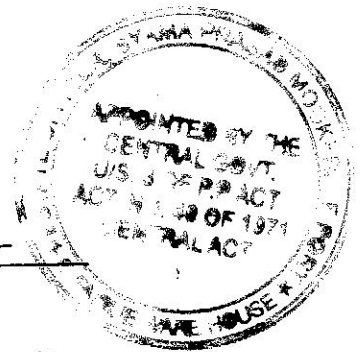


Estate Officer, Kolkata Port Trust

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

Proceedings No. 1652, 1652/D Of 2018 Order Sheet No. 12



BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S Sarkar Mukherjee & Co (P.no. HL-61/A) ^{VS}

17
28.09.2020

FINAL ORDER

The instant proceedings No. 1652, 1652/D of 2018 arose out of an application being No. Lnd. 3602/II/15/2008 dated 21.09.2015 filed by Kolkata Port Trust (KoPT), Applicant herein, praying for an order of eviction and recovery of dues damages and other charges along with interest etc. against **M/S Sarkar Mukherjee & Co** (represented by Shri Sandip Sarkar, Smt. Bhawani Roy, Smt. Kalyani Mazumdar, Kabita Biswas & Smt. Nupur Sarkar all legal heirs of Late Anath Bandhu Sarkar) the O.P. herein, under relevant provisions of the Public Premises (Eviction of Unauthorised Occupant) Act 1971. The facts of the case is summarised here under.

O.P. came into occupation of the port property being land measuring about 57.785 sq.mtrs or thereabout situated at Ramkristopur, Howrah (under Plate No.HL-61/A) Thana- Howrah Police Station, District-Howrah, as lessee on monthly term with certain conditions as embodied in KoPT's offer/letter for allotment. KoPT has submitted that while in possession of the port property as lessee, OP violated the condition of such lease by way of not making the payment of damages/compensation for use and enjoyment of the Port property in question the details of which has been given in 'Schedule-B' of the KoPT's application dated 21.09.2015.

It is also the case of KoPT that O.P has erected unauthorized construction at the subject premises which includes a temple, changed the purpose of such lease, by amalgamating the adjacent plot of land which was allotted earlier to M/S ABS & Co, unauthorisedly parted with possession of such land to 1) Shri Anand Prosad Singh Vidyalaya (Hindi Medium School), 2) Radheysham Gond, 3) Sri Sitaram Gond and 4) Shishu Bharati, NGO, and also made encroachment upon the Trustee's land msg. about 15.975 Sq.m by way of RT VER and of 0.524 Sq.m by way of making temple

THE ESTATE OFFICER
KOLKATA PORT TRUST
28.09.2020

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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. 1652, 1452/D Of 2018 Order Sheet No. 13

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

M/S SARKAR Mukherjee & Co.

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without taking any permission from KoPT in gross violation of the terms of said tenancy.

In view of the aforesaid breaches committed by the O.P., KoPT had issued notice to quit* dated 21.07.1977 read with vacation notice being No. Lnd.3602/II/13/1064 dated 26.06.2013 asking the O.P. to hand over clear, vacant, peaceful and unencumbered possession of the property to KoPT on 17.07.2013. But O.P has failed and neglected to vacate/ hand over the possession of such premises to KoPT 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 06.05.2019 (vide Order No.08 dated 06.05.2019) 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 of answering 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 to the correct recorded addresses of O.P. at 129, Ramkristopur Lane, P.O & P.S. Shibpur, Howrah -711101 and also at 13, No. Foreshore Road, Ramkristopur Shed, Howrah-711101. It appears from records that the Notice/s sent through speed post to the last mentioned recorded address of O.P was returned back on 10.05.2019 with an endorsement "No such person (RTS)". However, it appears from the report of Process Server dated 13.05.2019 that said notices were served upon O.P personally and affixation was also done on the same day at about 4.30 P.M over the

RECEIVED
STATE OF WEST BENGAL
SECRETARY TO GOVT. FOR
PUBLIC PREMISES FOR KOLKATA
CERTIFIED COPY OF THE ORDER
PASSED BY THE EST. OFFICER
ON 28.09.2020
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MUKHERJEE PORT



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. 1652, 1652/D Of 2018 Order Sheet No. 14

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Sarkar Mukherjee & Co ^{VS}

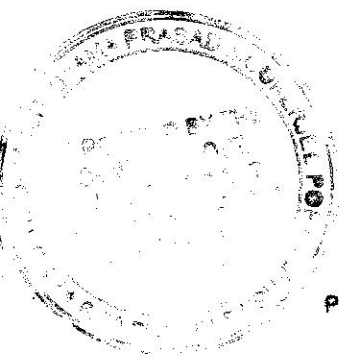
17
28.09.2020

subject premises as per the mandate of the P.P Act. O.P entered appearance on the Scheduled date of hearing with an application. However, considering such application as improper, Forum allowed another opportunity to him to file a proper application with proper proof of identity. Thereafter dated 30.05.2019 O.P further appeared through its Ld' advocate and filed on 13.06.2019 it's Reply/Written Objections along with vokalatnama duly signed by Sri Sudip Sarkar, S/O Late Anath Bandhu Sarkar, proprietor of O.P (M/S Sarkar Mukherjee & Co), followed by submission/claim that they have already delivered peaceful possession in favour of KoPT and they are no way connected with the instant proceeding. With a good gesture and bonafide interest he is appearing before the Forum to ventilate its predicaments. Advocate of O.P further submits that his client is not interested with the subject premises and most of his family members who are made parties to the instant proceeding died long back. Thereafter, KoPT also filed its arguments and counter-arguments through letters/applications on various dates. Both the parties were heard extensively. Thereafter, following the principles of natural justice, Forum gave another opportunity to O.P and directed the Department to affix the order No.12 dated 27.06.2019 on the subject premises. On affixation of such order, when O.P failed to appear before the Forum on two consecutive occasions, the final order was reserved in this instant matter in absence of O.P.

To sum up the allegation of KoPT against O.P. I find that the allegations of KoPT against the O.P are five folds i.e. non payment of damages/compensation and other charges, unauthorized construction on the public premises in question which includes a temple, changed the purpose of such lease, by amalgamating the adjacent plot of land which was allotted earlier to M/S ABS & Co, unauthorisedly parted with possession of such land to 1) Shri

By Order of
28.09.2020
S. De
30.09.2020
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST
KOLKATA

9



Board of Trustees of the Port of Kolkata
2018-19
2018-19

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. 1652 / 1652/D Of 2018 Order Sheet No. 15

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

M/S SARKAR MUKHERJEE & CO.

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Anand Prosad Singh Vidyalaya (Hindi Medium School), 2) Radheysham Gond, 3) Sri Sitaram Gond and 4) Shishu Bharati, NGO, and also made encroachment upon the Trustee's land msg. about 15.975 Sq.m by way of RTVER and of 0.524 Sq.m by way of making temple without taking any permission from KoPT in gross violation of the terms of said tenancy.

Contention of O.P during the course of hearing and from submitted documents are summarised as follows:-

- I) That the instant application is not maintainable either in law or in fact.
- II) That the said application is frivolous, concocted, motivated and harassing in nature and hence the same is liable to be rejected with heavy cost.
- III) That the petitioner with malafide motive to fulfil his evil design has filed the said application for the purpose of harassing the O.P for nothing and hence the said application may be rejected with heavy cost.
- IV) That the appellants of the said application with malafide motive to fulfil their evil design has filed the said application for the purpose of squeezing money from the respondent for nothing and hence the said application may be rejected with heavy cost.
- V) That the petitioner has not come before this Ld' Court of Law with clean hands as such the said application may be rejected with heavy cost.
- VI) That the prayers of the said application are vague and as such the said application may be rejected with heavy cost.
- VII) That the statements made in the said application are false, not correct and hence denied by the answering O.P in toto.

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
ESTATE OFFICER
28.09.2020

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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. 1652, 1652/D of 2018 Order Sheet No. 16



BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S Sarkar Mukherjee & Co ^{VS}

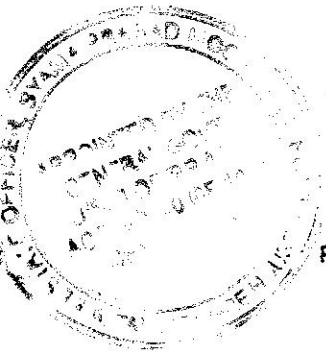
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28.09.2020

- VIII) That the petitioner has falsely initiated the instant proceeding.
- IX) That there is no existence of the M/S Sarkar Mukherjee & Co i.e the O.P herein. So the instant proceeding is vague.
- X) That to avoid any sort of hazards the answering O.P has appeared before this Ld. Authority of Law. It is stated that after demise of father of the present objector, The Opp. Party intends to continue their possession over the property in question.
- XI) That the elder brother of the answering O.P viz Suprovat Sarkar died on 03.07.1988 due to cancer. Thereafter sisters of the answering O.P viz Sankari Sarkar, Sibani Sarkar, Nupur Sarkar also died due to cancer before the initiation of the instant proceeding. Mother of the answering O.P also died. It is stated that Smt. Bhabani Roy, Smt. Kalyani Majumdar have already died before the initiation of the instant proceeding. But knowing fully well the petitioner with malafide motive to squeeze the money, has filed the instant false proceeding against dead persons.
- XII) That subsequently in the year 1986 the O.P voluntarily relinquished his right thereof by delivering peaceful khas and vacant possession in favour of KoPT. And the men and agent and employees of the petitioner/Port Trust took possession in respect of the property in question since then O.P is not responsible for the said property.
- XIII) That actually O.P had/has no knowledge about the said property since 1986.
- XIV) That O.P/present objector had/has no nexus with the said property as because after taking possession in the year 1986 the present objector, the O.P did not go to

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THE BOARD OF TRUSTEES OF THE PORT OF KOLKATA
OFFICE OF THE ESTATE OFFICER
17
28.09.2020



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. 1652, 1652/D Of 2018 Order Sheet No. 17

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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M/S SARKAR MUKHERJEE & Co.


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the said property and the O.P had/has no connection with the said premises.

XV) That if Port Trust wants to evict any unauthorised occupant from the said property in question, then O.P shall have no objection to that effect.

XVI) That the petitioner has initiated this false and frivolous proceeding only to harass the O.P. It has no merits and as such this instant proceeding be dismissed with heavy cost.

Now, while passing the Final Order, I have carefully considered the documents on record and the submissions of the parties. O.P's contention No. I to VIII are taken up together as because all those contentions raised question on maintainability of KoPT's application from different angle. As regards the point of maintainability, I must say So long the property of the Port Authority is coming under the purview of "public premises" as defined under the Act, adjudication process by serving Show Cause Notice/s u/s 4 & 7 of the Act is very much maintainable and there cannot be any question about the maintainability of proceedings before this Forum of Law. Therefore, O.P cannot treat such application as frivolous, concocted or motivated or O.P cannot raise question that such application was filed with malafide motive to fulfil their evil design.

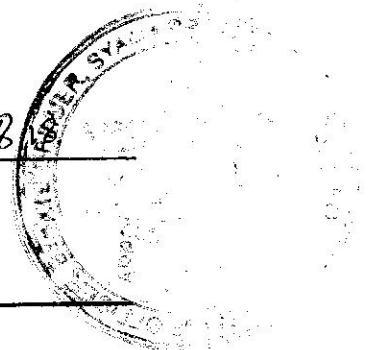
O.P's contention No. IX & X are self contradictory. In contention No. IX O.P denied the existence of such Company but later on O.P submitted that they want to continue possession over the said property. These two types of statements in two different circumstances, have raised much scope of doubt in my mind about the O.P's claim. If there is no such company how O.P can continue possession over that subject premises. Moreover, the Advocate of O.P has admitted during the course of hearing on 30.05.2019 that answering O.P is the son of Late Anath Bandhu Sarkar, the Proprietor of (M/S )

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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. 1652, 1652/D Of 2018 Order Sheet No. 18



BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Sarkar Mukherjee & Co ^{VS}

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28.09.2020

Sarkar Mukherjee & Co). Therefore, in my view such contentions of O.P is baseless and devoid of any reason.

With regard to the issue of non payment of KoPT's dues damages/ mesne profits and other charges, O.P has not specifically denied his liability vide reply/written objection as filed on 13.06.2019. I must say that KoPT's allegation is justifiable because the detailed Statement of Accounts generated on 10.10.2018 clearly shows that O.P is still liable to pay such dues for unauthorized use & occupation of the subject premises in question. There is no reason to disbelief such submission of a statutory authority.

Similarly, with regard to the issues of unauthorized construction, change of purpose of the lease, amalgamation, parting with possession and encroachment, O.P has not denied anything specifically in its written objections/reply to counter the allegation of KoPT. Therefore, I have decided to adjudicate all those issues conjointly. In my view all contentions of O.P. are evasive in nature and not acceptable to this forum. Moreover, in their reply and also during the course of hearing, O.P has submitted that they have no nexus with the property since 1986 as because in that year O.P has voluntarily relinquished his right thereof by delivering peaceful khas and vacant possession in favour of KoPT. But O.P has hopelessly failed to prove such facts by producing any documentary evidences. Further O.P's contention in para-11, that after demise of father of the present objector, the Opp. Party intends to continue their possession over the property in question is inconsistent with the subsequent contention of O.P that O.P had/has no knowledge about the said property since 1986. In my view such objection/reply in this regard has no rationality and is devoid of any reason therefore, I must take cognizance of the circumstantial evidence, all of which pointed out that there was no

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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. 1652, 1652/D Of 2018 Order Sheet No. 19

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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28.09.2020

actual substantial interest of O.P in the public premises in question and such interest must have been transferred to some other entity/person behind the back of KoPT, as was found through KoPT's inspection as reported vide application dated 10.10.2018. KoPT has also come up with specific drawing/sketch Maps being No. 8516-H dated 23.09.2010 highlighting the encroachment areas in question (in Red boarder with mark A & B) but O.P is silent as to how this encroachments can be said to be authorized in nature. Moreover in Vinod Soni vs Rajesh Kumar Sahu, AIR 2017(NOC)172(Chh) it was held that construction of temple or any religious unauthorised construction on public land is not permissible. As per the P.P Act 1971, once the Notice U/S-4 is issued, burden is on the O.P to Show Cause and/or produce evidence but in this case O.P has hopelessly failed to do so. In my view, by way of giving evasive answer to all the allegations, O.P. in fact, admitted such breaches. Since it is a settled law that admitted facts need not be proved, I have no bar in accepting that all the alleged breaches were existing when the notice to quit dated 21.07.1977 read with vacation notice dated 26.06.2013 came to be issued by the Port Authority.

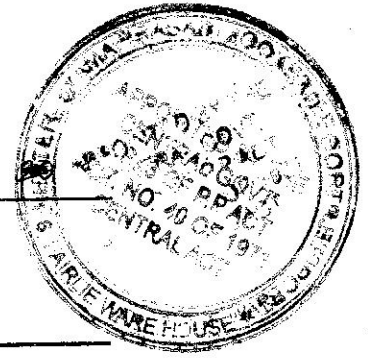
Discussion against the forgoing reveal that the notice to quit dated 21.07.1977 read with vacation notice dated 26.06.2013 are validly issued and served on O.P and the same are binding and very much enforceable, in the facts and circumstances of the case. Thus being satisfied as above, I am left with no other alternatives but to issue the order of eviction against O.P as prayed for on behalf of KoPT, on following grounds/reasons.

1. That the O.P has no authority to occupy the port property after determination of the lease in question by way of Quit notice dated

Order of
ESTATE OFFICER
KOLKATA PORT TRUST
28.09.2020
OFFICE OF
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. 1652, 1652/D Of 2018 Order Sheet No. 20


BOARD OF TRUSTEES OF THE PORT OF KOLKATA

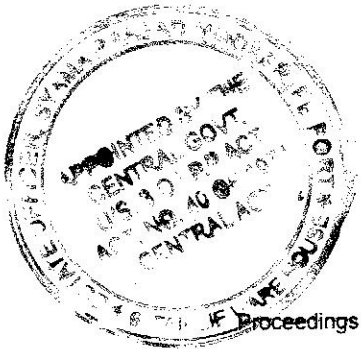
M/S Sarkar Mukherjee & Co ^{VS}

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28.09.2020

- 21.07.1977 read with vacation notice dated 26.06.2013.
- 2. That O.P has unauthorisedly parted with possession of the premises to rank outsiders without any lawful authority.
- 3. That O.P has carried out unauthorized construction in the public premises without any lawful authority.
- 4. That O.P has changed the purpose of the lease and also amalgamated the adjacent plot of land earlier allotted to M/S ABS & Co without taking prior approval
- 5. That O.P has made unauthorised encroachment upon the said Trustee's land msg. about 15.975 sq.m by way of RT VER and 0.524 sq.m by way of making temple in clear violation of the condition of lease .
- 6. That the O.P or any other person/occupant have failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation"
- 7. That the notice to quit dated 21.07.1977 read with vacation notice dated 26.06.2013 as served upon O.P. by the Port Authority are 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 Sec.2 (g) of the P.P. Act.
- 8. 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
ESTATE OFFICER
KOLKATA PORT TRUST
28.09.2020
S. D. Das
ESTATE OFFICER
KOLKATA PORT

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 



Kolkata Port Trust
State of West Bengal
G.O. No. 10172/2018 (A), dated 09.09.2018

Estate Officer, Kolkata Port Trust

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

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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 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.2,31,723.84 for the period 01.10.1977 to 31.05.2018 (both days inclusive) is due and recoverable from O.P. by the Port authority on account of damages and O.P. must have to pay such dues to KoPT on or before ~~12.10.2020~~ 28.09.2020. The said damages shall attract compound interest @ 6.20 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) from the date of incurrance of liability, till the liquidation of the same, as per the adjustment of payments, if any made so far by O.P., in terms of KoPT's books of accounts. I sign the formal orders u/s 7 of the Act.

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 31.05.2018 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 31.05.2018, 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

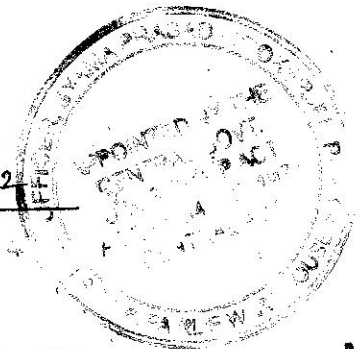
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30.09.2020

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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. 1652, 1652/D Of 2018 Order Sheet No. 22

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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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.

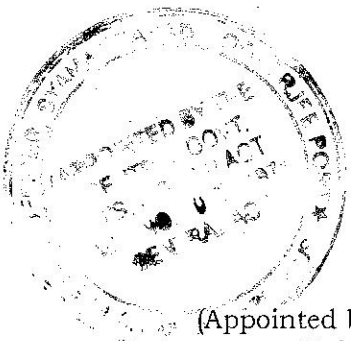
GIVEN UNDER MY HAND AND SEAL .

(Satyabrata Sinha)
ESTATE OFFICER

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

15.09.2020
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Scan Copy



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. 17 DT 28.09.2020
PROCEEDINGS NO. 1652 OF 2018

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
M/S Sarkar Mukherjee & Co (O.P.)

REASONED ORDER
PASSED BY THE ESTATE OFFICER
STAMPED BY THE ESTATE OFFICER

F O R M - "B"

ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971

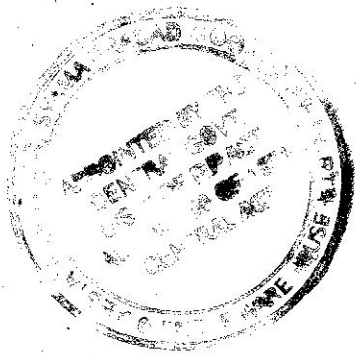
WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **M/S Sarkar Mukherjee & Co**(represented by **Shri Sandip Sarkar, Smt. Bhawani Roy, Smt. Kalyani Mazumdar, Smt. Kabita Biswas & Smt. Nupur Sarkar** all legal heirs of **Late Anath Bandhu Sarkar**) of **129, Ramkristopur Lane, P.O & P.S: Shibpur, Howrah-711101** AND ALSO OF **13, No. Foreshore Road, Ramkristopur Shed, Howrah-711101** is in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

1. That the O.P has no authority to occupy the port property after determination of the lease in question by way of Quit notice dated 21.07.1977 read with vacation notice dated 26.06.2013.
2. That O.P has unauthorisedly parted with possession of the premises to rank outsiders without any lawful authority.
3. That O.P has carried out unauthorized construction in the public premises without any lawful authority.
4. That O.P has changed the purpose of the lease and also amalgamated the adjacent plot of land earlier allotted to M/S ABS & Co without taking prior approval
5. That O.P has made unauthorised encroachment upon the said Trustee's land msg.about 15.975 sq.m by way of RT VER and 0.524 sq.m by way of making temple in clear violation of the condition of lease .
6. That the O.P or any other person/occupant have failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation"
7. That the notice to quit dated 21.07.1977 read with vacation notice dated 26.06.2013 as served upon O.P. by the Port Authority are 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 Sec.2 (g) of the P.P. Act.

PLEASE SEE ON REVERSE

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(2)

8. 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. 17 dated 28.09.2020 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 **M/S Sarkar Mukherjee & Co (represented by Shri Sandip Sarkar, Smt. Bhawani Roy, Smt. Kalyani Mazumdar, Smt. Kabita Biswas & Smt. Nupur Sarkar all legal heirs of Late Anath Bandhu Sarkar) of 129, Ramkristopur Lane, P.O & P.S: Shibpur, Howrah-711101 AND ALSO OF 13, No. Foreshore Road, Ramkristopur Shed, Howrah-711101** 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 **M/S Sarkar Mukherjee & Co (represented by Shri Sandip Sarkar, Smt. Bhawani Roy, Smt. Kalyani Mazumdar, Smt. Kabita Biswas & Smt. Nupur Sarkar all legal heirs of Late Anath Bandhu Sarkar) of 129, Ramkristopur Lane, P.O & P.S: Shibpur, Howrah-711101 AND ALSO OF 13, No. Foreshore Road, Ramkristopur Shed, Howrah-711101** 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

Plate No. HL-61/A

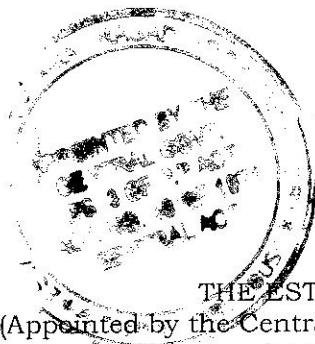
All that piece of parcel of land msg. 57.785 sq.m or thereabouts is situated at Ramkristopur, Howrah, Thana-Howrah Police Station, Dist. and Registration District. Howrah. The said piece or parcel of land is bounded by on the North by the Kolkata Port Trust's land partly allotted to Jalil Mia & Co. and partly allotted to Ashutosh Chatterjee, On the East by the Trustees' land allotted to Ashutosh Chatterjee, On the South by the Trustee's land allotted to M/S. ABS Co. and on the West by the Trustees' open land.

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

Date- 28.09.2020


Signature & Seal of the
Estate Officer.


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



Kolkata Port Trust is known as
Customs House, Kolkata
Kolkata Port Trust, Kolkata

**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. 1652/D OF 2018
ORDER NO.17 DATED : 28.09.2020

Form- G

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

To
M/S Sarkar Mukherjee & Co,
Represented by
Shri Sandip Sarkar, Smt. Bhawani Roy,
Smt. Kalyani Mazumdar, Smt. Kabita Biswas &
Smt. Nupur Sarkar
All legal heirs of
Late Anath Bandhu Sarkar
129, Ramkristopur Lane,
P.O & P.S: Shibpur
Howrah-711101.
AND ALSO OF
13, No. Foreshore Road,
Ramkristopur Shed,
Howrah-711101.

By Order of
THE ESTATE OFFICER
OFFICE OF THE ESTATE OFFICER
6, FAIRLIE PLACE, KOLKATA PORT TRUST
CERTIFIED TRUE COPY
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKHERJEE PORT
28.09.2020

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

And whereas by written notice dated 06.05.2019 you are called upon to show cause, on/or before 23.05.2019 why an order requiring you to pay damages of Rs. 2,31,723.84 (Rupees Two Lakhs Thirty One thousand Seven hundred twenty three and paise Eighty Four only) together with [compound interest] for unauthorised use and occupation of the said premises, should not be made.

And whereas I have considered your objections and/or evidence produced before this Forum.

Now, therefore, in exercise of the powers conferred on me by Sub-section (2) of Section 7 of the Public Premises (Eviction of Unauthorized Occupants) Act 1971, I hereby order you to pay the sum of Rs. 2,31,723.84 (Rupees Two Lakhs Thirty One thousand Seven hundred twenty three and paise Eighty Four only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.10.1977 to 31.05.2018 (both days inclusive) to Kolkata Port Trust by
12.10.2020

PLEASE SEE ON REVERS



NOTICE
Kolkata Port Trust
28.09.2020

: 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 compound interest @ 6.20 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) from the date of incurrence 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 through the Collector.

SCHEDULE

Plate No.HL-61/A

All that piece of parcel of land msg.57.785 sq.m or thereabouts is situated at Ramkristopur, Howrah, Thana-Howrah Police Station, Dist. and Registration District. Howrah. The said piece or parcel of land is bounded by on the North by the Kolkata Port Trust's land partly allotted to Jalil Mia & Co. and partly allotted to Ashutosh Chatterjee, On the East by the Trustees' land allotted to Ashutosh Chatterjee, On the South by the Trustee's land allotted to M/S. ABS Co. and on the West by the Trustees' open land.

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

Date 28.09.2020

Signature & Seal of the
Estate Officer.

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

30.09.2020
ESTATE OFFICER
KOLKATA PORT TRUST