



**SPEED 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 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Fairlie Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 11 DT 24.01.2023  
PROCEEDINGS NO. 564/L of 2004

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

-Vs-

**Md. Ashraf & Md. Shahensah**

**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 **Md. Ashraf & Md. Shahensah, residing at Quarters No.13, Block No.A, K.F. Shipping Mazdoor Line, P.S.: S.P.P.S, Kolkata - 700 023**, is in unauthorized occupation of the Public Premises specified in the Schedule below :

**REASONS**

- 1) That no reply to the Show Cause notice is filed by O.P.s.
- 2) That nothing has been shown in support of O.Ps' occupation into the public premises.
- 3) That no evidence has been laid to support the possession of O.P.s' as "authorized possession/ occupation".
- 4) 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.
- 5) That O.P.s' occupation is unauthorized in all respect and O.P has failed to make out any case in support of his occupation.

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

**PLEASE SEE ON REVERSE**



(2)

A copy of the reasoned order No. 11 dated 24.01.23 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 **Md. Ashraf & Md. Shahensah, residing at Quarters No.13, Block No.A, K.F. Shipping Mazdoor Line, P.S.: S.P.P.S, Kolkata - 700 023** 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 **Md. Ashraf & Md. Shahensah, residing at Quarters No.13, Block No.A, K.F. Shipping Mazdoor Line, P.S.: S.P.P.S, Kolkata - 700 023** 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

Quarters No.13, Block No.A, K.F. Shipping Mazdoor Line, P.S.: S.P.P.S, Kolkata - 700 023 is butted and bounded in the manner as follows :

- On the North by : Bl. No. A/12, K.F. Shipping Mazdoor Line
- On the South by : Bl. No. A/14, K.F. Shipping Mazdoor Line
- On the East by : Bl. No. A/7, K.F. Shipping Mazdoor Line
- On the West by : Block B at K.F. Shipping Mazdoor Line

DATED:

27 JAN 2023

27 JAN 2023

*Ravonita Anwar Begum*  
Signature & Seal of the

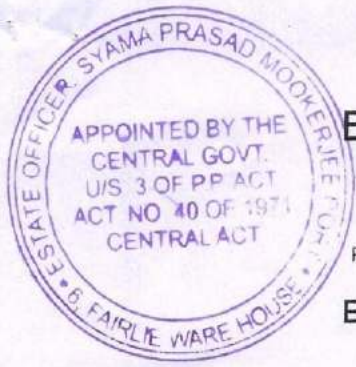
ESTATE OFFICER

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]*  
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 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. 564/L Of 2004 Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SRI MD ASHRAF.

11  
24.01.2023

### 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. 13 Bl. No. A at K.F. Shipping Mazdoor Line. The said quarter was under lock and key since 08.01.1996. On or about 18.06.2001, Md. Ashraf, the Opposite Party, hereinafter referred to as O.P. forcibly occupied the above quarters by breaking open the padlock. Since then O.P. had been unauthorisedly occupying the said quarters without any authority. SMP,K vide application dated 04.01.2021 submitted that on a recent inspection it was found that the subject quarter is presently being unauthorisedly occupied by another rank outsider being Md. Shahensah.

SMPK filed application dated 18.06.2002, praying for an order of eviction against O.P. I am appalled by the fact that the matter is pending without adjudication for so long. Be that as it may, 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 22.02.2021. The said Show Cause notice along with the order dated

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

*[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. 564/L Of 2004 Order Sheet No. 12

**BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

**VS**  
*Sri MD ASHRAF*

11  
24.01.2023  
24.01.2023

22.02.2021 were sent through "Speed Post", however the envelope has been returned with the remark "addressee cannot be located". The order along with the notice were also sent through Process Server. It is seen from the report of the Process Server dated 24.03.2021, that O.P. did not allow them to enter the premises and threatened the Process Servers of assault, neither was affixation of the order on the conspicuous part of the premises allowed. For the sake of natural justice two more chances were given to O.P. to represent the matter before the forum. However, O.P. refused to take the service of the order, but due affixation of the order was made on a conspicuous part of the premises for notice to all concerned. I am satisfied with the service of notice.

In course of hearing inspite of having knowledge of the pending proceedings neither O.P. nor anyone interested in the said property appeared before the Forum to place their submissions. No Reply to the Show Cause Notice has been filed by O.P. or any other person interested on the property. In view of the above, I am left with no other alternative but to issue order of eviction as prayed for on behalf of the Port Authority. I have no reason to disbelief on the statements made by SMPK before the Forum. Accordingly the order of eviction is issued on the following grounds/ reasons;

- (a) That no Reply to the Show Cause has been filed by O.P.s or anyone else

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*[Signature]*  
Deputy Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*[Handwritten mark]*



**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. 564/L Of 2004 Order Sheet No. 13

**BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

**VS**

Sri MD ASHRAF.

11  
24.01.2023

- (b) That nothing has been shown in support of O.P.s' occupation into the premises;
- (c) That no evidence has been laid to support the possession of O.P.s' as "authorised possession/occupation"
- (d) 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;
- (e) That O.P.s' occupation is unauthorised in all respect and O.P.s' 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 possession in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

*Paromita Ghosh 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  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*[Signature]*  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT