



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

REASONED ORDER NO. 15 DT 07-07-22  
PROCEEDINGS NO. 1807/L OF 2020

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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

**SHRI JAGABANDHU ROY**

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

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
11/07/22  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

**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 Jagabandhu Roy, 6/B, Ramnagar, CPT Quarters, Kolkata -700 024**, is in unauthorized occupation of the Public Premises specified in the Schedule below:

**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.

Please see on reverse

:2:

A copy of the reasoned order No. 15 dated 07.07.22 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 Jagabandhu Roy, 6/B, Ramnagar, CPT Quarters, Kolkata -700 024 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 Jagabandhu Roy, 6/B, Ramnagar, CPT Quarters, Kolkata -700 024 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.

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

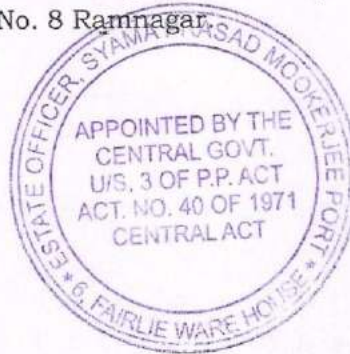
OFFICE OF THE LD. ESTATE OFFICER

SYAMA PRASAD MOOKERJEE PORT

### SCHEDULE

The said quarter No. 6/B is situated at Ramnagar CPT Quarters at Ramnagar, Calcutta - 700 024, P.S. : Garden Reach, District : Kolkata. The Quarters No. 6/B, Ramnagar is bounded on the North by CPT Quarters compound, then by Ramnagar out post, on the South by CPT Quarters compound, then road; on the East by CPT quarters No. 6/A, Ramnagar, then CPT Quarters compound & on the West by CPT Quarters Compound, then by CPT Quarters Compound, the by CPT Quarters, Block No. 8 Ramnagar.

Dated: 11.07.2022



*Deonita Anand Majumdar*  
Signature & Seal of the  
Estate Officer.

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

APPOINTED BY THE  
CENTRAL GOVT.  
U/S. 3 OF THE  
ACT. NO. 40 OF 1971

Proceedings No. 1807/L Of 2020 Order Sheet No. 12

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

**VS**

SHI JAGABANDHU ROY.

15  
07.07.2022

**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 Quarter No. 6/B, situated at Ramnagar, Kolkata- 700 024 is under unauthorised occupation of **Shri Jagabandhu Roy**, the **Opposite Party/ O.P.** herein, who was an employee of the Materials Management Department of SMPK and had been allotted with the residential quarters on 01.06.1956. It is the case of SMPK that the O.P. was allowed further to live with his family upto a period of 6 months after his retirement with effect from 01.06.1992. It was submitted by SMPK that the O.P. was allowed to retain his occupation for a period of 3 (three) months, with effect from 01.06.1992 to 30.08.1992 on deduction of quarters charges @ 10% per month of his last drawn pay and for a further period of 3 (three) months with effect from 01.09.1992 upto 30.11.1992 on deduction of quarter charges @ 20%, per month, on last drawn pay in accordance with Rules governing the quarters. It is further the case of SMPK that the O.P. failed to vacate the quarters and even after service of quit notice dated 05.03.1993, wherein it was directed to vacate the quarter on 12.04.1993.

Be it mentioned here that SMPK filed the application dated 04.05.1995, before this Forum of Law seeking, inter alia, an order of eviction against O.P. I am appalled by the fact that since then more than 27 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

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
11/07/22  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

FD  
for



**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. 1807/L Of 2020 Order Sheet No. 13

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

**VS**

Sri Jagabandhu Roy.

15  
07.07.2022

26.05.2022 (vide Order no 13 dated 18.05.2022) 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 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 has been returned undelivered by the Postal Department with the remarks "not found". The 'Process Server' attached with this Forum has submitted his report dated 06.06.2022, stating that though hand service of the notice could not made due to "door closed" condition of the premises, 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 26.05.2022, 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.

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



# 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. 1807/6 Of 2020 Order Sheet No. 13/14

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

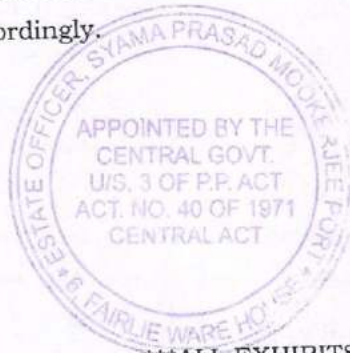
SHI SAGANDHU ROY

18  
07-07-2022

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.

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

*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\*\*\*

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