01.10.1973
to 30.09.1983 (both days inclusive) to Kolkata Port Trust by
22.11.2019.

PLEASE SEE ON REVERSE

Handwritten signature and date: 08/11/19

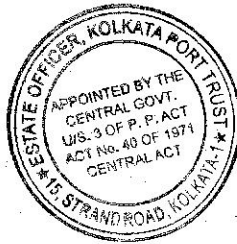
In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay compound interest at the rate of 15% per annum upto 18.09.1996 and thereafter @18% per annum upto 06.04.2011 and thereafter at the rate of 14.25% per annum on the above sum from the date of incurrance of liability till its final payment in accordance with Kolkata Port Trust's Notification published in Official Gazette/s.

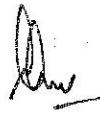
In case the said sum is not paid within the said period or in the said manner, it will be recovered as arrears of land revenue through the Collector.

SCHEDULE

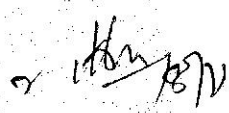
All that piece or parcel of land measuring 230.120 sq.m or thereabouts (Under Plate No.D-153/1/A) is situate at Taratala Road, Fatehpur, Thana-South Port Police Station, Calcutta, District. 24parganas. It is bounded on the North by drain and then open space on the South by Trustees' land allotted to Sri Thakur Prosad Sukla and Haribansh Sukla. On the East by drain and then Fatheour Mosque. On the West by drain and then Taratala Road. Trustees' means the Board of Trustees' of the Port of Kolkata.

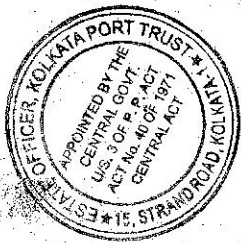
Dated: 13/11/19




Signature and 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

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.

PROCEEDINGS NO.1152/D OF 2011
ORDER NO 14 DATED: 08.11.2019

Form- G

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

To

**Sri Thakur Prosad Sukla, Sri Hari Bansh Sukla
Son of Late Ram Lakhan Sukla,
of D1/92, Taratala Road, Kolkata -700024 AND ALSO AT
8B, Hari Mohan Ghosh Road,
Kolkata-700024.**

Whereas I, the undersigned, am satisfied that you are/were in unauthorised occupation of the public premises mentioned in the Schedule below:

And whereas by written notice dated 19.02.2018 you are/were called upon to show cause on/or before 06.03.2018 why an order requiring you to pay damages of **Rs.16,71,500.72/-** (Rupees Sixteen Lakhs Seventy One thousand Five hundred and paise Seventy Two only) for **Plate No.D-153/1/A** for unauthorised use and occupation of the said premises, should not be made.

And whereas you have not made any objections or produced any evidence before the said date.

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 order you to pay the sum of **Rs.16,71,500.72/-** (Rupees Sixteen Lakhs Seventy One thousand Five hundred and paise Seventy Two only) for **Plate No.D-153/1/A** as damages on account of your unauthorised occupation of the premises for the period from 01.10.1983 to 26.04.2017 to Kolkata Port Trust by 22.11.2019.

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 @ 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 Kolkata Port Trust's Notification published in Calcutta Gazette/s as per Kolkata Port Trust's Rule.

PLEASE SEE ON REVERSE

: 2 :


In the event of your refusal or failure to pay the damages within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue.

SCHEDULE

All that piece or parcel of land measuring 230.120 sq.m or thereabouts (under Plate No.D-153/1/A) is situate at Taratala Road, Fatehpur, Thana-South Port Police Station, Calcutta, District. 24parganas. It is bounded on the North by drain and then open space on the South by Trustees' land allotted to Sri Thakur Prosad Sukla and Haribansh Sukla. On the East by drain and then Fatheour Mosque. On the West by drain and then Taratala Road. Trustees' means the Board of Trustees' of the Port of Kolkata.

Date 13/11/19




Signature & Seal of the
Estate Officer.

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


13/11



Estate Officer, Kolkata Port Trust

Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act 1971

Proceedings No. 1152, 1152/R, 1152/D Of 2011 Order Sheet No. 13

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
Sri Thakur Prosad Sukla, Sri Hari Bansh Sukla

14
08.11.2019

FINAL ORDER

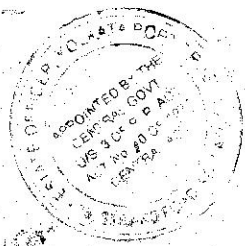
The instant proceedings No. 1152, 1152/R, 1152/D of 2011 arises out of the application bearing No. Lnd.4307/08/11441 dated 02.01.2009 filed by the Kolkata Port Trust (KoPT), the applicant herein, praying for an order of eviction and recovery of rent, compensation/damages and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against Sri Thakur Prosad Sukla, Sri Hari Bansh sukla S/O Late Ram Lakhan Sukla, the O.P herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The fact of the case in a nutshell is that the O.P. came into occupation of the port property being land measuring 230.120 sq.mtrs. or thereabout situated at Taratala Road, Fathepur (under Plate No.D-153/1/A) Thana- Erstwhile South Port Police Station, Now Garden Reach Police Station District-Kolkata as a Lessee on monthly term, morefully described in the Schedule 'A' of the KoPT's application dated 02.01.2009. The allegations levelled by KoPT against the O.P is that while in possession of Port property as lessee, the O.P has defaulted in payment of monthly rent/Compensation/damages/mesne profit also accrued interest thereon the details of which has given in 'Schedule-B and C' of the KoPT's application dated 02.01.2009.

It is also the case of KoPT that the said lease with O.P. was determined by way of a Quit Notice dated 18.08.1983 and the O.P. was asked to vacate the premises on 30.09.1983 but O.P failed and neglected to vacate/ hand over the possession of the premises after service of the said Notice to Quit.

Considering the submission advanced by KoPT and the documents on record, Notice/s to Show Cause under section 4 and 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 all dated 19.02.2018 were issued by this forum to O.P. The Notice/s were issued in terms of the said provisions of

Handwritten signature and date: 18/11



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. 1152, 1152/R, 1152/D Of 20 11 Order Sheet No. 14

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Thakur Prasad Sukla, Sri Hari Banah Sukla

14

08.11.2019

the Act calling upon the O.P. to appear before this forum in person or through authorized representative capable to answer all material questions in connection with the matter along with the evidence which the opposite party intends to produce in support of their case.

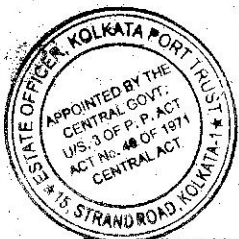
The said notice/s was served through Speed Post to both the correct recorded addresses of O.P. at D1/92, Taratala Road, Kolkata-700024 and also at 8B, Hari Mohan Ghosh Road Kolkata-700024. It appears from records that the Notice/s sent to both the recorded addresses of O.P. were returned back by the postal department with a mark "O.P Deceased". The Notice/s have also been sent to the occupation of O.P. by hand delivery. It appears from the report of the Process Server dated 22.02.2018 that O.P was not found at above address. However, the copy of the said Notice/s have been affixed on the property under schedule on the same day at about 12.30 P.M. in compliance of the provisions of the Act. On the day fixed for appearance and filing of reply to the Show Cause by the O.P., none appeared on behalf of O.P. before this forum. Thereafter the attempts have been made by this Forum to provide chances to the O.P. for his appearance and filing of reply before this Forum following the principles of natural justice.

As none appeared on behalf of O.P in spite of repeated chances and affixation of the Notice/s on subject premises, the matter was published in the classified column of the Statesman as per the Order dated 05.06.2018 fixing the penultimate date of O.P's appearance on 31.07.2018. Finally as the O.P failed to appear on 31.07.2018 the final Order was reserved in the matter. Now this forum has decided to adjudicate the matter ex-parte.

Now, while passing the Final Order, I have carefully considered the documents on record and the submissions of KoPT.

It is seen that no one appears on behalf of O.P. and no attempts has ever been made by the O.P. to satisfy this Forum of Law about any consent on the part of KoPT in occupying the public premises. Rather it is a case of KoPT that by notice dated 18.08.1983 O.P. was directed to hand over possession of the premises to KoPT. A letter /notice issued in official course of business has definitely

By Order of:
THE ESTATE OFFICER
KOLKATA PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICE
KOLKATA PORT TRUST
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. 1152, 1152/R, 1152/D Of 2011 Order Sheet No. 15

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Thakur Prasad Sukla, Sri Hari Bansh Sukla

14

08.11.2019

got an evidentiary value unless there is no material, sufficient to contradict the case of KoPT on the basis of such letter/Notice. It is a settled question of law that O.P. cannot claim any legal right to hold the property after expiry of the notice in question, without any valid grant or allotment from KoPT's side.

Further, as there is no reply to the Show Cause notice issued u/s 4 and u/s 7 of the Act inspite of sufficient chances provided to the O.P., I am left with no other alternative but to issue order of eviction u/s 5 of the Act against O.P. on the following grounds/reasons :-

1. That O.P. has failed to file reply to the Show Cause Notice/s inspite of sufficient chances and as such, there is nothing to disbelieve KoPT's contention regarding service of Quit notice to O.P., demanding possession dated 18.08.1983.
2. That O.P. has failed to bear any witness or adduce any evidence in support of their occupation as "Authorized Occupation" despite sufficient chances.
3. That the Quit notice dated 18.08.1983 as served upon O.P. by the Port authority is valid, lawful and binding upon the parties and O.P's occupation into the Public Premises has become unauthorised in view of Sec.2(g) of the P.P. Act.

ACCORDINGLY, Department is directed to draw up formal order of eviction u/s.5 of the Act as per Rule made there under, giving 15 days time to O.Ps' 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.Ps' in accordance with Law up to the date of recovery of possession of the same.

It is my considered view that a sum of Rs.11,249.77 for the period 01.10.1973 to 30.09.1983 is due and recoverable from O.P. by the Port authority on account of rental dues and O.P. must have to pay such dues to KoPT on or before 15.10.2019. Such dues attracts interest at the rate of 15% per annum upto 18.09.1996 and thereafter at the rate of 18% per annum upto 13.02.2010 and

R

ESTATE OFFICER
THE ESTATE OFFICER
KOLKATA PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
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. 1152, 1152/R, 1152/D Of 2011 Order Sheet No. 16

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Thakur Prasad Sukla, Sri Hari Banish Sukla.

14

08.11.2019

thereafter at the rate of 14.25% per annum till its liquidation of the same from the date of incurrance of liability in accordance with the notification of KoPT issued under Authority of Law as per adjustment of payments made so far by O.P as per KoPT's books of accounts.

It is further considered that a sum of Rs.16,71,500.72 for the period 01.10.1983 to 26.04.2017 is due and recoverable from O.P. by the Port authority on account of compensation / Damages dues and O.P. must have to pay such dues to KoPT on or before 22.11.2019. Such dues attracts interest at the rate of 15% per annum upto 18.09.1996 and thereafter at the rate of 18% per annum upto 13.02.2010 and thereafter at the rate of 14.25% per annum till its liquidation of the same from the date of incurrance of liability in accordance with the notification of KoPT issued under Authority of Law as per adjustment of payments made so far by O.P as per KoPT's books of accounts.

Department is directed to draw up formal order as per Rule u/s 7 of the Act. I make it clear that in the event of failure on the part of O.P. to pay the dues/charges as aforesaid, KoPT is at liberty to recover such dues etc. in accordance with law.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(A.K Saikar)

ESTATE OFFICER.

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

ESTATE OFFICER
KOLKATA PORT TRUST
15, STRAND ROAD, KOLKATA
11/11/2019