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**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 09 DT 16-02-2022
PROCEEDINGS NO. 1806/L OF 2020

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

Munnir Alam & Anr.

F O R M - "B"

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

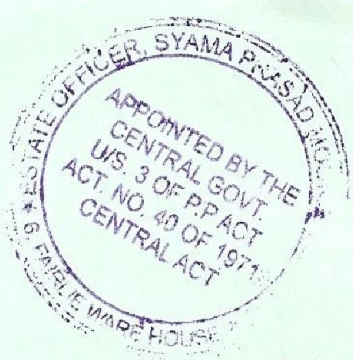
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WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that 1) **Munnir Alam**, 2) **Sri Nandalal Balmiki**, Both residing at Quarter No.7, Block No.A, at the East Yard Sample Qrs. P.S.: S.P.P.S, Kolkata - 700 023 is in unauthorized 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. 09 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) Munnir Alam, 2) Sri Nandalal Balmiki, Both residing at Quarter No.7, Block No.A, at the East Yard Sample Qrs. 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) Munnir Alam, 2) Sri Nandalal Balmiki, Both residing at Quarter No.7, Block No.A, at the East Yard Sample Qrs. 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. 7, Block No. A, at East Yard Sample Qrs, P.S.: S.P.P.S, Kolkata -700 023 is butted and bounded in the manner as follows :

On the North by : East Yd. Class-III Qrs.

On the South by : Block No. B. East Yd. Sample Bl.

On the East by : Boundary Wall.

On the West by : Qrs. No. 6, Bl. No. A, East Yd. Sample Bl.

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

Dated: 24/02/22

Paronita Choudhury
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

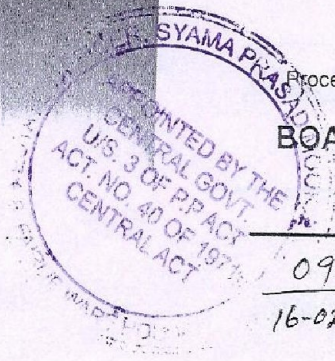
Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act 1971

Proceedings No. 1804/L Of 2020 Order Sheet No. 10

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

MUNNIR ALAM



09
16-02-2022

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 7, Block No -A at East Yard Sample Quarters, P.S. South Port Police Station, Kolkata- 700 023 was allotted in favour of **Sk. Iddu**, Gang Attendant, who was employed with Loco Foreman, Docks and got allotment of the said Quarter with effect from 30.01.1984. Thereafter, the allottee retired from SMPK service on 01.06.1991 and since then the allotment stood cancelled but the said Sk. Iddu allowed one **Munnir Alam** (hereinafter referred to as **O.P. no 1**) to reside in the said Quarter on and from 01.06.1991 in an unauthorised manner and since then 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 **Shri Nandalal Balmiki** (hereinafter referred to as **O.P. no 2**), who is a rank outsider into the quarter/public premises in question.

This Forum formed its opinion to proceed against both O.P. No 1 and 2 by issuing the Show Cause Notice dated 22.02.2021 (vide Order no 03 dated 22.02.2021) 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.s, individually. However, one of the Notices sent to Munnir Alam was returned undelivered by the Postal Department

Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
KOLKATA
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
KOLKATA
16.02.2022

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. 180/21 Of 2020 Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

MUNDIRI RAM

09

16-07-2022

with the remark "Addressee Moved". The notice sent to said Nandalal Balmiki did not return undelivered by the Postal Department. The 'Process Server' attached with this Forum has submitted his report dated 09.04.2021, intimating service of the notice, which was received under acknowledgement on 09.04.2021.

However, inspite 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 attempt was made to serve such notice in terms of Order dated 12.04.2021 and subsequently vide Order dated 19.07.2021. However, such effort also went unsuccessful as it appears from the reports of the 'Process Server' dated 20.07.2021 and 26.07.2021 as the "party refused to take the Order". However, on both the occasions, viz. on 20.07.2021 and 26.07.2021 the Notice was affixed on the property in question, in terms of the mandate of the Act.

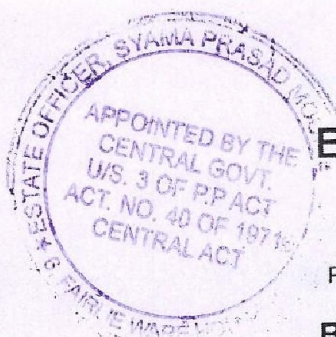
Inspite of such efforts, nobody appeared before me with any authority to stay into the quarters in question. Considered the reports of the Process Server dated 20.07.2021 and 26.07.2021 regarding affixation of Show Cause Notice u/s 4 of the Act on the property in question. I am satisfied with the service of notice to all concerned. No reply to the Show Cause Notice u/s 4 of the Act dated 22.02.2021 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".
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

[Signature]
Assistant
ESTATE OFFICER
SYAMA PRASAD MOOKERJEE



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. 1806/L Of 2020 Order Sheet No. 12

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

MUNNAIR ALAM

09
16-02-2022

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.

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***

By Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE
For- *[Signature]*
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT