



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 SMPK's
Fairlie Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 08 DT 14 AUG 2023
PROCEEDINGS NO. 1964/L of 2022

SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF KOLKATA)

-Vs-

Sri Manoj
Shri Lala yadav

FORM - "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 Manoj, Shri Lala Yadav, residing at Qrs. No.6, Block No.36, Hide
Road, P.S.: South Port Police Station, Kolkata-700023 is in unauthorized
occupation of the Public Premises specified in the Schedule below:

REASONS

1. That nothing has been shown in support of either O.P's occupation into the public premises.
2. That no evidence has been laid to support the possession of either 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 both the O.P's occupation is unauthorized in all respect and both the O.P's have failed to make out any case in support of their 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
18/8/23
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

PLEASE SEE ON REVERSE



(2)

A copy of the reasoned order No. 08 dated **14 AUG 2023** 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 Manoj, Shri Lala Yadav, residing at Qrs. No.6, Block No.36, Hide Road, P.S.: South Port Police Station, Kolkata-700023** 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 Manoj, Shri Lala Yadav, residing at Qrs. No.6, Block No.36, Hide Road, P.S.: South Port Police Station, Kolkata-700023** 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.6, Block No.36 at Hide Road, P.S: South Port Police Station, Kolkata-700023 is butted and bounded in the manner as follows :

- On the North by : Qrs. No. 35/13 at Hide Road
- On the South by : Qrs. No. 36/15 at Hide Road
- On the East by : Qrs. No. 36/5 at Hide Road
- On the West by : Qrs. No. 36/7 at Hide Road

By Order of :

THE ESTATE OFFICER

SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

18/8/23
Head Assistant

OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Date- **18 AUG 2023**


Signature & Seal of the
Estate Officer.

SERVICE TO SYAMA PRASAD MOOKERJEE PORT, KOLKATA (ERSTWHILE KOLKATA PORT TRUST) THROUGH THE LABOUR ADVISOR & INDUSTRIAL RELATION OFFICER, SYAMA PRASAD MOOKERJEE PORT KOLKATA FOR INFORMATION.



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. 1964/L Of 2022 Order Sheet No. 07

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
Sai Manoj & Shri Lala Yadav

FINAL ORDER

The matter is taken up today for final disposal. It is the case of Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust/KoPT], hereinafter referred to as SMPK, Applicant herein, that Quarter No.6, Block No. 36 at Hide Road, P.S. South Port Police Station, Kolkata-700023 was under the lock and key of SMPK since 09.02.1999. However, one **Shri Manoj** (hereinafter referred to as **O.P.**), rank outsider forcibly occupied said Quarter by breaking open SMPK's padlock on or about 15.02.1999 and since then the O.P. was living unauthorisedly in the said quarter/public premises as an unauthorised occupant. It is further the case of SMPK that on a recent inspection it has been found that the said quarter is presently being unauthorisedly occupied by one **Shri Lala Yadav**, who is also a rank outsider into the quarter/public premises in question.

This Forum formed its opinion to proceed against both the O.P and the other rank outsider by issuing the Show Cause Notice dated 27.01.2023 (vide Order no 03 dated 25.01.2023) for adjudication of the prayer of eviction, under the 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. and the other rank outsider were 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.s intends to produce in support of their case.

The said Notice was sent through 'Speed Post' to the Quarter address of the O.P., however, the notice was returned undelivered by the Postal Department with a mark 'no such person in the address'. The 'Process Server'

08
14 Aug 2023
14 AUG 2023

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

[Handwritten mark]

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. 1964/L Of 2022 Order Sheet No. 08

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SRI MONDJI SHRI LALA YADAV

08
14 AUG 2023

attached with this Forum has submitted his report dated 30.01.2023 intimating that the service of the notice has not been effected due to closure of the Door. However, such Notice was affixed on the property in question, as per the mandate of the Act, as it appears from the said report of Process Server dated 30.01.2023. In spite of such efforts made, the appearance of O.P. could not be procured and the efforts remained futile. Following the principles of natural justice, further attempts were made to serve such notice in terms of Order dated 09.02.2023, 23.02.2023 and 23.03.2023. However, as per the reports of 'Process Server' dated 23.02.2023, 03.03.2023 and 30.03.2023 all such efforts also went unsuccessful and nobody appeared before me with any authority to stay into the quarters in question. Considered the report of the Process Server dated 30.01.2023, 23.02.2023, 03.03.2023 and 30.03.2023 regarding affixation of Show Cause Notice u/s 4 of the Act on the property in question. I am satisfied with the service of notice to all concerned. No reply to the Show Cause Notice u/s 4 of the Act dated 27.01.2023 on behalf of either O.P. or other person interested in the quarter has been filed. As such, I have nothing to disbelieve the statements made against both the O.P and the rank outsider in question 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 either O.P's occupation into the public premises.
2. That no evidence has been laid to support the possession of either 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.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
18/8/23
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

Proceedings No. 1964/L of 2022 Order Sheet No. 09

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA
VS

08
14 AUG 2022

4. That both the O.P's occupation is unauthorized in all respect and both the O.P's have failed to make out any case in support of their 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.

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


(A.K Das)
ESTATE OFFICER.

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