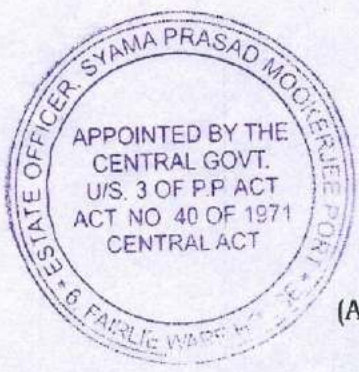


O/C

**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. 10 DT 02.06.22  
PROCEEDINGS NO. 1800/L of 2020

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

**SYAMA PRASAD MOOKERJEE PORT, KOLKATA  
(Erstwhile Board of Trustees' for the Port of Kolkata)  
-Vs-  
Shri Madhav Singh & Md. Sehjada Khan.**

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

**F O R M - "B"**

**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC  
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

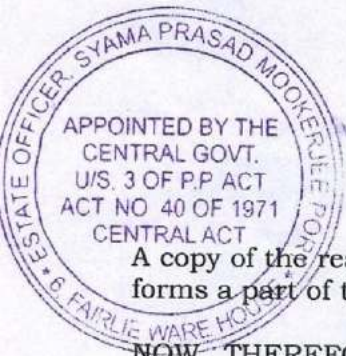
WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Shri. Madhav Singh & Anr. Qtrs. No. 17, Block No. 37, Hide Road Mazdoor Line, P.S. S.P.P.S., Kolkata- 700 043** is in unauthorized occupation of the Public Premises specified in the Schedule below :

**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.

**PLEASE SEE ON REVERSE**





(2)

A copy of the reasoned order No. dated 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. Madhav Singh & Anr. Qtrs. No. 17, Block No. 37, Hide Road Mazdoor Line, P.S. S.P.P.S., Kolkata- 700 043 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. Madhav Singh & Anr. Qtrs. No. 17, Block No. 37, Hide Road Mazdoor Line, P.S. S.P.P.S., Kolkata- 700 043** 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. 17, Block No. 37, Hide Road Mazdoor Line, P.S. S.P.P.S., Kolkata- 700 043 is butted and bounded in the manner as follows :

On the North by : 37/2 Hide Road Mazdoor Line  
On the South by : 38/2 Hide Road Mazdoor Line  
On the East by : 37/18 Hide Road Mazdoor Line  
On the West By : 37/16 Hide Road Mazdoor line

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

Date- 03.08.22

*Saonita Bhowmik*  
Signature & Seal of the  
Estate Officer.

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, 2<sup>nd</sup> 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. 1800/L Of 2020 Order Sheet No. 10

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS  
Sri Madhav Singh.

10  
02.06.22

## FINAL ORDER

The matter is taken up today for final disposal. It is the case of Syama Prasad Mookerjee Port, Kolkata, that Sri Debai Rajbhar who was employed under Civil Engineering Department was allotted residential quarters at Bilaspore Mazdoor Line w.e.f. 23.08.1993. Thereafter, on an application from the said Debai Rajbhar, he was allotted quarter no. 17, Block No. 37 at Hide Road Mazdoor Line on 04.10.1993. The allotment of the said quarters were cancelled on 09.09.1999 for subletting of the quarter and thereafter the allottee was not in service w.e.f. 01.01.2001. The said quarters continued to be in unauthorised occupation of Sri Madhav Singh, hereinafter referred to as O.P. (Opposite Party). Application was filed by SMPK on 28.02.2003 praying for eviction of O.P. I am appalled by the fact that since then almost 19 years have elapsed and the matter was never placed before any Estate Officer for proper adjudication thereby frustrating the entire spirit of the Act of 1971. On a recent inspection by SMPK which was made in furtherance of an order from the Forum it is seen that one Md. Sehjada Khan another rank outsider is occupying the premises unauthorisedly.

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 to both Madhav Singh and Md. Sehjada Khan. The said Show Cause notice along with the order dated 22.02.2021 were sent through "Speed Post", however the envelope containing the notice and form were returned back with the postal remark "Addressee cannot be located". Subsequent order dated 19.07.2021 was sent to O.P. through Process Server. It is seen from the report of the Process Server that the "party refused to take the order". However, 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 the order.

In course of hearing inspite of having knowledge of the pending proceedings neither of the O.P.s nor anyone interested in the said

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 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. 1800/L Of 2020 Order Sheet No. 11

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

**VS**  
**JARI MADHAV SINGH.**

02.06.22

property appeared before the Forum to place their submissions. No Reply to the Show Cause Notice has been filed by O.P.s 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
- (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. 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]*  
HOLD AS  
OFFICER OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT