



SCANN

**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

Court Room at the 1st Floor
of Kolkata Port Trust's
Fairley Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 5 DT 04.07.22
PROCEEDINGS NO. 1904/L OF 2022

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-**

SHRI ASHOKE RAI

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 Ashoke Rai ,Quarters No. 7, Block No.49, Hide Road Majdoor Line,
P.S.: W.P.P.S. Kolkata -700 043** is in unauthorized occupation of the Public
Premises specified in the Schedule below:

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

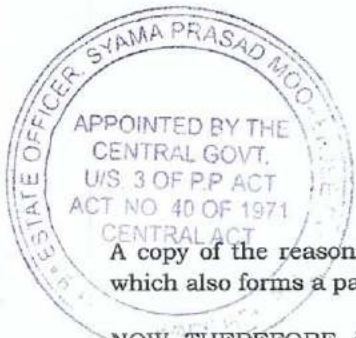
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
[Signature]
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

REASONS

1. That nothing has been shown in support of O.P's occupation into the public premises.
2. That no evidence has been laid to support the possession of the O.P. as "authorized possession/occupation".
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 the O.P's occupation is unauthorized in all respect and the O.P. has failed to make out any case in support of his occupation.

[Handwritten signature]

Please see on reverse



:2:

A copy of the reasoned order No. 05 dated 04.07.22 is attached hereto which also forms a part of the reasons.

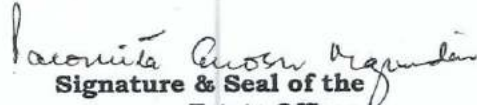
NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said Shri Ashoke Rai, Quarters No. 7, Block No.49, Hide Road Majdoor Line, P.S.: W.P.P.S. Kolkata -700 043 and all persons 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 Ashoke Rai, Quarters No. 7, Block No.49, Hide Road Majdoor Line, P.S.: W.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

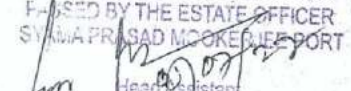
Quarters No. 7, Block No. 49 at Hide Road Majdoor Line, P.S.: West Port Police Station, Kolkata -700 043 is butted and bounded in the manner as follows :

On the North by : Qrs. No. 50/7, Hide Road Mazdoor Line
On the South by : Qrs. No. 48/7, Hide Road Mazdoor Line
On the East by : Qrs. No. 49/6, Hide Road Mazdoor Line
On the West by : Qrs. No. 49/8, Hide Road Mazdoor Line

Dated: 05-07-22


Signature & Seal of the
Estate Officer.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
FORWARDED 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/SMPK (ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF KOLKATA) THROUGH ESTATE MANAGER, SMPK AT 6, FAIRLIE PLACE WAREHOUSE, 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

1904/L Of 2022 Order Sheet No. 04

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SHRI ASHOK RAI

FINAL ORDER

The matter is taken up today for delivering the final order. It is the case of **Syama Prasad Mookerjee Port, Kolkata** [earstwhile **Kolkata Port Trust/ KoPT** (hereinafter referred to as '**SMPK**'/**Port Authority**'), the applicant herein, that Qtrs. No. 7, Block No. 49 at Hide Road Mazdoor Line, was under lock and key since 24.09.2002 and one **Shri Ashoke Rai**, the **Opposite Party/ O.P.** herein, forcibly occupied the quarter by breaking open SMPK's padlock on or about 07.10.2002 and since then, he has been living in the said quarter in an unauthorised manner. It is the case of SMPK in terms of application dated 01.04.2022 that during an inspection in recent past, it was found that the quarter is under unauthorised occupation of Shri Ashok Rai.

Be it mentioned here that SMPK filed the application dated 25.10.2002, before this Forum of Law seeking, inter alia, an order of eviction against O.P. I am appalled by the fact that since then almost 20 years have been elapsed and it appears from records of the case that the matter was never placed before any Estate Officer, until it came up for adjudication before the undersigned. As such, it would not be wrong to say that such act has been against the basic spirit of the Public Premises Act, 1971, which provides for speedy machinery for disposal of cases.

Be that as it may, this Forum formed its opinion to proceed against the O.P. by issuing the Show Cause Notice dated 31.05.2022 (vide Order no 03 dated 27.05.2022) for adjudication of the prayer of eviction, under 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. was 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

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



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

1904/L Of 2022 Order Sheet No. 05

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SHRI ABHORE RAI

connected with the matter, along with the evidence which the O.P. intends to produce in support of his case.

The said Notice was sent through 'Speed Post' to the Quarter address of O.P. However, it was returned undelivered by the Postal Department with the remarks "ACL". The 'Process Server' attached with this Forum has submitted his report dated 06.06.2022, stating that the "party has refused to take the order". However, in terms of the said Report dated 06.06.2022, affixation of the notice was made on the property as per mandate of the Act.

It appears that neither the O.P. nor any person interested in the property has appeared before this Forum, on the scheduled date for filing the reply to show cause or even thereafter, till the passing of this Order. Nobody appeared before me with any authority to stay into the quarter in question till date. Considered the report of the Process Server dated 06.06.2022. I am satisfied with the service of notice to all concerned as affixation of Show Cause Notice u/s 4 of the Act was made on the property in question. It appears that no reply to the Show Cause Notice u/s 4 of the Act dated 31.05.2022, on behalf the O.P., has been filed. As such, I have nothing to disbelieve the statements made against the O.P. 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 O.P's occupation into the public premises.
2. That no evidence has been laid to support the possession of the O.P. as "authorized possession/occupation".
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 the O.P's occupation is unauthorized in all respect and the 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
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

APPOINTED BY THE CENTRAL GOVT. Proceedings No. ACT ACT NO. 40 OF 1971

1904/L Of 2022 Order Sheet No. 06

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SRI ASHOK RAI

OS
4-07-22

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.

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

GIVEN UNDER MY HAND & 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
OF PASSING OF THIS ORDER***