



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  
Fairlie Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 11 DT 02.05.2023  
PROCEEDINGS NO. 478/L of 2004

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

-Vs-

**Sri Sreeniwas Jadav**  
&  
**Sri Sanjoy Singh**

**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 **Sri Sreeniwas Singh & Sri Sanjoy Singh, residing at Qrs. No. 9, Block No.6, Hide Road Mazdoor Line, P.S.: S.P.P.S, Kolkata-700043** 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.
- 2) That nothing has been shown in support of O.P's occupation into the public premises.
- 3) That no evidence has been laid to support the possession of O.P. 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



(2)

A copy of the reasoned order No. 11 dated 02.05.2023 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 **Sri Sreeniwas Singh & Sri Sanjoy Singh, residing at Qrs. No. 9, Block No.6, Hide Road Mazdoor Line, P.S.: S.P.P.S, Kolkata-700043** 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 **Sri Sreeniwas Singh & Sri Sanjoy Singh, residing at Qrs. No. 9, Block No.6, Hide Road Mazdoor Line, P.S.: S.P.P.S, Kolkata-700043** 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.9, Block No.6 at Hide Road Mazdoor Line, P.S: South Port Police Station, Kolkata-700043 is butted and bounded in the manner as follows :

On the North by : 6/4, Hide Road Mazdoor Line;  
On the South by : 7/4 Hide Road Mazdoor Line.  
On the East by : 6/10 Hide Road Mazdoor Line.  
On the West by : 6/8 Hide Road Mazdoor Line.

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

Date-03.05.2023

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  
03/05/23  
Head Assi:  
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. 478/L Of 2004 Order Sheet No. 09

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

SRI SREENIWAS JADAV VS SRI SANJOY SINGH.

11  
02.05.2023

**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/KoPT], hereinafter referred to as SMPK, Applicant herein, that Quarter No.9, Block No. 6 at Hide Road Mazdoor Line, P.S. South Port Police Station, Kolkata-700043 was under the lock and key of SMPK since 22.09.2000. However, one **Sri Sreeniwas Jadav** (hereinafter referred to as **O.P.**), forcibly occupied said Quarter by breaking open SMPK's padlock on or about 21.11.2000 and since then the O.P was living unauthorisedly in the said quarter/ public premises as an unauthorised occupant. It is further the case of SMPK that on a recent inspection it has been found that the said quarter is presently being unauthorisedly occupied by one **Sri Sanjay Singh**, who is a rank outsider into the quarter/public premises in question.

This Forum formed its opinion to proceed against both O.P. and the rank outsider by issuing the Show Cause Notice dated 18.08.2022 (vide Order no 06 dated 16.08.2022) for adjudication of the prayer of eviction, under the relevant provisions of **Public Premises (Eviction of Unauthorized Occupants) Act, 1971** (hereinafter referred to as 'the Act') and the Rules made thereunder. The O.P. and the rank outsider both were called upon as per the relevant provisions of the Act and the Rules made thereunder to appear before this forum in person or through authorized representative/s, capable to answer all material questions connected with the matter, along with the evidence which the O.P.s intends to produce in support of their case.

The said Notice was sent through 'Speed Post' to the Quarter address of the O.P. and the rank outsider.

By Order of:  
**THE ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT**

CERTIFIED COPY OF ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*[Signature]* 03/05/23  
Head Assista

OFFICE OF THE 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. 478/L Of 2004 Order Sheet No. 10

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

*Sri SREENIVAS JADAV VS SANJOY SINGH*

11  
02.05.2023

has not been effected due to refusal of Sitting Occupant. However, such Notice was affixed on the property in question, as per the mandate of the Act, as it appears from the said report of Process Server dated 25.08.2022. Inspite of such efforts, the appearance of O.P. or other person interested in the property could not be procured and the efforts remained futile. Following the principles of natural justice, further attempt was made to serve such notice in terms of Order dated 01.09.2022 both by Speed Post/hand delivery. Although the Postal communication again returned undelivered to the Forum however, the report of 'Process Server' dated 21.09.2022 depicts that such order was personally served upon the person residing in the premises and affixation was also made on the subject quarter in question as per the mandate of the P.P Act.

Inspite of such efforts, as nobody appeared before me with any authority to stay into the quarters in question. Considered the report of the Process Server dated 21.09.2022 regarding service and affixation of Show Cause Notice u/s 4 of the Act on the property in question. I am satisfied with the service of notice to all concerned. No reply to the Show Cause Notice u/s 4 of the Act dated 18.08.2022 on behalf of either O.P. or any person interested in the property has been filed. As such, I have nothing to disbelieve the statements made against both the O.P.s by the Port Authority. In fact, I am left with no other alternative but to issue order of eviction as prayed for on behalf of the Port Authority on the following grounds/reasons.

1. That nothing has been shown in support of either O.P's occupation into the public premises.
2. That no evidence has been laid to support the possession of either O.P.

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]* 02/05/23  
Hd. Assistan  
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.

478/L

Of

2004

Order Sheet No.

11

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

Sri SREEMINAS JADAV <sup>VS</sup> Sri SANJOY SINGH.

3. That mere occupation into the quarters for a period without any authority for such occupation cannot create any right over the property in question.
4. That both the O.P's occupation is unauthorized in all respect and both the O.P's have failed to make out any case in support of their occupation.

ACCORDINGLY, Department is directed to draw up formal order of eviction u/s. 5 of the Act and Rules made thereunder against O.P., giving 15 days time to all to vacate the said Quarter/ public premises. I make it clear that all the occupants of the quarters in question whoever may be in occupation are liable to be evicted by this order and Port Authority is entitled to claim damages for unauthorized 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 & SEAL

(A.K Das)  
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

11  
02.05.2023