



**REGISTERED POST
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 1st Floor
of Kolkata Port Trust's
Fairlie Warehouse

6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 11 DT 18.10.2022
PROCEEDINGS NO. 1794/L of 2020

**SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(Erstwhile Board of Trustees' for the Port of Kolkata)**
-Vs-

Shri Prayag Chand Teli

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
18/10/22
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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 Prayag Chand Teli, Qtrs. No. 9 & 10 Block No. K at Taratala New
Colony Mazdoor Line, Kolkata - 700088, P.S.: Taratala** is in unauthorized
occupation of the Public Premises specified in the Schedule below :

REASONS

- (1) That nothing has been shown in support of O.P.'s occupation into the premises;
- (2) That no evidence has been laid to support the possession of O.P. as "authorised possession/occupation"
- (3) That mere occupation into the quarters for a certain period without any authority for such occupation cannot create any right over the property in question;
- (4) That O.P.'s occupation is unauthorised in all respect and O.P. has failed to make out any case in support of his occupation.

Jan



(2)

A copy of the reasoned order No.// dated 13-10-22 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 Prayag Chand Teli, Qtrs. No. 9 & 10 Block No. K at Taratala New Colony Mazdoor Line P.S. Taratala 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 Prayag Chand Teli, Qtrs. No. 9 & 10 Block No. K at Taratala New Colony Mazdoor Line, Kolkata - 700088, P.S.: Taratala** 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

Qtrs. No. 9 & 10 Block No. K at Taratala New Colony Mazdoor Line, Kolkata - 700088, P.S.: Taratala is butted and bounded in the manner as follows :

On the North by : Vacant Land at Taratala (New) Colony Mazdoor Line
On the South by : Block No. N at Taratala (New) Colony Mazdoor Line
On the East by : Qtrs. No. K/7&8 at Taratala (New) Colony Mazdoor Line
On the West By : Qtrs. No. K/11&12 at Taratala (New) Colony Mazdoor Line

Reemita Suman Dasgupta
Signature & Seal of the
Estate Officer.

Date- 14-10-2022

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 Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

SERVICE TO THE SYAMA PRASAD MOOKERJEE PORT, KOLKATA,
(SMP.KOLKATA) (ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF
KOLKATA) THROUGH ESTATE MANAGER, (SMP.KOLKATA) AT 6, FAIRLIE
PLACE WAREHOUSE, 2nd FLOOR, KOLKATA-700 001



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 1794/L Of 2020 Order Sheet No. 10

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Shri Prayag Chand Teli

11
13.10.2022

FINAL ORDER

The matter is taken up today for final disposal. Relevant facts are required to be put forward in a nutshell in order to understand the chain of events leading to the proceedings. It is the case of Syama Prasad Mookerjee Port, Kolkata hereinafter referred to as SMP,K, (erstwhile Kolkata Port Trust) applicant, herein, that all along SMP,K is the owner of the of Quarter No. 9 & 10 Bl. No. K at Taratala New Colony Mazdoor Line. Shri Prayag Chand Teli, the Opposite Party herein (hereinafter referred to as O.P.), was a Class-IV employee with Traffic Department, SMPK. He was allotted the subject quarters on 28.07.2015. O.P. retired from the services on 31.01.2020. An application was filed by SMP,K on 02.07.2020 praying for eviction of O.P.

This Forum on having the information of such unauthorised occupation issued a Notice to Show Cause under Section 4 of the Public Premises (Eviction of Unauthorised Occupant) Act, 1971 (hereinafter referred to as The Act) on 16.07.2020. The said Show Cause notice along with the order dated 16.07.2020 were sent through "Speed Post" as well as through Process Server. After receipt of the notice O.P. appeared through his wife Laxmi Devi before the Forum on 23.11.2020, and filed an application stating that his daughter is a student of B.A. 2nd year and he being a patient of paralysis and prayed for 3 years time to retain in the subject quarters for rent. O.P. filed his Reply to the Show Cause Notice on 17.02.2021 through Smt. Anjali claiming to be O.P.'s daughter, wherein it was prayed that as O.P.'s right side is paralysed, his wife will have an eye operation O.P. and his family may be allowed to stay in the quarters for 3 years.

On 02.08.2021, O.P. was directed by the Forum to give a certificate from the Port Hospital (Centenary Hospital) certifying that O.P. is partially paralysed and cannot be relocated. The matter was fixed for hearing on 30.09.2021. It is seen from records that neither did O.P. appear on that date nor did he submit the medical reports as was

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OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 1794/L Of 2020 Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

vs
Shri Parraj Chand Teli

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13-10-2022

directed by the Forum on 02.08.2021. Accordingly, Final Order was reserved on 30.09.2021.

The Show Cause notice along with the order were also sent through Process Server. It is seen from the report of the Process Server dated 16.07.2020 that the order was duly served upon O.P. as well as due affixation of the order along with the Show Cause Notice dated 16.07.2020 was made on a conspicuous part of the premises. I am satisfied with the service of notice.

In course of hearing O.P. having knowledge of the pending proceedings, appeared and filed his Reply to the show Cause Notice which has already been dealt with in the prior part of the order. However, I am not satisfied with the grounds taken by O.P. in his Reply to the Show Cause Notice to stay in the subject quarters, more so, when the certificate as directed by the Forum could not produced by O.P. and he has already occupied the premises for almost 2 years after his superannuation. Accordingly the order of eviction is issued on the following grounds/ reasons;

- (a) That nothing has been shown in support of O.P.'s occupation into the premises;
- (b) That no evidence has been laid to support the possession of O.P. as "authorised possession/occupation"
- (c) That mere occupation into the quarters for a certain period without any authority for such occupation cannot create any right over the property in question;
- (d) That O.P.'s occupation is unauthorised in all respect and O.P. has failed to make out any case in support of his occupation.

Accordingly, Department is directed to draw up a formal order of eviction u/s5 of the Act and Rules made thereunder against O.P., giving 15 days time to all the occupants of the quarters in question or whoever may be in occupation are liable to be evicted by this Order and SMP,K is entitled to claim damages for unauthorised use and occupation of the public premises upto the date of recovery of

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14/10/22
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[Handwritten signature]



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 1794/6 Of 2020 Order Sheet No. 12

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Shri Prayag Chand Teli

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13-10-2022

possession in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

Paromita Anoop Majumdar
(Paromita Ghosh Majumdar)

Estate Officer

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

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
FORWARDED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
[Signature]
Head Assistant
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