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**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  
15, STRAND ROAD  
(4<sup>th</sup> Floor)  
KOLKATA - 700 001  
\*\*\*\*\*

Court Room At the 2<sup>nd</sup> Floor  
of Kolkata Port Trust's  
Head Office, Old Buildings  
15, Strand Road, Kolkata- 700 001.

REASONED ORDER NO. 16 DT 30.01.2020  
PROCEEDINGS NO.1264 of 2011

BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
-Vs-  
Sri Kamala Prasad Shaw

**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  
**Kamala Prasad Shaw, of Plot no. 23, Western End of Taratala Staff Colony,  
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 submit any reply to the Show Cause Notice u/s 4 of the Act, inspite of repeated chances.
2. That O.P. has failed to appear before this Forum of Law and has failed to bear any witness or adduce any evidence in support of its "authorized" occupation into the Public Premises, inspite of sufficient chances being provided.
3. That O.P. has defaulted in making payment of rental dues to Kolkata Port Trust in gross violation of the condition of tenancy under monthly term lease as granted by the Port Authority.
4. That O.P. has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the notice of ejection dated 19.09.2006, as issued by the Port Authority.
5. That occupation of O.P. (including the occupation of anybody asserting any right through O.P.) has become unauthorised in view of Sec. 2(g) of the P.P. Act.
6. That O.P. is liable to pay damages for its wrongful use and enjoyment of the Port Property in question upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

8 Dec 5.02.2020



**Please see on reverse**

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A copy of the reasoned order No.16 dated 30.01.2020 is attached hereto which also forms a part of the reasons.

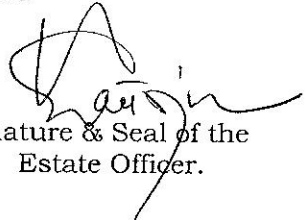
NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said **Kamala Prasad Shaw, of Plot no. 23, Western End of Taratala Staff Colony, Taratala Road, Kolkata 700088** and all 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 **Kamala Prasad Shaw, of Plot no. 23, Western End of Taratala Staff Colony, 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

The said piece or parcel of land Msg. 33.445 sqm or thereabouts, situated at Western End of Taratala Staff Colony, at Taratala Road Thana – Garden Reach now Taratala P.S., Calcutta, Dist: 24 Parganas. It is bounded on the North by the said Trustees' open land, on the East by the Trustees' land leased out to Dipak Kr. Dey on the South by the Trustees' road and on the West by Trustees' land leased out to Dudhnath Singh.

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

Dated: 03.02.2020

  
Signature & Seal of the  
Estate Officer.

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

d 05-02-2020

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

**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  
15, STRAND ROAD (4<sup>TH</sup> FLOOR) KOLKATA-700001

**Form " E "**

PROCEEDINGS NO.1264/R OF 2011  
ORDER NO. 16 DATED: 30.01.2020

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

To  
**Kamala Prasad Shaw**  
**Western End of Taratala Staff Colony,**  
**Tartala Road**  
**Kolkata- 700 088**

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

AND WHEREAS, by written notice dated 08.02.2018 you were  
called upon to show cause on/or before 07.03.2018 why an order  
requiring you to pay a sum of Rs. 28,899/- (Rupees Twenty Eight  
Thousand Eight hundred and Ninety nine 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 before the said date;

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. 28,899/- (Rupees Twenty Eight Thousand Eight  
hundred and Ninety nine only) for the period 01.02.2002 to  
17.10.2006 (both days inclusive) to Kolkata Port Trust by

20.02.2020



PLEASE SEE ON REVERSE

8 B05-02.2020

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 till its final payment in accordance with Kolkata Port Trust Notification Published in Official Gazette/s.

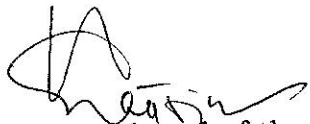
In case the said sum is not paid within the said period or in the said manner, it will be recovered as arrears of land revenue through the Collector.

**SCHEDULE**

The said piece or parcel of land Msg. 33.445 sqm or thereabouts, situated at Western End of Taratala Staff Colony, at Taratala Road Thana - Garden Reach now Taratala P.S., Calcutta, Dist: 24 Parganas. It is bounded on the North by the said Trustees' open land, on the East by the Trustees' land leased out to Dipak Kr. Dey on the South by the Trustees' road and on the West by Trustees' land leased out to Dudhnath Singh.

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

Dated: 03.02.2020

  
Signature and seal of the  
Estate Officer

✓  
05.02.2020

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  
15, STRAND ROAD (4<sup>TH</sup> FLOOR) KOLKATA-700001

**FORM -G**

PROCEEDINGS NO. 1264/D OF 2011

ORDER NO. 30 DATED: 30.01.2020

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

To  
Kamala Prasad Shaw  
Western End of Taratala Staff Colony  
Taratala Road  
Kolkata-700 088

Whereas I, the undersigned, am satisfied that you were in unauthorised occupants of the public premises described in the schedule below:

AND, whereas, by written notice dated 08.02.2018 you were called upon to show cause on or before 07.03.2018 why an order requiring you to pay a sum of Rs.5,13,046.58 (Rupees Five lakh thirteen thousand and forty six and fifty eight paise only) being the damages payable together with simple interest in respect 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 require you to pay the sum of Rs.5,13,046.58 (Rupees Five lakh thirteen thousand and forty six and fifty eight paise only) assessed by me as damages on account of your unauthorised occupation of the public premises to Kolkata Port Trust by 20.02.2020.

PLEASE SEE ON THE REVERSE

J 05-02-2020

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 up to the 18.9.1996 and thereafter at the rate of 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 Gazetted.

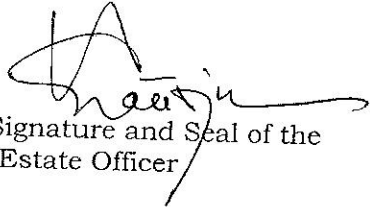
In case the said sum is not paid within the said period or in the said manner, it will be recovered as arrears of land revenue through the Collector.

**SCHEDULE**

The said piece or parcel of land Msg. 33.445 sqm or thereabouts, situated at Western End of Taratala Staff Colony, at Taratala Road Thana - Garden Reach now Taratala P.S., Calcutta, Dist: 24 Parganas. It is bounded on the North by the said Trustees' open land, on the East by the Trustees' land leased out to Dipak Kr. Dey on the South by the Trustees' road and on the West by Trustees' land leased out to Dudhnath Singh.

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

Dated: 03.02.2020

  
Signature and Seal of the  
Estate Officer

✓ 0.5.02.2020

# 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. 1264, 1264/RA1264/D Of 2011 Order Sheet No. -18-

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

*Sri Kamala Prasad Shaw*

### FINAL ORDER

The matter is taken up today for delivering Final Order. It is the case of Kolkata Port Trust(KoPT), Applicant herein that Shri. Kamala Prasad Shaw (O.P) came into occupation of the Public Premises in question being land space measuring 33.445 sqm. (comprised under occupation No. D-377/2) as a short term lessee and that O.P violated the condition of tenancy under said short term lease by way of non-payment of rental dues. It is argued that O.P. has no authority under law to occupy the Public Premises after expiry of the period as mentioned in the notice of ejection dated 19.09.2006 as issued upon O.P. by KoPT. This Forum of Law, upon receipt of information from the Applicant and being satisfied with the inputs furnished by KoPT decided to proceed against O.P. under the relevant provisions of the P.P. Act and issued Show Cause Notices u/s 4 of the Act (for adjudication of the prayer for recovery of possession etc. of the Public Premises), u/s 7 of the Act was also issued to O.P. (for adjudication of the prayer for recovery of arrear rental dues etc.), both issued as per Rule made under the Act, and both dated 08.02.2018. O.P. was asked to Show Cause on or before 07.03.2018.

It reveals from records that Postal Service to O.P's address at Western End of Taratala Staff Colony, Taratala Road, Plot No. 23, Kolkata - 700 088 was

16

*30.01.2020*

*2 05.02.2020*



# 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. 1264, 1264/R \* 1264/D Of 2011 Order Sheet No. -19-

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
*Sri Kamala Prasad Shaw.*

16  
30.01.2020.

*16 05.02.2020.*

returned undelivered with remarks of the Postal Department "Not Known" on 14.02.2018 and 15.02.2018. I have duly considered the report of the Process Server dated 16.02.2018 regarding Affixation of Notice u/s 4 of the Act on the Public Premises. It is seen from the said report that the notice under Section 4 and notice under Section 7 were duly received by one Kishan Kumar Shaw on behalf of Kamala Prasad Shaw on 16.02.2018 by putting his signature on the said notices. None appeared on behalf of O.P. on 7.03.2018. On 28.03.2018, Sri. Kisan Prasad Shaw identifying himself as the nephew of O.P. appeared before the Forum and prayed for time to file the Reply to the Show Cause Notice on the next date to be fixed by the Forum for hearing. However, having full knowledge of the pendency of the proceedings against the O.P., O.P. or his representative failed to appear before the Forum on subsequent dates, despite multiple opportunities having been provided to them.

I am satisfied with the service of notice to all concerned interested into the property. In my view, sufficient chances have been given to all concerned to represent their case and O.P. has failed to submit its reply to the Show Cause Notices u/s 4 & 7 of the Act both dated 08.02.2018. As no one appeared on behalf of O.P. or on behalf of any person/s interested into the





# 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. 1264, 1264/R # 1264/D Of 2011 Order Sheet No. -20-

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

*Sri Kamala Prasad Saha*

16  
30.01.2020

property, inspite of several dates scheduled for hearing after 28.03.2018 (11.04.2018, 04.05.2018, 25.05.2018, 20.06.2018 and 13.07.2018) and no reply to the Show Cause Notice/s has been filed as yet, I am left with no other alternative but to issue the order of eviction u/s 5 of the Act to O.P. and to all person/s, whoever may be in occupation on the following grounds/reasons:

1. That O.P. has failed to submit any reply to the Show Cause Notice u/s 4 of the Act, inspite of repeated chances.
2. That O.P. has failed to appear before this Forum of Law and has failed to bear any witness or adduce any evidence in support of its "authorized" occupation into the Public Premises inspite of sufficient chances being provided.
3. That O.P. has defaulted in making payment of rental dues to Kolkata Port Trust in gross violation of the condition of tenancy under monthly term lease as granted by the Port Authority.
4. That O.P. has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the notice of ejectment dated 19.09.2006, as issued by the Port Authority.
5. That occupation of O.P. (including the occupation of anybody asserting any right through O.P.) has become unauthorised in view of Sec. 2(g) of the P.P. Act.

+ 05.02.2020



# 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. 1264, 1264/R & 1264/D Of 2011 Order Sheet No. -21-

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

*Sri Kamala Prasad Shaw.*

16

30.01.2020

6. That O.P. is liable to pay damages for its wrongful use and enjoyment of the Port Property in question upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

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.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 unencumbered recovery of possession of the same.

It is my considered view that a sum of Rs.28,899/- (Rupees Twenty eight thousand eight hundred and ninety nine) for the period 01.02.2002 to 17.10.2006 are due and recoverable from O.P. by the Port authority on account of rental dues and O.P. must have to pay the same to KoPT on or before 20.02.2020. Such dues attracts interest at the rate of 18% per annum upto 06.04.2011 and thereafter at the rate of 14.25% per annum till 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 KoPT's

*12.05.02.2020*

# 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. 1264, 1264/R/1264/D Of 2011 Order Sheet No. -22-

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

*Sri Kamala Prasad Shaw*

16  
30.01.2020.

books of accounts. Department is directed to draw up formal order as per Rule u/s 7 of the Act.

In my opinion, KoPT's claim for damages from 18.10.2006 to 26.05.2017 for Rs. 5,13,046.58 (Rupees Five lakhs thirteen thousand and forty six and fifty eight paise only) (excluding interest for delayed payment) for wrongful occupation may be payable by O.P. as it is gathered during the course of hearing and application dated 26.05.2017 filed by KoPT that the charges so claimed by KoPT are on the basis of the Schedule of Rent Charges published under the Authority of Law as per provisions of the Major Port Trusts Act 1963. In course of hearing, I find that KoPT has made out an arguable claim against O.P., founded with sound reasoning. I make it clear that Kolkata Port Trust is entitled to claim damages against O.P. for unauthorized use and occupation of the public premises upto the date of recovery of clear, vacant and unencumbered possession of the same in accordance with Law and KoPT is entitled to claim interest upon dues/charges right from the date of incurrance of liability by O.P. as per KoPT's Rule. KoPT is accordingly directed to submit a statement comprising details of its calculation of damages, indicating there-in the details of the rate of such charges together with the basis on which such charges are claimed against O.P. for my

*30.05.2020.*



# 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. 1264, 1264/R A 1264/D Of 2011 Order Sheet No. -23-

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

*Sri Kamala Prasad Shaw.*

16  
*30.01.2020.*

consideration for the purpose of assessment of  
damages as per Rule made under the Act.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

*Chatterjee*  
(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\*\*\*

*4 05.02.2020.*