

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

ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT, KOLKATA  
(erstwhile 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  
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Court Room At the 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Fairley Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 16 DT 01.10.2020.  
PROCEEDINGS NO. 1474 OF 2015

BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
-Vs-  
RAM MURAT PANDEY

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 Ram Murat Pandey, Plot No. 15, Taratala staff Colony Market, Western side, Kolkata - 700 088 is in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

- 1) That O.P. has failed to appear before this Forum and has failed to file reply to the Show Cause Notice under the Act, in spite of sufficient chances being given.
- 2) That O.P. has failed to satisfy the terms and conditions of grant of month to month lease by failing to pay monthly rents and taxes as fixed by the Port Authority from time to time.
- 3) That O.P. has violated the terms of the month to month lease by parting with possession of the premises in favour of rank outsiders/unauthorised occupiers.
- 4) That O.P. has violated the terms of the lease documents by using the premises for purposes other than that for which it was leased out for.
- 5) That O.P. has failed to make out any case in support of its occupation as "authorised occupation", in spite of sufficient chances being provided.
- 6) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", in spite of sufficient chances being provided.
- 7) That the notice to quit dated 16.08.2010 as served upon O.P. by the Port Authority is 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 Section 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 upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

Please see on reverse


A copy of the reasoned order No. 16 dated 01.10.2020 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 Ram Murat Pandey, plot no -15, Taratala Staff Colony Market, western side, Kolkata - 700 088 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 Ram Murat Pandey, Plot No 15, Taratala Staff Colony Market, Western Side, Kolkata - 700 088 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 6.689 sq.m or thereabouts under Plate no . D-337/3/2 is situated at the Lessor's Taratala Staff Colony at Taratala Road, Thana: Taratala Police Station, District: 24 parganas, Registration District : Alipore. It is bounded on the North by the lessor's plot no .14 at the western side of Taratala Staff colony, on the east by the lessor's open land, on the south by the lessor's road inside the Taratala Staff colony and on the west by the lessor's Road connecting Taratala Road . Trustee's means the Board of Trustees for the port of Kolkata.

Dated: 08.10.2020.

  
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

**ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT, KOLKATA**  
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Public Premises (Eviction of Unauthorised Occupants) Act 1971  
OFFICE OF THE ESTATE OFFICER  
6, Fairley Place (1st FLOOR) KOLKATA-700001

**Form " E "**

PROCEEDINGS NO.1474/R OF 2015  
ORDER NO. 16 DATED: 01.10.2020.

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

To  
**Ram Murat Pandey,**  
Plot No. 15, Taratala staff Colony Market,  
Western side,  
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 08.07.2019 you were called upon  
to show cause on/or before 07.08.2019 why an order requiring you to pay a  
sum of Rs. 66,246/- ( Rupees Sixty Six Thousand Two Hundred and Forty Six  
only) being the rent payable together with compound interest in respect of the  
said premises should not be made;

And whereas I have considered your objection and/or the evidence  
produced by 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. 66,246/- ( Rupees Sixty Six  
Thousand Two hundred and Forty Six only) for the period 31.07.1982 to  
30.09.2010 (both day inclusive ) to Kolkata Port Trust by 16.10.2020.

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 compound interest at the rate of @ 18% per annum till 06.04.2011 and thereafter @14.25% per annum the above sum till its final payment in accordance with Kolkata Port Trust Notification Published in Official Gazette/s.

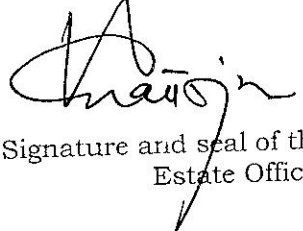
In case the said sum is not paid within the said period or in the said manner, it will be recovered as arrears of land revenue through the Collector.

**SCHEDULE**

**Plate No.D- 337/3/2**

The said piece or parcel of land Msg 6.689 sq.m or thereabouts under Plate no . D- 337/3/2 is situated at the Lessor's Taratala Staff Colony at Taratala Road, Thana: Taratala Police Station, District: 24 parganas, Registration District : Alipore. It is bounded on the North by the lessor's plot no .14 at the western side of Taratala Staff colony, on the east by the lessor's open land, on the south by the lessor's road inside the Taratala Staff colony and on the west by the lessor's Road connecting Taratala Road . Trustee's means the Board of Trustees for the port of Kolkata.

Dated: 08.10.2020.

  
Signature and seal of the  
Estate Officer

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

**ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT, KOLKATA  
(erstwhile 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

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

REASONED ORDER NO. 16 DT 01.10.2020  
PROCEEDINGS NO. 1474/D OF 2015

**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

**Ram Murat Pandey,**  
Plot No. 15, Taratala staff Colony Market,  
Western side,  
Kolkata - 700 088

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 08.07.2019 you were called upon  
to show- cause on/or before 07.08.2019 why an order requiring you to pay a  
sum of Rs. 92,038.78/- (Rs. Ninety two thousand thirty eight and paisa seventy  
eight only ) being damages payable together with compound interest for  
unauthorised use and occupation of the said premises, should not be made.

And whereas I have considered your objection and/or the evidence  
produced by 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. 92,038.78/- (Rs. Ninety two  
thousand thirty eight and paisa seventy eight only ) for the period from  
01.10.2010 to 02.05.2018 assessed by me as damages on account of your  
unauthorised occupation of the premises to Kolkata Port Trust, by  
16.10.2020.

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

Please see on reverse

:2:

A copy of the reasoned order no. 16 dated 01/01/2020 is attached hereto.

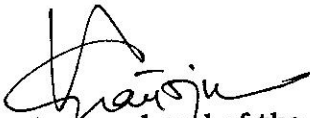
In the event of your refusal or failure to pay the damages within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue.

**SCHEDULE**

**Plate No.D- 337/3/2**

The said piece or parcel of land Msg 6.689 sq.m or thereabouts under Plate no . D- 337/3/2 is situated at the Lessor's Taratala Staff Colony at Taratala Road, Thana: Taratala Police Station, District: 24 parganas, Registration District : Alipore. It is bounded on the North by the lessor's plot no .14 at the western side of Taratala Staff colony, on the east by the lessor's open land, on the south by the lessor's road inside the Taratala Staff colony and on the west by the lessor's Road connecting Taratala Road . Trustee's means the Board of Trustees for the port of Kolkata.

Dated: 08-10-2020

  
Signature and seal of the  
Estate Officer.

**COPY F<sup>O</sup>RWARDED 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. 1474, 1474/R & 1474/D Of 2015 Order Sheet No. 16

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

*Ram Murat Pandey* <sup>VS</sup> (D-377/3/2)

#### FINAL ORDER

16  
01.10.2020

The matter is taken up today for final disposal. It is the case of Kolkata Port Trust (KoPT), applicant herein, that Shri Ram Murat Pandey (hereinafter referred to as the O.P.) came into occupation of KoPT's land msg. 6.690 sqm or thereabouts at Taratala Staff Colony under Plate No. D-377/3/2, in the Presidency town of Kolkata Thana- Taratala Police Station, being the Public Premises in question, as a month to month lessee, on certain terms and conditions, and O.P. violated the conditions of the said month to month lease by defaulting in payment of rent and taxes, made unauthorized construction and also parted with possession of the premises in favour of rank outsiders. It is strongly argued on behalf of KoPT that O.P. has no authority under law to occupy the public premises after expiry of the period as mentioned in the notice to quit dated 16.08.2010 and O.P. is liable to pay damages for wrongful use and occupation of the Port property upto the date of handing over of vacant and unencumbered possession of the same.

This Forum issued Show Cause notice under Section 4, Section 7(1) & Section 7(2) of the Act (for adjudication of the prayer for issuance of Order of Eviction etc.) on 08.07.2019 (vide Order No 12 dated 02.07.2019).

Such notices were accepted by one Shri Lakshman Shau on 10.07.2019. It is seen from record that nobody appeared on behalf of O.P. during the course of hearing before this Forum.

# 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. 1474, 1474/R/1474/D Of 2015 Order Sheet No. 14

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Ram Murat Pandey VS (D-377/3/2)

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01.10.2020.

After extension of repeated opportunities, O.P. or no one on behalf of O.P. turned up before this Forum despite service of the notices upon one Sri Lakshman Shaw. As per report of the Process Server, O.P. refused to accept the orders of the Forum. As such, finding no other alternative and having exhausted the feasible avenues of extension of natural justice, I reserved the final order on 11.09.2019.

I have carefully gone through the contentions made by KoPT against the O.P. and records submitted before this Forum. It is seen that KoPT had granted month to month lease to O.P. and in the context of O.P., having failed to pay rent and taxes, having made unauthorized construction and having parted with possession of the property to rank outsiders, KoPT issued Final Notice dated 26.05.2005 asking O.P. to remit the outstanding dues. O.P. having failed to remit the money back to KoPT, Quit notice was issued to O.P. on 16.08.2010 asking O.P. to handover vacant, unencumbered possession to KoPT on 30.09.2010.

However, O.P. failed to handover the possession back to KoPT on the stipulated date and KoPT proceeded to file the instant proceedings before this Forum.

It is seen that, vide letter dated 06.07.2015, KoPT has filed a letter from one Sk. Jayed Hossain, Advocate, addressing KoPT, on behalf of Sri. Bhanu Prakash Pandey, having introduced himself as the son of Late Ram Murat Pandey (who had reportedly expired), asking KoPT to generate the actual accounts in accordance with law and forward the same to Sri.





## 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. 1474, 1474/R, 1474/D of 2015 Order Sheet No. 18

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

*Ram Murat Pandey. (D-377/3/2)*  
**VS**

16  
01.10.2020.

Bhanu Prakash Pandey, failing which legal measures would be initiated against KoPT.

However, such application was not annexed with any documents like the death certificate of Sri. Ram Murat Pandey (who was reported to have expired) or the antecedence/ identity proof of Sri. Bhanu Prakash Pandey to authenticate the alleged submission of OP regarding the death of Sri. Ram Murat Pandey.

It is the submission of KoPT that they had written several letters, to the Deputy Commissioner, South West Division, asking them to conduct an enquiry and let their office know of the date of death of O.P. and the name of the legal heirs of O.P. However, no communication was reportedly received from their end, in corroboration of the death of O.P.

In such a case, when there is no confirmation from the Police Authorities or any written submission from KoPT confirming the death of O.P., this Forum is constrained to treat this matter as that of "Estate Ram Murat Pandey", on the basis of a letter allegedly written on behalf of the son of the O.P., whose authenticity itself lies unestablished.

At the initial stage of hearing, it was seen from the lease document dated 28.01.1963 annexed to the application dated 15.06.2012 that the land msg. 66.89 sqm was given to O.P. This Forum had asked for clarification on such a discrepancy, as the Schedule to the application dated 15.06.2012, prayed for eviction of O.P from land msg. 6.690 sqm. KoPT however, offered clarification on the said discrepancy, vide their

*AM*

# 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. 1474, 1474/R/1474/D of 2015 Order Sheet No. 19

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Ram Murat Pandey, (D-377/3/2) <sup>VS</sup>

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01-10-2020

application dated 12.03.2019, stating that the lease documents were in respect to another land under Plate No. D-377/3/1, also allotted to O.P. and that a Title Execution case is pending in respect of the said plate. It appears that KoPT has annexed copies of the offer letter dated 02.06.1971 issued to Sri. Ram Murat Pandey, acceptance letter issued by O.P. to KoPT dated 13.07.1971, letters dated 11.10.1971 and 28.11.1971 and a plan thereof has been annexed to the application dated 12.3.2019 in respect of land measuring 6.689 sqm, which is the subject matter of the present proceeding. It is therefore clear that the said lease document annexed to the present application before the Forum where-in the land was shown to measure 66.89 sqm., was done by inadvertent mistake. I am of the considered opinion that the mistake was clerical in nature and can be ignored and this Forum did not take cognizance of the said lease document while deciding on the instant proceedings.

It is the contention of KoPT in its application dated 12.03.2019, that the land msg. 6.689 sqm. was allotted to O.P. for the purpose of "Extension of Hindu Resturant"; however, on inspection, no traces of O.P. or the Hindu Restur<sup>a</sup>nt/extension there-of, was found. Instead, the entire premises was occupied by three families unauthorisedly, and was being used for residential purposes i.e. in deviation to the cause/purpose, it was actually leased out for.

Thus, it appears to me that the contentions of KoPT have definite foundational merit and as such, I am inclined to hold that the Notice to Quit dated

## 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. 1474, 1474/R & 1474/D Of 2015 Order Sheet No. 28

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Ram murti Pandey <sup>VS</sup> (D-377/3/2)

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01.10.2020

15.06.2012 is valid, lawful and have been correctly served on the O.P. and the same is binding between the parties.

In view of the circumstances, as there is no reply to the Show Cause Notice under Section 4 of the Act, from or on behalf of the O.P., or any one else interested in the property and being satisfied as above, and after giving cognizance to the established tenets of natural justice, I am left with no other alternative but to issue the Order of Eviction against O.P., as prayed for on behalf of KoPT, on the following grounds/reasons:-

- 1) That O.P. has failed to appear before this Forum and has failed to file reply to the Show Cause Notice under the Act, in spite of sufficient chances being given.
- 2) That O.P. has failed to satisfy the terms and conditions of grant of month to month lease by failing to pay monthly rents and taxes as fixed by the Port Authority from time to time.
- 3) That O.P. has violated the terms of the month to month lease by parting with possession of the premises in favour of rank outsiders/unauthorised occupiers.
- 4) That O.P. has violated the terms of the lease documents by using the premises for purposes other than that for which it was leased out for.

# 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. 1474, 1474/R, 1474/D Of 2015 Order Sheet No. 21

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

*Ram Mohan Pandey* <sup>VS</sup> *(D-377/3/2)*

16  
01.10.2020

- 5) That O.P. has failed to make out any case in support of its occupation as "authorised occupation", in spite of sufficient chances being provided.
- 6) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", in spite of sufficient chances being provided.
- 7) That the notice to quit dated 16.08.2010 as served upon O.P. by the Port Authority is 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 Section 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 upto the date of handing over of 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 the canons of law till the date of clear and vacant and unencumbered recovery of possession of the same.

## 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. 1474, 1474/R x 1474/D of 2015 Order Sheet No. 22

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

*Ram Mohan Pandey. (D-377/3/2)* <sup>VS</sup>

16  
01.10.2020

It is my considered view, that a sum of Rs. 66,246/- for the period 31.07.1982 to 30.09.2010 (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 16.10.2020. Such dues attract compound 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. Department is directed to draw up formal order as per Rule u/s 7 of the Act.

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. 92,038.78/- (Rs. Ninety two thousand and thirty eight and paisa seventy eight only ) as claimed by the Port Authority as damages, is correctly payable by O.P. for the period 01.10.2010 to 02.05.2018 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to KoPT by 16.10.2020. The said damages shall carry compound interest @ 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 the relevant notification/s published in Official Gazette. The formal orders u/s 7 of the Act are signed accordingly.



# 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. 1474, 1474/R, 1474/D Of 2015 Order Sheet No. 23

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA


*Ram Prasad Pandey* VS (D-377/3/2)

16  
01.10.2020

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 liability of O.P. to pay damages extends beyond 02.05.2018 as well, since the possession of the premises is still lying unauthorisedly with the O.P. KoPT is directed to submit a statement comprising details of its calculation of damages after 02.05.2018, 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 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, the 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

  
(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\*\*\*