

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 1st Floor
of Kolkata Port Trust's
Fairlie Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO.// DT 02-06-22
PROCEEDINGS NO. 548/L of 2004

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 Kaish & Anr.**

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
[Signature]
OFFICE OF THE 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**

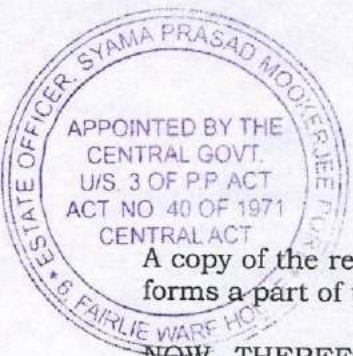
WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Sri. Kaish & Anr. Qtrs. No. 3, Block No. I, K.F. Shipping Mazdoor Line, P.S.: S.P.P.S., Kolkata: 700 023** is in unauthorized occupation of the Public Premises specified in the Schedule below :

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.Ps' occupation is unauthorized in all respect and O.P.s has failed to make out any case in support of his occupation.

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PLEASE SEE ON REVERSE



(2)

A copy of the reasoned order No. 11 dated 02.06.22 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 Sri. Kaish & Anr. Qtrs. No. 3, Block No. I, 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 **Sri. Kaish & Anr. Qtrs. No. 3, Block No. I, 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

Qtrs. No. 3, Block No. I, 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.I Qtr. No.4 K.F. Shipping Mazdoor Line
On the South by : Bl. No. I Qtr. No. 2 K.F. Shipping Mazdoor Line
On the East by : Boundary Wall
On the West By : Bl. No. I Qtr. No. 8 K.F. Shipping 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- 03.06.2022

Pranita Kumar Singh
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, 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. 548/L of 2004 Order Sheet No. 10

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
Sri KAISH DARR

11
02.06.22

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. 3 Bl. No. 1 at K.F. Shipping Mazdoor Line. The said quarter was under lock and key since 01.07.1996. On or about 27.03.2001, Sri. Kaish, 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. SMPK filed an application dated 26.07.2001 praying for an order of eviction against O.P. I am appalled by the fact that since then almost 21 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. SMP,K vide application dated 05.03.2021 submitted that on a recent inspection it was found that the subject quarter is presently being unauthorisedly occupied by another rank outsider who refused to disclose his name.

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 15.03.2021. The said Show Cause notice along with the order dated 15.03.2021 were sent through "Speed Post". The envelope was not returned back showing good service of the order and notice to Show Cause. 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 15.03.2021, that the order could not be served upon O.P, as O.P. did not allow them to enter the premises. Affixation of the order could not be done as the same was obstructed by the party. Order dated 20.07.2021 was also sent through the 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 in a conspicuous part of the premises was

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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SYAMA PRASAD MOOKERJEE PORT
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

APPOINTED BY THE
CENTRAL GOVT.
U/S. 3 OF PP ACT
ACT NO. 1971
CENTRAL ACT

Proceedings No.

548/L Of 2009 Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
SRI KAISH & ANR

11
02-06-22

done 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 SMP,K 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. 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. 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

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Head Assistant
OFFICE OF THE LT. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT