



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. 06 DT. 14 AUG 2023  
PROCEEDINGS NO. 1963/L of 2022

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 LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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

-Vs-  
Sri Birju Bind  
Shri Sanjib Mallick

**FORM - "B"**

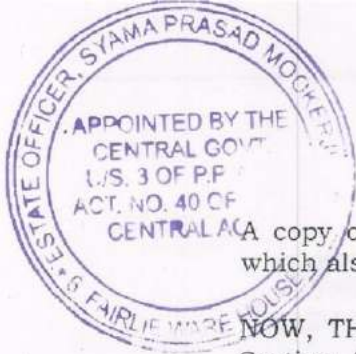
**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC  
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Sri Birju Bind, Shri Sanjib Mallick, residing at Qrs. No.5, Block No.25, Hide Road Mazdoor Line, P.S.: S.P.P.S, Kolkata-700043** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**REASONS**

1. That no reply to the Show Cause Notice u/s 4 of the Act has been filed on behalf of O.P or any other occupant asserting any right over the Public Premises in question inspite of considerable period of time.
2. That nothing has been shown in support of your occupation into the Public Premises.
3. That no evidence has been laid in favour of O.P or other occupant of the quarter to support their possession as "authorized".
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, including person in occupation of the quarter have failed to adduce any evidence or bear any witness in support of their occupation into the Public Premises.

PLEASE SEE ON REVERSE



(2)

A copy of the reasoned order No. 06 dated **14 AUG 2023** is attached hereto which also forms a part of the reasons. **14 AUG 2023**

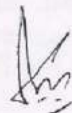
NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said **Sri Birju Bind, Shri Sanjib Mallick, residing at Qrs. No.5, Block No.25, Hide Road Mazdoor Line, P.S.: S.P.P.S, Kolkata-700043** 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 **Sri Birju Bind, Shri Sanjib Mallick, residing at Qrs. No.5, Block No.25, Hide Road Mazdoor Line, P.S.: S.P.P.S, Kolkata-700043** 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.5, Block No.25 at Hide Road Majdoor Line, P.S: S.P.P.S, Kolkata-700043 is butted and bounded in the manner as follows :


On the North by : 25/8, Hide Road Majdoor Line  
On the South by : 24/8, Hide Road Majdoor Line  
On the East by : 25/6, Hide Road Majdoor Line  
On the West by : 25/4, Hide Road Majdoor Line

Date- **25 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.**

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER  
FORWARDED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
  
25/8/23  
HOD, 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. 1963/6 Of 2022 Order Sheet No. 06

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

**VS**

*Sri Birju Bind + Sri Sanjib Mallik*

06  
14 AUG 2023

## 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.5, Block No. 25 at Hide Road Mazdoor Line, P.S: S.P.P.S, Kolkata-700043 was under the lock and key of SMPK since 13.09.2000. However, one **Sri Birju Bind**(hereinafter referred to as **O.P.**), rank outsider forcibly occupied said Quarter by breaking open SMPK's padlock on or about 20.09.2000 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 Sanjib Mallick**, 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 24.01.2023 (vide Order no 03 dated 19.01.2023) 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.

*[Signature]*  
The said Notice was sent through 'Speed Post/hand delivery' to the Quarter address of the O.P. and the notice sent through Speed Post was not returned back however, the report dated 30.01.2023 of the 'Process Server' attached

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]*  
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. 1963/L Of 2022 Order Sheet No. 07

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

VS

SHRI BIRJUBIAND + SHRI SANJIB MALLICK

06  
14 AUG 2023

with this Forum depicts that such notice was personally served on O.P on 30.01.2023 and affixation was also done on the subject quarter in question, as per the mandate of the P.P Act. As the attendance of O.P. could not be procured inspite of such service and affixation of the Show Cause Notice, following the principles of natural justice, a further attempt was made to serve such notice in terms of Order dated 02.02.2023. The order dated 02.02.2023 sent through speed post returned undelivered to the Forum with a mark 'refused' However, the report of 'Process Server' dated 13.02.2023 again depicts that such order was received by one Sujay Ben but nobody has appeared before me with any authority to stay into the quarters in question.

Considered the report of the 'Process Server' dated 30.01.2023 and 13.02.2023 regarding service & 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 24.01.2023 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 no reply to the Show Cause Notice u/s 4 of the Act has been filed on behalf of O.P or any other occupant asserting any right over the Public Premises in question inspite of considerable period of time.
2. That nothing has been shown in support of your occupation into the Public Premises.
3. That no evidence has been laid in favour of O.P or other occupant of the quarter to support their possession as "authorized".

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE  
FILED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
14/08/23  
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

Proceedings No. 1963/L of 2012 Order Sheet No. 08

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

**VS**

SRI BIRJU BANDA & SHRI SANJIB MALICK

06  
14 AUG 2023

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, including person in occupation of the quarter have failed to adduce any evidence or bear any witness in support of their occupation into the Public Premises.

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

(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\*\*\*

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF  
PASSED BY THE ES  
SYAMA PRASAD MOOKERJEE PORT

Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT