

**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  
\*\*\*\*\*

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

REASONED ORDER NO. 14 DT 26.04.2021  
PROCEEDINGS NO. 1793 OF 2020

BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
-Vs-  
**Shri Sitaram Mahato, I.E.A.C. Engineering Works (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 **Shri Sitaram Mahato, I.E.A.C. Engineering Works, Chetla Rly Siding, Calcutta-700027 AND ALSO AT Village: Dhekahakunjantola, P.O.: Dhekaha, Thana- Paru, District : Motihari, Bihar** is in unauthorized occupation of the Public Premises specified in the Schedule below :

**REASONS**

- 1) That O.P or any other person interested in the property has failed to file any reply to the Show Cause Notice/s U/S 4 & 7 of the Act inspite of sufficient chances being provided to them.
- 2) That O.P has made encroachment on the Trustees' land without having any authority under law.
- 2) That the O.P has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".
- 3) That O.P has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the Notice to Quit dated 13.07.1983.
- 4) That O.P's occupation has become unauthorised in view of Sec 2(g) of the Act and O.P is liable to pay damages for 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.

*Handwritten signature/initials*

**PLEASE SEE ON REVERSE**

(2)

A copy of the reasoned order No. 14 dated 26.04.2021 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 **Shri Sitaram Mahato, I.E.A.C. Engineering Works, Chetla Rly Siding, Calcutta-700027 AND ALSO AT Village: Dhekahakunjantola, P.O.: Dhekaha, Thana- Paru, District : Motihari, Bihar** 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 **Shri Sitaram Mahato, I.E.A.C. Engineering Works, Chetla Rly Siding, Calcutta-700027 AND ALSO AT Village: Dhekahakunjantola, P.O.: Dhekaha, Thana- Paru, District : Motihari, Bihar** 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.

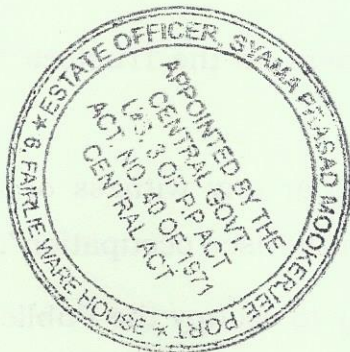
### SCHEDULE

#### Plate No. D-535

The said piece or parcel of land msg.46.452 sq.m. or thereabouts situated at the Chetla Station Yard, Thana- Chetla, District-24 Parganas, Registration District- Alipore. It is bounded on the north & east by the CPT's road, on the south by the CPT's strip of open land alongside the CPT's Boat Canal and on the west by the CPT's land leased to Raj Kishore Singh.

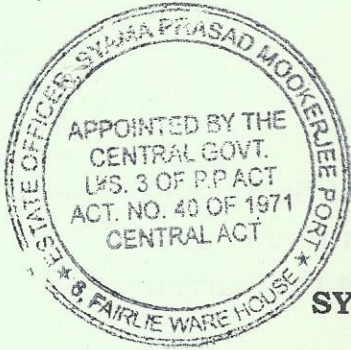
CPT' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Date- 26.04.2021



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

COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA FOR INFORMATION.



**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 Unauthorised Occupants) Act 1971  
OFFICE OF THE ESTATE OFFICER  
6, Fairlie Place (1st FLOOR) KOLKATA-700001  
\*\*\*\*\*

Court Room At the 1<sup>st</sup> Floor  
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Fairlie Warehouse  
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO. 1793/D OF 2020  
ORDER NO. 14 DATED : 26.04.2021

**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  
**Shri Sitaram Mahato,  
I.E.A.C. Engineering Works,  
Chetla Rly Siding, Calcutta-700027**

**AND ALSO AT  
Village: Dhekahakunjantola,  
P.O.: Dhekaha, Thana- Paru,  
District : Motihari, Bihar.**

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 20.07.2020 you are called upon to show cause on/or before 04.08.2020 why an order requiring you to pay damages of Rs. 2,17,543.93 (Rupees Two Lakhs Seventeen Thousand Five hundred Forty Three and paise Ninety Three only) together with [compound interest] for unauthorised use and occupation 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 order you to pay the sum of Rs. 2,17,543.93 (Rupees Two Lakhs Seventeen Thousand Five hundred Forty Three and paise Ninety Three only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.09.1983 to 09.12.2019 (both days inclusive) to SMP, Kolkata by 24.05.2021.

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 @ 6.20 % per annum on the above sum till its final payment being the current rate of interest as per the Interest Act, 1978.

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.

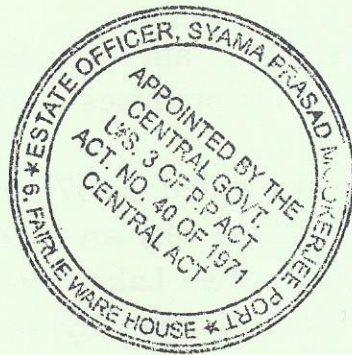
**SCHEDULE**

**Plate No. D-535**

The said piece or parcel of land msg.46.452. sq.m. or thereabouts situated at the Chetla Station Yard, Thana- Chetla, District-24 Parganas, Registration District- Alipore. It is bounded on the north & east by the CPT's road, on the south by the CPT's strip of open land alongside the CPT's Boat Canal and on the west by the CPT's land leased to Raj Kishore Singh.

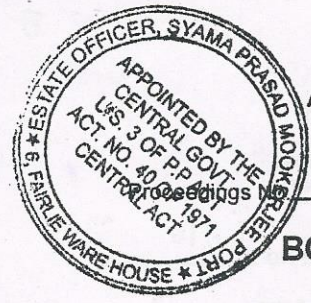
CPT' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Date 26.04.2021



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

COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA 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

1793, 1793)D Of 2020 Order Sheet No. 15

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS  
Sri Sitaram Mahato.

14  
26.04.2021

### FINAL ORDER

The matter is taken up today for final disposal. It is the case of Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust], hereinafter referred to as SMP, Kolkata, Applicant herein, that a monthly term lease (w.e.f 10.04.1972) was granted to Shri Sitaram Mahato, I.E.A.C Engineering Works, (O.P), on certain terms and conditions in respect of public premises being land measuring 46.452 Sq.m or thereabouts situated at Chetla Station Yard, Alipore Thana- Chetla, comprised under Plate No.D-535 and allegation levelled by SMP, Kolkata against the O.P is that O.P violated the condition of such tenancy by way of not making the payment of rental dues along with accrued interest and other charges and also by way of making encroachment upon the Trustees land without having any authority under law. It is also argued on behalf of SMP, Kolkata that O.P has no authority under law to occupy the said public premises after expiry of the period as mentioned in the notice to quit dated 13.07.1983 read with vacation Notice dated 02.01.2019 and O.P is liable to pay damages for unauthorised enjoyment of the Port property in question.

This Forum formed its opinion to proceed against O.P under the relevant provisions of the Act and issued Show Cause Notice U/S 4 of the Act (for adjudication of the prayer for order of eviction etc.) and Show Cause Notice U/S-7(for adjudication of the prayer for recovery of arrear damages etc.) both

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Head Assessor  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

14



## 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. 1793, 1793/D Of 2020 Order Sheet No. 16

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Shri Sitarann Mahata

14  
26.04.2021

dated 20.07.2020 (vide Order No. 01 dated 20.07.2020) as per rule made under the Act.

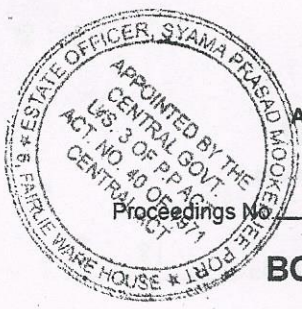
After issuance of the aforesaid notice, O.P. did not appear before the Forum for giving reply to the Show Cause. However, the record depicts that such Notice had been sent to O.P both by hand and Registered Post as per addresses available on record.

It reveals from the report of the Process Server dated 21.07.2020 that Show Cause Notice/s u/s 4 & 7 were affixed on the subject premises on 21.07.2020 at about 2 P.M. However, the Postal Services to both the recorded addresses of O.P returned undelivered as the addressee was not located. To give chances to O.P as per the Principles of Natural justice, the Forum made several attempts of service of its subsequent orders and when no response was received from O.P's end, this Forum vide its Order dated 19.01.2021 directed SMP, Kolkata to file other alternative addresses of O.P. if available with them. When SMP, Kolkata verbally on 23.02.2021 informed that no other alternative addresses were available with them, a publication was made in the classified column of Times of India (Kolkata) on 09.03.2021 fixing the ultimate date of O.P's appearance on 16.03.2021. Finally as the O.P failed to appear on 16.03.2021 the final Order was reserved in the matter. Now this Forum has decided to adjudicate the matter ex-parte.

As no one from O.P's side appears and no reply to the Show Cause Notice u/s 4 & 7 of the Act has

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CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

14



# 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. 1793, 1793)D Of 2020 Order Sheet No. 17

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Sitaran <sup>VS</sup> Mahata.

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26.04.2021

been filed as yet, I have no bar to accept the claim of SMP, Kolkata on account of unauthorised occupation of O.P into the Public Premises in question. I think that it is a fit case for issuing Order of eviction u/s 5 of the Act on the following grounds:-

- 1) That O.P or any other person interested in the property has failed to file any reply to the Show Cause Notice/s U/S 4 & 7 of the Act inspite of sufficient chances being provided to them.
- 2) That O.P has made encroachment on the Trustees land without having any authority under law.
- 2) That the O.P has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".
- 3) That O.P has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the Notice to Quit dated 13.07.1983.
- 4) That O.P's occupation has become unauthorised in view of Sec 2(g) of the Act and O.P is liable to pay damages for 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.Ps' 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

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SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

Head of Office  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT



## Estate Officer, Kolkata Port Trust

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

1793, 1793/D Of 2020 Order Sheet No. 18

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS  
Shri Sitaram Mahato

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26.04.2021

be evicted by this order and the Port Authority is entitled to claim damages for unauthorized use and enjoyment of the property against O.Ps' in accordance with Law up to the date of recovery of possession of the same.

It is my considered view that a sum of Rs.2,17,543.93 (Rupees Two Lakhs Seventeen Thousand Five hundred Forty Three and paisa Ninety three only) for the period 01.09.1983 to 09.12.2019 (both days inclusive) is due and recoverable from O.P. by the Port authority on account of damages/mesneprofits and O.P. must have to pay such dues to SMP, Kolkata on or before 24.05.2021. Such dues 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 incurrence 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 SMP, Kolkata's books of accounts.

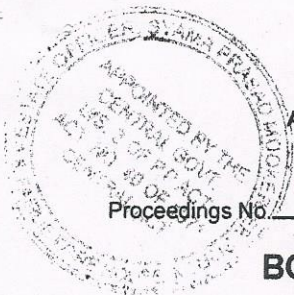
I make it clear that SMP, Kolkata is entitled to claim further damages against O.P. for unauthorized use and occupation of the public premises right upto the date of recovery of clear, vacant and unencumbered possession of the same in accordance with Law, and as such the liability of O.P. to pay damages extends beyond 09.12.2019 as well, till such time the possession of the premises continues to be under the unauthorised occupation with the O.P. SMP, Kolkata

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE 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. 1793, 1793/D Of 2020 Order Sheet No. 19

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
*Shri Sitaram Mahato*

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26.04.2021

is directed to submit a statement comprising details of its calculation of damages after 09.12.2019, 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.

GIVEN UNDER MY HAND AND SEAL

(Nirmalya Biswas)  
ESTATE OFFICER.

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

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*[Signature]*  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT