

SCAN  
etc

**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 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Fairlie Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO.27 DT.07.01.2020  
PROCEEDINGS NO. 615 OF 2004

BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
-Vs-  
**Sri Arjun Singh and Arun Singh(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 Arjun Singh and Arun Singh, Vill: Dehuri, Pachim Tota, P.O: Marhowra, Bihar And 38/1, Chetla Station Yard, Kolkata-700027 And also of 38, Chetla Railway Siding, Calcutta-700027** 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 21.05.1982.
2. That O.P. has failed to produce any witness or adduce any evidence in support of their occupation as "Authorized Occupation" despite sufficient chances.
3. That the Quit notice dated 21.05.1982 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 unauthorized in view of Sec.2(g) of the P.P. Act.
4. That O.P. is liable to pay damages for wrongful use and occupation of the public premises up to the date of handing over the clear, vacant and unencumbered possession to the port authority.

BY ORDER OF:  
THE ESTATE OFFICER  
KOLKATA PORT TRUST  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
KOLKATA PORT TRUST  
Heard on 07.01.2020  
OFFICER  
KOLKATA PORT TRUST

**Please see on reverse**

(2)

A copy of the reasoned order No. 27 dated 07.01.2020 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 Arjun Singh and Arun Singh, Vill: Dehuri, Pachim Tota, P.O: Marhowra, Bihar And 38/1, Chetla Station Yard, Kolkata-700027 And also of 38, Chetla Railway Siding, Calcutta-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 **Sri Arjun Singh and Arun Singh, Vill: Dehuri, Pachim Tota, P.O: Marhowra, Bihar And 38/1, Chetla Station Yard, Kolkata-700027 And also of 38, Chetla Railway Siding, Calcutta-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.

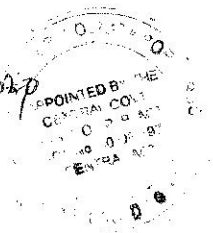
#### SCHEDULE

##### (Under Plate No.D.453/1/A)

The said piece or parcel of land msg.74.880 sq.m or thereabouts is situate at Chetla Station Yard, Thana: New Alipore, now Chetla Police Station, Kolkata, Dist: 24Parganas, Registration District-Alipore. It is bounded on the North by the Trustees' strip of open land alongside their Railway line, on the East by the Trustees' land leased to Mahalakshmi Coal Depot, On the South by the Trustees' open land along side their Boat Canal and on the West by the Trustees' land leased to Ashok Coal Traders.

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

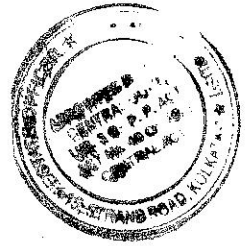
Date- 08/01/2020



*L. S. Man*  
Signature & Seal of the  
Estate Officer.

By Order of:  
THE ESTATE OFFICER  
KOLKATA PORT TRUST  
CERTIFIED COPY OF THE ORDER  
PREPARED BY THE ESTATE OFFICER  
KOLKATA PORT TRUST  
08/01/2020  
OFFICE OF THE ESTATE OFFICER  
KOLKATA PORT TRUST

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 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Fairlie Warehouse  
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.615/D OF 2004  
ORDER NO.27 DATED : 07.01.2020

**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 Arjun Singh and Arun Singh,**  
**Vill: Dehuri, Pachim Tota,**  
**P.O: Marhowra, Bihar**

**AND**  
**38/1, Chetla Station Yard,**  
**Kolkata-700027**

**AND ALSO**  
**38, Chetla Railway Siding,**  
**Calcutta-700027**

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

AND WHEREAS by written notice dated 26.09.2019 you are called upon to show cause on/or before 22.10.2019 why an order requiring you to pay damages of Rs. 3,62,416/- (Rupees Three lakhs Sixty Two thousand Four hundred Sixteen only) together with compound interest should not be made; for unauthorised use and occupation of the said premises.

AND WHEREAS you have not made any objections or produced any evidence on/or before the said date and failed to represent the instant proceedings inspite of repeated chances being given to 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 order you to pay the sum of Rs. 3,62,416/- (Rupees Three lakhs Sixty Two thousand Four hundred Sixteen only) as damages on account of your unauthorised occupation of the premises for the period from 01.07.1982 to 27.03.2019 to Kolkata Port Trust by 14.01.2020.

BY ORDER OF:  
THE ESTATE OFFICER  
KOLKATA PORT TRUST

NOTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
KOLKATA PORT TRUST  
07/01/2020  
OFFICER

**PLEASE SEE ON REVERSE**

: 2 :

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 official Gazette/s.

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 by Collector.

### SCHEDULE

#### (Under Plate No.D.453/1/A)

The said piece or parcel of land msg.74.880 sq.m or thereabouts is situate at Chetla Station Yard, Thana: New Alipore, now Chetla Police Station, Kolkata, Dist: 24Parganas, Registration District-Alipore. It is bounded on the North by the Trustees' strip of open land alongside their Railway line, on the East by the Trustees' land leased to Mahalakshmi Coal Depot, On the South by the Trustees' open land along side their Boat Canal and on the West by the Trustees' land leased to Ashok Coal Traders.

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

Date 08/01/2020



*[Handwritten Signature]*  
Signature & Seal of the  
Estate Officer.

By Order of:  
THE ESTATE OFFICER  
KOLKATA PORT TRUST  
RECORDED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
KOLKATA PORT TRUST  
08/01/2020  
S. RANGHAI, ESTATE OFFICER  
KOLKATA PORT TRUST

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

**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. 615, 615/D Of 2004 Order Sheet No. 21

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA**

**VS**  
Sri Arjun Singh & ors.

**FINAL ORDER**

27  
07.01.2020

The instant proceedings No.615, 615/D of 2004 arises out of the application bearing No.Lnd.3184/104/19/29 dated 05.04.2019 read with application bearing No. L.M.3184/104/II dated 26.12.1990 filed by the Kolkata Port Trust (KoPT), the applicant herein, praying for an order of eviction and recovery of dues damages/mesneprofits/compensation and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule 'A' of said application, against Sri Arjun Singh and Arun Singh, 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 measuring 74.880 sq.mt. or thereabout at Chetla Railway Siding (under Plate Nos.D-453/1/A) as Lessee on monthly term, more fully described in the 'Schedule of Property' of the KoPT's application. 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 making payment of damages/compensation and taxes and also accrued interest thereon the details of which has given in 'Schedule-'Z' of the KoPT's application.

By Order of:  
THE ESTATE OFFICER  
KOLKATA PORT TRUST  
CERTIFIED COPY OF THE ORDER  
PASSING 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. 615, 615/D Of 2604 Order Sheet No. 22

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
Sri Arjun Singh & ors.

27

07.01.2020

It is submitted by KoPT that the said lease with O.P. was determined by way of a Quit Notice dated 21.05.1982 and the O.P. was asked to vacate the premises on 01.07.1982 but O.P failed and neglected to vacate/ hand over the possession of the premises after service of the said Notice to Quit.

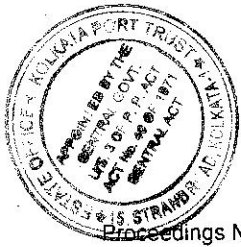
Considering the submission and documents as submitted by KoPT, Notice/s to Show Cause all dated 26.09.2019 (vide Order-20. dated 24.09.2019) were issued by this forum to the O.P. U/s 4 and 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 to show cause as to why an order of eviction and Order requiring to pay arrear damages/compensation together with interest should not be made against the O.P. The O.P. was also called upon to appear before this forum in person or through authorized representative capable to answer of material questions connected with the matter along with the evidence which the opposite party intends to produce in support of this case.

The said notice/s were served through Speed Post as well as by hand delivery to the recorded addresses of O.P. at Vill- Dehuri, Pachim Tota, P.O-Marhowra, Bihar, 38/1, Chetla Station Yard, Kolkata-700027 and 38, Chetla Railway Siding,

By Order of:  
THE ESTATE OFFICER  
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
KOLKATA PORT TRUST  
HELD ASSISTANT  
OFFICE OF THE LD. ESTATE OFFICER  
KOLKATA PORT TRUST

12



# 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. 615, 615/D Of 2009 Order Sheet No. 23

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
Sri Arjun Singh & ors.

27  
07.01.2020

Calcutta-700027. It appears from record that said Notice/s sent to the recorded address of O.P. by Speed Post were returned back with a mark 'addressee left'. The report of the Process Server dated 01.10.2019 also depicted that the said Notice/s could not be served to O.P. personally. However, affixation was made on the property under schedule on the same day about 3 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. As none appeared on behalf of O.P. or any other person interested in the property, a publication was made in the classified column of the Times of India, Kolkata on 22.11.2019 fixing the ultimate date of O.P's appearance on 03.12.2019. Finally as the O.P failed to appear on 03.12.2019, 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 inspite of service of Notice/s through all the available modes, no one appears on behalf of O.P. and no attempt 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

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

*LS*



## Estate Officer, Kolkata Port Trust

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

Recordings No. 615, 615/D Of 2004 Order Sheet No. 24

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
*Sri Arjun Singh & Ors*

27

07.01.2020

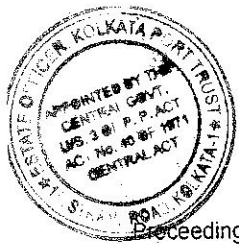
public premises. Rather it transpires that KoPT by a notice dated 21.05.1982, directed the O.P. to hand over possession of the premises to KoPT. A letter /notice issued in official course of business has definitely got an evidentiary value unless there is any material, sufficient to contradict the case 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 21.05.1982.
2. That O.P. has failed to produce any witness or adduce any evidence in support of their occupation as

By Order of:  
ESTATE OFFICER  
KOLKATA PORT TRUST  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
KOLKATA PORT TRUST  
10/1/2020  
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 1974

Proceedings No. 615, 615/D Of 2004 Order Sheet No. 25

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA**

**VS**  
*Sri Arjun Singh & ors.*

27  
07.01.2020.

“Authorized Occupation” despite sufficient chances.

3. That the Quit notice dated 21.05.1982 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 unauthorized in view of Sec.2(g) of the P.P. Act.

4. That O.P. is liable to pay damages for wrongful use and occupation of the public premises up to the date of handing over the clear, vacant and unencumbered possession to the port authority.

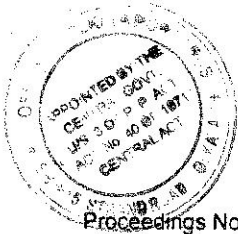
ACCORDINGLY, I sign the formal order of eviction u/s 5 of the Act as per Rule made there under, giving 15 days time to O.P. and any person/s whoever may be in occupation to vacate the premises. I make it clear that all person/s whoever may be in occupation are liable to be evicted by this order and the Port Authority is entitled to claim damages for unauthorized use and enjoyment of the property against O.P. in accordance with Law up to 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

By Order of:  
THE ESTATE OFFICER  
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER  
HAS BEEN FORWARDED TO THE ESTATE OFFICER  
KOLKATA PORT TRUST

*[Signature]*  
2020  
OFFICE OF THE ESTATE OFFICER  
KOLKATA PORT TRUST

*[Signature]*



## 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. 615, 615/D Of 2004 Order Sheet No. 26

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

*Sri Arjun Singh & ors*

27

07.01.2020

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 compensation/ damages/ Mesne profit dues to KoPT, I must say that Rs 3,62,416/- as claimed by the Port Authority in relation to the Plates in question, is correctly payable by O.P. for the period 01.07.1982 to 27.03.2019 (both days inclusive) and it is hereby ordered that O.P. shall make payment of the aforesaid sum to KoPT by 14.01.2020. O.P. shall be liable to pay simple interest @ 15% per annum up to 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. The formal order u/s 7 of the Act is signed accordingly.

I make it clear that KoPT is entitled to claim further 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 I am not in a position to assess the damages which is payable by the O.P. in total at this stage when possession of the premises is still with the O.P. KoPT is

ESTATE OFFICER  
KOLKATA PORT TRUST  
CERTIFIED COPY OF THE ORDER  
DATED 07.01.2020  
*[Signature]*

*[Signature]*



# 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. 615, 615/D Of 2004 Order Sheet No. 27

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Arjun Singh & ors.

27

07-01-2020

directed to submit a statement comprising details of its calculation of damages 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 damages as per Rule made under the Act.

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 the compensation/Damages etc. in accordance with law.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

  
(Nirmalya Biswas)

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  
ISSUED BY THE ESTATE OFFICER  
4-4-2020  
ESTATE OFFICER  
KOLKATA PORT TRUST

