



**REGISTERED 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. 15 DT/14-02-2023
PROCEEDINGS NO. 1861/L of 2021

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

-Vs-

Shri Ram Sankar Ojha

F O R M - "B"

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

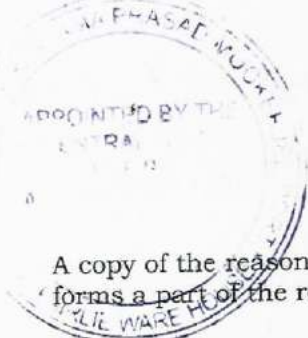
WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Shri Ram Sankar Ojha, Qtrs. No. D/5 at Nimak Mahal Mazdoor Line P.S. WPPS, Kolkata- 700 043** is in unauthorized occupation of the Public Premises specified in the Schedule below :

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.s have failed to make out any case in support of his occupation.

PLEASE SEE ON REVERSE

By Order of:
THE ESTATE OFFICER



(2)

A copy of the reasoned order No/5 dated/4.02.23 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 Ram Sankar Ojha, Qtrs. No. D/5 at Nimak Mahal Mazdoor Line P.S. WPPS, 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 Ram Sankar Ojha, Qtrs. No. D/5 at Nimak Mahal Mazdoor Line P.S. WPPS, 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. D/5 at Nimak Mahal Mazdoor Line P.S. WPPS, Kolkata- 700 043 is butted and bounded in the manner as follows :

- On the North by: KoPT Officer's quarters
- On the South by : Karl Marx Sarani
- On the East by : Port Security Office
- On the West By : Nimak Mahal Road

Date-

Ramonita Chatterjee
Signature & Seal of the
Estate Officer.

15 FEB 2023

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

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER

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. 1861/1

Of 2021 Order Sheet No. 12

ACT NO. 47

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Sri Ram Sankar OJHA
VS

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 D/5 at Nimak Mahal Road Mazdoor Line. The said quarter was declared condemned on 14.05.2001. The said quarters were to be disposed of along with latrine blocks, rest shelters, wrestling pits by ways of inviting tender by the Civil Engineering Department which was intended to be utilised for commercial purpose. At the stage when the said Mazdoor Line was being vacated, one Sri Ram Sankar Ojha, the Opposite Party No. 1 hereinafter referred to as O.P. No. 1 forcibly occupied the subject quarters and has since been living in the quarters unauthorisedly. An application was filed by SMPK on 19.04.2005, praying for eviction of O.P. On 03.05.2021 an application was filed by SMPK stating that the quarters at present is still under the occupation of O.P. Forum on the basis of the information 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 06.04.2022. The said Show Cause notice along with the order dated 06.04.2022 were sent through "Speed Post". The envelope, has been returned by the postal Department. The said order was also sent through Process Server. It is seen from the report of the Process Server dated 11.04.2022, that the premises was under the occupation of C.I.S.F. However, it was confirmed by SMPK, that the premises is under the occupation of O.P. and accordingly order dated 08.11.2022 was duly served upon O.P. through Process Server. Due affixation was also made in the conspicuous part of the premises for notice to all concerned inspite of which none appeared for O.P. I am satisfied with the service of notice.

14-02-2023





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. 1860/L Of 2021 Order Sheet No. 13

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Sei Ram Sarker OJHA.

15
14-02-2023

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 disbelieve 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.'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