



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

REASONED ORDER NO. 09 DT 10.02.2023  
PROCEEDINGS NO. 493/T of 2022  
1944/L

**SYAMA PRASAD MOOKERJEE PORT, KOLKATA  
(Erstwhile Board of Trustees' for the Port of Kolkata)**  
-Vs-  
**Shri Pancham Rai**

By Order of:  
**THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT**  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
10.02.2023  
The Assistant  
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 **Shri Pancham Rai, Qtrs.15 Block No. 45 at Hide Road P.S. West Port Police Station. 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.



(2)

A copy of the reasoned order No. 09 dated 10.02.2023 is attached hereto which also forms a part of the reasons.

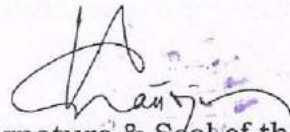
NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said **Shri Pancham Rai, Qtrs.15 Block No. 45 at Hide Road P.S. West Port Police Station. Kolkata-700 043** and all persons 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 Pancham Rai, Qtrs.15 Block No. 45 at Hide Road P.S. West Port Police Station. 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.15 Block No. 45 at Hide Road P.S. West Port Police Station. Kolkata-700 043 is butted and bounded in the manner as follows :

On the North by : 45/4, Hide Road Mazdoor Line  
On the South by : 46/6, Hide Road Mazdoor Line  
On the East by : 45/14, Hide Road Mazdoor Line  
On the West By : 45/16, Hide Road Mazdoor Line

Date- 10.02.2023.

  
Signature & Seal of the  
Estate Officer.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
TRUST  
TRUSTED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
KOLKATA  
10.02.2023  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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. 1944/L of 2022 Order Sheet No. 07-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Sri Pancham VS Rai

09  
10.02.2023

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 15 Block no.45 at Hide Road Mazdoor <sup>Line</sup> Road. The said quarter was under lock and key since 20.12.2000. On or about 16.07.2001, one Sri Pancham Rai, the Opposite Party hereinafter referred to as O.P. forcibly occupied the above quarters by breaking open the padlock and has since been living in the quarters unauthorisedly. An application was filed by SMPK on 17.01.2002, praying for eviction of O.P. A query was made by the Forum on 20.05.2022, asking SMPK about the present status of the subject property. Vide application dated 01.08.2022, it was submitted by SMPK that one the subject proceedings is still under the unauthorised occupation of one unauthorised occupant, however, the occupier's name could not be ascertained. 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 25.08.2022. The said Show Cause notice along with the order dated 25.08.2022 were sent through "Speed Post". The envelope, was not returned showing good service of the order. It is seen from the Track Consignment report of India Post that the order was delivered. The said order was also sent through Process Server. It is seen from the report of the Process Server dated 30.08.2022, door of O.P. was found closed. Due affixation was also made in the conspicuous part of the premises for notice to all concerned. In spite of having knowledge of the pending proceedings neither the O.P. nor anyone interested in the said property appeared before the Forum to place their submissions. For the sake of natural justice another chance was given to O.P. to represent their case before the

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
10.02.2023  
THE 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. 1944/2 Of 2022 Order Sheet No. -08-

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

*Sri Pancham<sup>VS</sup> Rai*

09  
10.02.2023

Forum. Order dated 12.09.2022, was again sent through Speed Post. The envelope however has been returned with the remark, "No such person in the address" It is seen from the report of the Process Server dated 29.09.2022, that the order could not be served as the door of O.P. was found closed. Due affixation was also made in the conspicuous part of the premises for notice to all concerned. Another chance was given to O.P. to represent their case before the Forum vide order dated 10.10.2022. Order dated 10.10.2022, was again sent through Speed Post. The envelope however has been returned with the remark, "No such person in the address" It is seen from the report of the Process Server dated 28.10.2022, that the order could not be served as the door of O.P. was found closed. Due affixation was also made in the conspicuous part of the premises for notice to all concerned. I am satisfied with the service of notice.

Inspite of having knowledge of the pending proceedings neither of the O.P.s 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 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. 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;

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
FURNISHED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Head Assistant  
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. 1944/L of 2022 Order Sheet No. -09-

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

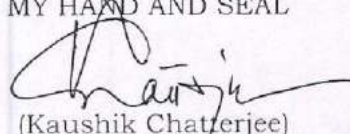
*Sri Panoram<sup>VS</sup> Rai*

09  
10.02.2023,

(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



(Kaushik Chatterjee)

Estate Officer

\*\*\* ALL EXHIBITS AND DOCUMENTS ARE REQUIRED TO BE TAKEN BACK WITHIN ONE MONTH FROM THE DATE PASSING OF THIS ORDER \*\*\*

B. Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*10.02.2023*  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT