

**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.12 DT 30.12.2019
PROCEEDINGS NO. 1285 OF 2012

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
Sri Satya Narayan Ram(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 Satya Narayan Ram, Plot No.8, CPT Taratala Staff Colony Market(West Side), Taratala Road, Kolkata-700088** 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 19.10.2010.
2. That O.P. has parted with possession of the Public Premises in question without having any authority under law.
3. That O.P. has violated the condition of tenancy by way making unauthorized construction and also by way of making encroachment without having any authority under law.
4. That O.P. has failed to bear any witness or adduce any evidence in support of their occupation as "Authorized Occupation" despite sufficient chances.
5. That the Quit notice dated 19.10.2010 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.

Please see on reverse

(2)

6. That O.P. has violated the condition of monthly lease as granted by the Port authority by way of not making payment of rental dues and taxes to KoPT, for a prolonged period.
7. 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.

A copy of the reasoned order No. 12 dated 30.12.2019 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 Satya Narayan Ram, Plot No.8, CPT Taratala Staff Colony Market(West Side), Taratala Road, Kolkata-700088** 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 Satya Narayan Ram, Plot No.8, CPT Taratala Staff Colony Market(West Side), Taratala Road, Kolkata-700088** 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.378/2/A)

The said piece or parcel of land msg.33.445 sq.m or thereabouts is situated at the Western End of Port Trust Staff Colony at Taratala Road in Mouza- Narkarpore, Thana- Taratala, Calcutta, Dist: 24Parganas(South), Regn. District-Alipore. It is bounded on the North and South by the said Trustees' open land, on the East by the said Trustees' land leased to Mahandra Nath Nayak, on the West by the said Trustees' land leased to Bhagalu Shaw and Pananlal Shaw.

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

Date- 03.01.2020


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)
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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.1285/D OF 2012
ORDER NO.12 DATED : 30.12.2019

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 Satya Narayan Ram,
Plot No.8, CPT Taratala Staff Colony Market(West Side),
Taratala Road,
Kolkata-700088.**

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 02.05.2018 you are called upon to show cause on/or before 24.05.2018 why an order requiring you to pay damages of Rs. 4,99,104.00/- (Rupees Four lakhs Ninety Nine thousand One hundred Four 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. 4,99,104.00/- (Rupees Four lakhs Ninety Nine thousand One hundred Four only) as damages on account of your unauthorised occupation of the premises for the period from 01.12.2010 to 28.02.2018 to Kolkata Port Trust by 09.01.2020.

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.378/2/A)

The said piece or parcel of land msg.33.445 sq.m or thereabouts is situated at the Western End of Port Trust Staff Colony at Taratala Road in Mouza- Narkarpore, Thana- Taratala, Calcutta, Dist: 24Parganas(South), Regn. District-Alipore. It is bounded on the North and South by the said Trustees' open land, on the East by the said Trustees' land leased to Mahandra Nath Nayak, on the West by the said Trustees' land leased to Bhagalu Shaw and Pananlal Shaw.

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

Date 03.01.2018


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

Court Room At the 1st Floor
6, Fairlie Place Warehouse

Form " E "

PROCEEDINGS NO.1285/R OF 2012
ORDER NO. 12 DATED: 30.12.2019

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

To
Sri Satya Narayan Ram,
Plot No.8, CPT Taratala Staff Colony Market(West Side),
Taratala Road,
Kolkata-700088.

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

AND WHEREAS, by written notice dated 02.05.2018 you were called upon to show cause on/or before 24.05.2018 why an order requiring you to pay a sum of Rs 91,062.10/- (Rupees Ninety One Thousand Sixty Two and paisa Ten only) being the rent payable together with compound interest in respect of the said premises should not be made;

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 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 91,062.10/- (Rupees Ninety One Thousand Sixty Two and paisa Ten only) for the period 01.05.1981 to 30.11.2010 (both days inclusive) to Kolkata Port Trust by 09.01.2020.

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PLEASE SEE ON REVERSE

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 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

(Under Plate No.D.378/2/A)

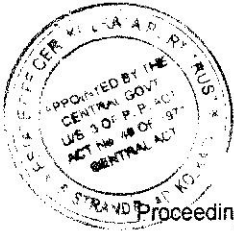
The said piece or parcel of land msg.33.445 sq.m or thereabouts is situated at the Western End of Port Trust Staff Colony at Taratala Road in Mouza- Narkarpore, Thana- Taratala, Calcutta, Dist: 24Parganas(South), Regn. District-Alipore. It is bounded on the North and South by the said Trustees' open land, on the East by the said Trustees' land leased to Mahandra Nath Nayak, on the West by the said Trustees' land leased to Bhagalu Shaw and Pananlal Shaw.

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

Dated: 03.01.2020


Signature and seal of the
Estate Officer

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 Unauthorized Occupants) Act 1971

Proceedings No. 1285, 1285/R-D Of 2012 Order Sheet No. 8

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Satya Narayan Ram

12

30.12.19

FINAL ORDER

The instant proceedings No. 1285, 1285/R, 1285/D of 2012 arises out of the application bearing No. Lnd.2669/3/2/II/615 dated 24.05.2011 filed by the Kolkata Port Trust (KoPT), the applicant herein, praying for an order of eviction and recovery of dues/damages/compensation/mesne profit and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against Sri Satya Narayan Ram, 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 33.445sq.mtrs. or thereabout situated at western side of Taratala Staff colony (under Plate No.D-378/2/A) Thana-Taratala, Calcutta, District-24 Parganas(South) as a Lessee on monthly term, more fully described in the Schedule 'A' of the KoPT's application dated 24.05.2011. The allegations levelled by KoPT against the O.P is that while in possession of Port property as lessee, the O.P has (a) 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 24.05.2011 (b) Parted with possession of the said premises to rank outsiders (c) made unauthorised construction on the said land and also (d) made encroachment upon 7.0 Sq.m of land apart from his authorised holding.

It is submitted by KoPT that the said lease with O.P. was determined by way of a Quit Notice dated 19.10.2010 and the O.P. was asked to vacate the premises on 30.11.2010, but, O.P failed and

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OFFICE
KOLKATA
ESTATE OFFICER
KOLKATA PORT TRUST
30/12/19
[Handwritten signature]
30/12/19

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. 1285, 1285/R-D Of 2012 Order Sheet No. 9

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Satya Narayan Ram.

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30-12-19

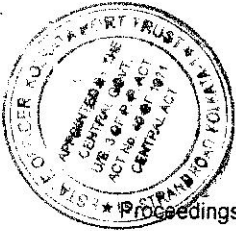
neglected to vacate/ hand over the possession of the premises after service of the said Notice to Quit.

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 02.05.2018(vide Order No.5 dated 22.03.2018) were issued by this Forum to O.P. The Notice/s were issued in terms of the said provisions of 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 were served through Speed Post as well as by hand delivery to the correct recorded address of O.P. at Plot No.8, CPT Taratala Staff Colony Market (West Side) Taratala Road, Kolkata-700088. It appears from record that said Notice/s sent to the recorded address of O.P. by Speed Post were not returned back. However, the report of the Process Server dated 08.05.2018 depicts that the said Notice/s were sent to O.P. personally and also have been affixed on the property under schedule on the same day at about 2.15 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.

On 02.08.2018 one person claiming himself as a representative of O.P turned up before the Forum and prayed for time to file reply to the Show Cause but on the scheduled date of filing of the

Handwritten signature and date:
03/01/2020



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. 1285, 1285) R-D Of 2012 Order Sheet No. 10

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sri Satya Narayan Ram ^{VS}

12
30.12.19

said reply, O.P again failed to appear before the Forum. Therefore, another chance was allowed by the Forum to O.P to file his reply on 25.09.2018. As the O.P further failed to appear and file his reply on 25.09.2018, the final Order was reserved in the matter.

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

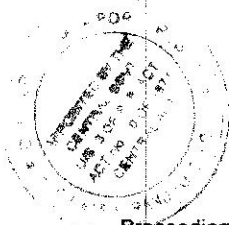
It is seen that inspite of service of Notice/s through all the available modes, no one appears on behalf of O.P. except dated 02.08.2018, and no attempts has ever been made by the O.P. to satisfy this Forum of Law about any consent on the part of KoPT in occupying the public premises. Rather it is a case of KoPT that by notice dated 19.10.2010, O.P. was directed 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 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 19.10.2010.

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ESTATE OFFICER
KOLKATA PORT TRUST
PERMITTED COPY OF THE ORDER
PUBLISHED BY THE OFFICER
NO. 1285, 1285) R-D
30.12.19
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. 1285, 1285/RD Of 2012 Order Sheet No. 11

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
Sri Satya Narayan Ram.

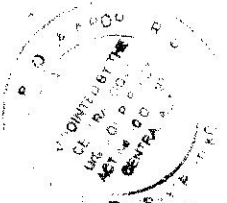
12
30.12.2019

2. That O.P. has parted with possession of the Public Premises in question without having any authority under law.
3. That O.P. has violated the condition of tenancy by way making unauthorized construction and also by way of making encroachment without having any authority under law.
4. That O.P. has failed to bear any witness or adduce any evidence in support of their occupation as "Authorized Occupation" despite sufficient chances.
5. That the Quit notice dated 19.10.2010 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.
6. That O.P. has violated the condition of monthly lease as granted by the Port authority by way of not making payment of rental dues and taxes to KoPT, for a prolonged period.
7. 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

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

2



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. 1285, 1285/R-D Of 2012 Order Sheet No. 12

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Satya Narayan Ram.

12

30.12.19

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 could be taken for execution of the order of eviction u/s. 5 of the Act as per Rule made under the Act.

It is my considered view that a sum of Rs. 91,062.10/- for the period 01.05.1981 to 30.11.2010 (both days inclusive) is due and recoverable from O.P. by the Port authority on account of rental dues and O.P. must have to pay the rental dues to KoPT on or before 09.01.2020. Such dues attract interest @ 15% per annum upto 18.09.1996 and thereafter @ 18% per annum upto 06.04.2011 and thereafter @ 14.25% per annum, till the 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., in terms of KoPT's books of accounts.

Likewise, 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. 4,99,104.00/- as claimed by the Port Authority as damages in relation to the subject premises in question, is correctly payable by O.P. for the period 01.12.2010 to 28.02.2018 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to KoPT by 09.01.2020. The said damages shall carry simple interest @ 18% per annum upto 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. I sign the formal orders u/s 7 of the Act.

R

28/12/2020



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. 1285, 1285 | R-D Of 2012 Order Sheet No. 13

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Satya Narayan Ram,

12
30.12.19

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 the liability of O.P. to pay damages extends beyond 28.02.2018 as well, till such time the possession of the premises continues to be under the unauthorised occupation with the O.P.. KoPT is directed to submit a statement comprising details of its calculation of damages after 28.02.2018, 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, Port Authority is entitled to proceed further for execution of this order in accordance with law. All concerned are directed to act accordingly.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(A.K. Sarkar)
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
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
30.12.19
A.K. Sarkar
2020
ESTATE OFFICER
KOLKATA PORT TRUST