

O/C

**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 Kolkata Port Trust's
Fairley Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. // DT 16-02-2022
PROCEEDINGS NO. 560/L OF 2004

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

Md. Amin & Anr.

F O R M - "B"

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

3235

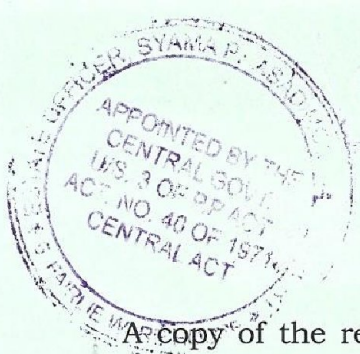
3236

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that 1) **Md. Amin**, 2) **Sri Azad**, Both residing at **Quarters No.5, Block No.E, K.F. Shipping, Mazdoor Line, P.S.: S.P.P.S, Kolkata - 700 023** 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.

Please see on reverse



:2:

A copy of the reasoned order No. 11 dated 16.02.2022 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 1) Md. Amin, 2) Sri Azad, Both residing at Quarters No.5, Block No.E, K.F. Shipping, Mazdoor Line, P.S.: S.P.P.S, Kolkata – 700 023 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 1) Md. Amin, 2) Sri Azad, Both residing at Quarters No.5, Block No.E, K.F. Shipping, Mazdoor Line, P.S.: S.P.P.S, Kolkata – 700 023 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. E, at K. F. Shipping Mazdoor Line, P.S.: S.P.P.S, Kolkata -700 023 is butted and bounded in the manner as follows :

On the North by : E/6, K.F. Shipping Mazdoor Line.

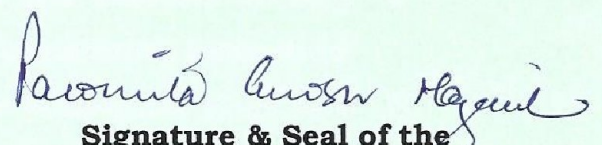
On the South by : E/4, K.F. Shipping Mazdoor Line.

On the East by : D Block K.F. Shipping Mazdoor Line.

On the West by : E/8, K.F. Shipping Mazdoor Line

Trustees' means the Board to Trustees' Syama Prasad Mookerjee Port, Kolkata, (Erstwhile Board of Trustees' for the Port of Kolkata)

Dated: 24/02/2022


**Signature & Seal of the
Estate Officer.**

SERVICE TO THE ESTATE MANAGER, 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 Unauthorized Occupants) Act 1971

Proceedings No. 560/2

Of 2024

Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M D Amin

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'), applicant herein, that Quarter No 5, Block No -E at K.F. Shipping Mazdoor Line, P.S. South Port Police Station, Kolkata- 700 023 was under lock and key of SMPK since 31.01.1994. However, one **Md. Amin** (hereinafter referred to as **O.P. No. 1**), rank outsider forcibly occupied said Quarter by breaking open SMPK's padlock on or about 04.08.2021 and since then the O.P. No 1 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 **Sri Azad** (hereinafter referred to as **O.P. No. 2**), 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. No 1 and 2 by issuing the Show Cause Notice dated 09.03.2021 (vide Order no 05 dated 09.03.2021) 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. no 1 & 2 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 both the O.P. No 1 & 2, individually. However, the notice was returned undelivered by the Postal Department with the remark "insufficient address". The 'Process Server' attached

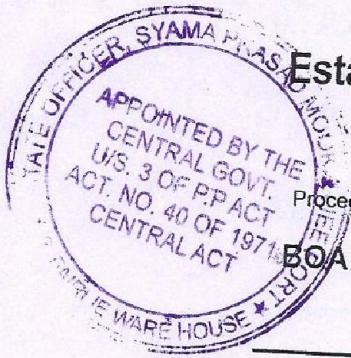
By Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

[Signature]
Head Assistant
ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

16-03-2022

[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. 56072 Of 2004 Order Sheet No. 12

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M.D. AMMA

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16-02-22

with this Forum has submitted his report dated 08.04.2021 intimating that the service of the notice could not be effected as the O.P. refused to take the Order. Additionally, the O.P. did not allow the Process Server to affix the Notice on the property in question and threatened him with dire consequences.

Naturally, inspite of such efforts made, the appearance of the O.P.s could not be procured and the efforts remained futile. Following the principles of natural justice, further attempt was made to serve upon the O.P., in terms of Orders dated 19.04.2021 and 19.07.2021. However, such efforts went unsuccessful as well, as it appears from the report of 'Process Server' dated 20.07.2021 that the party refused to take the Order. However, on this occasion on 20.07.2021 the Notice was affixed on the property in question, in terms of the mandate of the Act.

Inspite of such efforts, nobody appeared before me with any authority to stay into the quarters in question. Considered the reports of the Process Server dated 08.04.2021 and 20.07.2021 regarding refusal of the party to receive the Notice and the report dated 20.07.2021 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 09.03.2021 on behalf of either O.P. no 1 or O.P. no 2 has been filed. As such, I have nothing to disbelieve the statements made against both the O.P.s 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".

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Assistant
16/02/22

Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

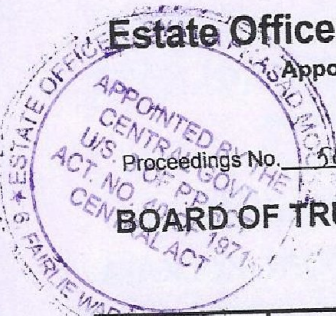
Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 560/L Of 2004 Order Sheet No. 13

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M.D. AMIN



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16-02-22

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.

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
PASSES BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head of Port
ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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***