



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

REASONED ORDER NO. 07 DT 02.03.2022  
PROCEEDINGS NO. 1883 of 2021

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
-Vs-  
SHRI SUNDAR LAL VYAS**

**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 Sundar Lal Vyas of 221/2, Strand Bank Road, Room No. 7, Top Floor, Kolkata -700 001** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**R E A S O N S**

1. That O.P. has failed and neglected to pay the rental dues to SMP, Kolkata in gross violation to the condition of tenancy under lease;
2. That O.P. has failed to bear any witness or adduce any evidence in support of its occupation into the public premises as 'authorized occupant';
3. That notice to quit dated 23.04.2021 as served upon O.P., for the public premises in question, demanding possession of the premises by SMP, Kolkata is valid, lawful and binding upon the parties;
4. That O.P.'s occupation is unauthorized in view of Sec. 2 (g) of the Public Premises Act in question;
5. That O.P. is liable to pay damages for its unauthorized use and occupation of the public premises upto the date of handing over of clear, vacant and unencumbered possession to SMP, Kolkata;
6. That Shri Rajendra Kumar Vyas could not prove his case regarding transfer and entitlement of his tenancy in place of O.P. In fact Shri Rajendra Kumar Vyas cannot claim any right of occupation into the Public Premises.

By Order of:  
**THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT**  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*R. G. 02.03.2022*  
Hd. Assistant  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*Sub*

**Please see on reverse**



:2:

A copy of the reasoned order No. 07 dated 02.03.2022 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 Shri Sundar Lal Vyas of 221/2, Strand Bank Road, Room No. 7, Top Floor, Kolkata -700 001 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 Sundar Lal Vyas of 221/2, Strand Bank Road, Room No. 7, Top Floor, Kolkata -700 001 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

Plate no - CG 179

Trustees' room No. 9B in the top floor of Premises No. P 221/2, Strand Bank Road, Msg.3.345 Sq.mtrs. under Plate No. CG 179. It is bounded on the North by Trustees' land occupied by North Port Police Station, on the South by Trustees' room occupied by Radison Paints & Chemicals, on the East by Trustees' room occupied by Strand Engg. Co. and on the West Trustees' passage.

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

Dated: 03.03.2022

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

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA FOR INFORMATION.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*R. J. D.* 02.03.2022  
Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT



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 Unauthorised Occupants) Act 1971  
OFFICE OF THE ESTATE OFFICER  
6, Fairlie Place (1st FLOOR) KOLKATA-700001

**Form "E"**

PROCEEDINGS NO.1883/R of 2021  
ORDER NO.07 DATED: 02.03.2022

Form of order under Sub-section (1) and (2A) of Section 7 of the Public  
Premises (Eviction of Unauthorised Occupants) Act, 1971

To  
**Shri Sundar Lal Vyas**  
**221/2, Strand Bank Road,**  
**Room No. 7, Top Floor,**  
**Kolkata -700 001**

WHEREAS you are in occupation of the public premises described in the  
Schedule below. (Please see on reverse).

AND WHEREAS, by written notice dated 28.10.2021 (Vide Order No 01  
dated 22.10.2021) you were called upon to show cause on/or before  
05.09.2017 why an order requiring you to pay a sum of Rs. 1,27,174.01  
(Rupees One Lakh Twenty Seven Thousand One Hundred Seventy Four and  
paise One only) being the rent payable together with compound interest in  
respect of the said premises should not be made;

And whereas you have not made any objections or produced any  
evidence before the said date;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1)  
of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act  
1971, I hereby require you to pay the sum of Rs. 1,27,174.01 (Rupees One  
Lakh Twenty Seven Thousand One Hundred Seventy Four and paise One only)  
for the period 01.04.1988 to 17.05.2021 (both days inclusive) to Kolkata Port  
Trust by 21.03.2022.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Head Assistant  
02.03.2022  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*Sud*

PLEASE SEE ON REVERSE



: 2 :

In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay compound interest @ 6.30 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered from the official website of the State Bank of India) till liquidation of the same from the date of incurrance of liability in accordance with the notification of KoPT issued under Authority of Law as per adjustments of payments made so far by O.P. as per KoPT's books of accounts.

A copy of the reasoned order no. 07 dated 02.03.2022 is attached hereto.

In case the said sum is not paid within the said period or in the said manner, it will be recovered as arrears of land revenue through the Collector.

### SCHEDULE

Plate no - CG 179

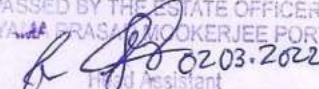
Trustees' room No. 9B in the top floor of Premises No. P 221/2, Strand Bank Road, Msg.3.345 Sq.mtrs. under Plate No. CG 179. It is bounded on the North by Trustees' land occupied by North Port Police Station, on the South by Trustees' room occupied by Radison Paints & Chemicals, on the East by Trustees' room occupied by Strand Engg. Co. and on the West Trustees' passage.

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

Dated: 03.03.2022

Signature and seal of the  
Estate Officer

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA FOR INFORMATION.

By Order of :  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
  
1703 Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT



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

REASONED ORDER NO. 07 DT 02.03.2022  
PROCEEDINGS NO. 1883/D OF 2021

**Form " G "**

Form of order under Sub-section (2) and (2A) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971

To  
**Shri Sundar Lal Vyas**  
**221/2, Strand Bank Road,**  
**Room No. 7, Top Floor,**  
**Kolkata -700 001**

Whereas I, the undersigned, am satisfied that you were in unauthorised occupation of the public premises mentioned in the Schedule below:

And whereas by written notice dated 28.10.2021 (Vide Order No 01 dated 22.10.2021) you were called upon to show- cause on/or before 11.11.2021 why an order requiring you to pay a sum of Rs. 8,408.48 (Rupees Eight Thousand Four Hundred Eight and paise Forty Eight only) being damages payable together with compound interest for unauthorised use and occupation of the said premises, should not be made.

And whereas you have not made any objections or produced any evidence before the said date;

Now, therefore, in exercise of the powers conferred on me by Sub-section (2) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971, I hereby order you to pay the sum of Rs. 8,408.48 (Rupees Eight Thousand Four Hundred Eight and paise Forty Eight only) for the period from 18.05.2021 to 31.08.2021 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by 21.03.2022.

In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay compound interest @ 6.30 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) on the above sum with effect from the date of incurrence of liability, till its final payment in accordance with Notification Published in Official Gazette/s.

Please see on reverse

*Sund*

By Order of :  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
21.03.2022  
Assistant  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT



:2:

A copy of the reasoned order no. 07 dated 02.03.2022 is attached hereto.

In the event of your refusal or failure to pay the damages within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue.

### SCHEDULE

Plate no - CG 179

Trustees' room No. 9B in the top floor of Premises No. P 221/2, Strand Bank Road, Msg.3.345 Sq.mtrs. under Plate No. CG 179. It is bounded on the North by Trustees' land occupied by North Port Police Station, on the South by Trustees' room occupied by Radison Paints & Chemicals, on the East by Trustees' room occupied by Strand Engg. Co. and on the West Trustees' passage.

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

**Dated:** 03.03.2022

**Signature and seal of the  
Estate Officer.**

**COPY FORWARDED TO THE ESTATE MANAGER, KOLKATA PORT TRUST FOR  
INFORMATION.**

By Order of :  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
02-03-2022  
Head 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. 1883, 1883/R, 1883/D of 2021 Order Sheet No. 11

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

*Shri Sundar Lal Vyas.* VS

07  
02.03.2022

### FINAL ORDER

The instant proceedings No. 1883, 1883/R and 1883/D of 2021 arise out of the application bearing No. Lnd 5/71/21/3445 dated 27.09.2021 filed by Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust/ KoPT, hereinafter referred to as '**SMP, Kolkata**'], the applicant herein, under the provisions of the **Public Premises (Eviction of Unauthorised Occupants) Act, 1971** (hereinafter referred to as '**the Act**') praying for an order of eviction and recovery of rental, compensation dues/mesne profit/ damages and other charges etc. along with accrued interest in respect of the public premises, being the Trustees' Room No. 9B in the top floor of premises no P 221/2, Strand Bank Road measuring about 3.345 sq.m. under Plate No CG-179, against **Shri Sundar Lal Vyas** (hereinafter referred to as **O.P.**).

It is the case of SMP, Kolkata that the O.P. came into occupation of the port property under Plate Nos. CG-179, morefully described under the Schedule 'A' of the SMP, Kolkata's application dated 27.09.2021, as a short term lessee. It is the case of SMP, Kolkata that the O.P. is in default of payment of monthly rent and taxes for use and enjoyment of the port property in question. Adding pain to misery, it is further the case of SMP, Kolkata that on an inspection of the evaluation of the structural safety and stability, it was found that the port property /building is in a very advance stage of decay and is unsafe for human inhabitation. Considering the non-payment of the rental dues, taxes and the precarious condition of the building and fatal consequences thereof, the notice to quit dated 23.04.2021 was issued to the O.P. requiring the O.P. to quit, vacate and deliver up peaceful possession of the premises on 18.05.2021 in terms of the said notice. It is the case of SMP, Kolkata that the tenancy with the O.P. was determined w.e.f. 18.05.2021, in terms of the Notice to Quit dated 23.04.2021 and

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]*  
18.03.2022  
Deputy Assistant  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*[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. 1883, 1883/R, 1883/D of 2021 Order Sheet No. 12

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

*Shri Sundar Lal Vyas* VS

07  
02.03.2022

the O.P. failed and neglected to vacate/ hand over the possession of the premises after service of the said Notice to Quit. SMP, Kolkata has made out a case that O.P. has no right to occupy the premises after the determination of tenancy in question upon service of a quit notice dated 23.04.2021.

This Forum of Law formed its opinion to proceed against O.P. and issued 3 (three) no. of Show Cause Notices upon the O.P., the first one was issued u/s 4 of the Act for adjudication of the prayer of eviction, the second and third one were issued u/s 7 of the Act for adjudication of the prayer of rental dues and compensation dues/ damages/ mesne profit, respectively, alongwith the accrued interest thereon, etc.), all dated 28.10.2021 (vide Order No. 01 dated 22.10.2021), as per the Rules made under the Act.

The said Notices were sent through 'Speed Post' to the recorded addresses of O.P. did not return undelivered by the Postal Department raising the presumption of its due delivery to the addressee. The 'Process Server' attached with this Forum for service of such Notice/ Order has submitted the report dated 29.10.2021 stating that the "party refused to take the order". However, the Notices have been affixed in the property under schedule for a notice to all concerned, as per the mandate of the Act.

During the course of hearing of the matter, one Shri Rajendra Kumar Vyas appeared before the Forum through his Ld. Advocate and introduced himself as the nephew of Sundar Lal Vyas. As the O.P. did not appear before this Forum to contest the case and it is reported that Sundar Lal Vyas has expired, Shri Rajendra Kumar Vyas was allowed to represent and file the Reply to Show Cause. However, considering his verbal submissions, this Forum has directed Shri Rajendra Kumar Vyas to file his identity proof alongwith the copy of death certificate of Sundar

By Order of  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Hd Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*Sund*





# 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. 1883, 1883/R, 1883/D of 2021 Order Sheet No. 13

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

Shri Sundar Lal Vyas <sup>VS</sup>

07  
02.03.2022

Lal Vyas. Thereafter, on 23.12.2021, Shri Rajendra Kumar Vyas has filed the Reply to the Show Cause notice. It is stated in the said Reply to the Show Cause that said Sundar Lal Vyas had expired on 22.12.2003 and during his lifetime he allowed his nephew said Rajendra Kumar Vyas to reside in the subject premises, forever. It is stated that Sundar Lal Vyas had given liberty to Shri Rajendra Kumar Vyas to incorporate his name in the record of SMP, Kolkata as lessee and after coming into occupation of the premises said Shri Rajendra Kumar Vyas has been residing there for last 20 years or more. It is further stated that Shri Rajendra Kumar Vyas has no intention to contest the matter and prays for a direction for payment of arrear rents by installments. However, prayer has been made for exemption of the accrued interest for the said non- payment of rent. On 06.01.2022 a supplementary reply has been filed, annexing the copies of Aadhaar Card and Voter Card of Shri Rajendra Kumar Vyas, praying for a direction not to evict Shri Rajendra Kumar Vyas from the premises. The prayer for payment of the outstanding rents and the current rent has also been reiterated therein. However, no copy of the death certificate of Sundar Lal Vyas has been filed by Shri Rajendra Kumar Vyas.

Considering the facts and circumstances of the case, Shri Rajendra Kumar Vyas / O.P. was given liberty, in terms of Order dated 27.01.2022, to file copy of death certificate of Sundar Lal Vyas by 10 days from the date. Considering the situation above stated, I find no reason to prolong the matter any further and the hearing of the matter was concluded on 27.01.2022. However, no copy of death certificate of Sundar Lal Vyas has been filed by Shri Rajendra Kumar Vyas till date.

Now, while passing the Final Order, I have considered the cases made out by SMP, Kolkata and Shri Rajendra Kumar Vyas and considered the papers/ documents/ materials on record. It is the case where the O.P./ Sundar Lal Vyas never turned up for

By Order of :  
THE ESTATE OFFICER,  
SYAMA PRASAD MOOKERJEE PORT

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

02.03.2022  
OFFICE OF THE ESTATE OFFICER,  
SYAMA PRASAD MOOKERJEE PORT

Sund



**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. 1883,1883/R,1883/D of 2021 Order Sheet No. 14

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

*Shri Sundar Lal Vyas.* <sup>VS</sup>

appearance before this Forum of Law but said Shri Rajendra Kumar Vyas appeared with the prayer for regularization in his favour. Shri Rajendra Kumar Vyas neither submitted supporting documents in order to prove the death of Sundar Lal Vyas nor his contentions regarding his "permitted occupation" came to be established. Shri Rajendra Kumar Vyas could not produce any authorization/ letter from SMP, Kolkata in connection with alleged transfer of tenancy of Sundar Lal Vyas /O.P. to him. However, Shri Rajendra Kumar Vyas was allowed to be a party to these proceedings with the direction to file reply to show cause notice/s. It reveals from record that show cause notice issued u/s 4 & 7 of the Act was affixed on the property on 29.10.2021. It further reveals that notice to O.P. did not return undelivered from the recoded address of O.P. Such being the case I am satisfied with the service of notice to all concerned. It is seen that proposal for transfer of tenancy in favour of Shri Rajendra Kumar Vyas was not acknowledged by SMP, Kolkata and the proposal for payment of rent in installments were rejected/regretted by SMP, Kolkata. I find that the proposal for transfer of tenancy in favour of Shri Rajendra Kumar Vyas has no basis and there is no scope for considering any privity of contract between SMP, Kolkata and Shri Rajendra Kumar Vyas. As such there is no scope for any interference in this regard and Shri Rajendra Kumar Vyas cannot claim transfer of tenancy in his favour as matter of right. In fact entitlement of Shri Rajendra Kumar Vyas to get transfer to tenancy in his favour is not proved at all.

Be that as it may, I have considered copies of letters dated 13.08.2003 and 29.09.2002 issued by SMP, Kolkata to the O.P., whereby SMP, Kolkata intimated O.P. about his failure to pay the dues for use and enjoyment of the Public Premises in question. In my view, such communications maintained by a statutory authority/ SMP, Kolkata in its usual course of business has definite evidentiary value, unless challenged with fortified

By Order of  
 THE ESTATE OFFICER  
 SYAMA PRASAD MOOKERJEE PORT  
 CERTIFIED COPY OF THE ORDER  
 PASSED BY THE ESTATE OFFICER  
 SYAMA PRASAD MOOKERJEE PORT  
 02.03.2022  
 Head Assistant  
 OFFICE OF THE LD. ESTATE OFFICER  
 SYAMA PRASAD MOOKERJEE PORT

*Sub*



# 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

No. 1883, 1883/R, 1883/D of 2021 Order Sheet No. 15

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Shri Sundar Lal<sup>VS</sup> Vyas.

07  
02.03.2022

documents/evidences etc, ready to bear the test of legal scrutiny. I have also considered the statement of account of SMP, Kolkata. It appears from the said statement of accounts that there are dues in respect of the public premises in question. Considering all, I have no option but to treat the said act on the part of O.P. as highly irregular and not at all in accordance with law.

Be that as it may, the representative of SMP, Kolkata referred to the notice dated 22.01.2021, issued by the Estate Manager, SMP, Kolkata, whereby all the occupiers of the premises were given notice to quit, vacate and deliver peaceful and vacant possession of the property within 15 days from the date of issuance of the Notice i.e. 05.02.2021 to the representative of SMP, Kolkata. However, it is reported that the O.P. has failed to vacate and deliver up peaceful possession of the premises till date.

If any building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or place in the neighbourhood of such building, the landlord is always at liberty to require the occupier of such building to vacate such building, remove the things lying thereon or do other things, so as to prevent all cause of danger therefrom. If the occupier of the building does not vacate the premises, even after being notified, the landlord may take such steps in relation to the building as to prevent all cause of danger therefrom. Hence, I find the action of SMP, Kolkata in serving the notice dated 22.01.2021 to all the occupiers of such dangerous building, reasonable and acceptable in all sense.

Considering all, as discussed above, I am left with no other alternative but to issue the Order of Eviction against the O.P./ Shri Rajendra Kumar Vyas, as prayed for on behalf of SMP, Kolkata, on the following grounds/reasons:-

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
02.03.2022  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

Sud



# 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. 1883, 1883/R, 1883/D of 2021 Order Sheet No. 16

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

Shri Sundar Lal Vyas. <sup>VS</sup>

07  
02.03.2022

1. That O.P. has failed and neglected to pay the rental dues to SMP, Kolkata in gross violation to the condition of tenancy under lease;
2. That O.P. has failed to bear any witness or adduce any evidence in support of its occupation into the public premises as 'authorized occupant';
3. That notice to quit dated 23.04.2021 as served upon O.P., for the public premises in question, demanding possession of the premises by SMP, Kolkata is valid, lawful and binding upon the parties;
4. That O.P.'s occupation is unauthorized in view of Sec. 2 (g) of the Public Premises Act in question;
5. That O.P. is liable to pay damages for its unauthorized use and occupation of the public premises upto the date of handing over of clear, vacant and unencumbered possession to SMP, Kolkata;
6. That Shri Rajendra Kumar Vyas could not prove his case regarding transfer and entitlement of his tenancy in place of O.P. In fact Shri Rajendra Kumar Vyas cannot claim any right of occupation into the Public Premises.

ACCORDINGLY, I sign the formal order of eviction u/s. 5 of the Act as per Rule made there-under, giving 15 days' time to O.P., and any person/s whoever may be in occupation, to vacate the premises. I make it clear that all person/s, whoever may be in occupation, are liable to be evicted by this order and the Port Authority is entitled to claim damages for unauthorized use and enjoyment of the property against O.P., in accordance with the canons of Law till the date of unencumbered recovery of possession of the same.

SMP, Kolkata is directed to submit a comprehensive status report of the Public Premises in question on inspection of the property after expiry of the 15 days as aforesaid, so that

Sub

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



# 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

Certificate No. 1883, 1883/R, 1883/D of 2021 Order Sheet No. 17

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

*Shri Sunder Lal Vyas* <sup>VS</sup>

07  
02.03.2022

necessary action can be taken for execution of the order of eviction u/s 5 of the Act, as per Rule made under the Act.

During the course of hearing, I am given to understand by SMP, Kolkata that the rent as well as mesne profit/compensation/damages charged from time to time is based on the rates notified by the Tariff Authority for Major Ports (TAMP) in the Official Gazette, which is binding on all users of the port property and non-payment of dues by O.P. appears to be established, as discussed above. Hence, I have no bar to accept the claim of SMP, Kolkata on account of rent as well as damages/compensation/ mesne profit etc. I have nothing to disbelieve in respect of SMP, Kolkata's claim against O.P. as per the records maintained regularly in SMP, Kolkata's office in regular course of business.

It is my considered view that a sum of Rs. 1,27,174.01 (Rupees One Lakh Twenty Seven Thousand One Hundred Seventy Four and paise One only) for the period from 01.04.1988 upto 17.05.2021( both days inclusive) is due and recoverable from O.P. by Port Authority on account of rental dues and O.P. must have to pay the rental dues to SMP, Kolkata on or before 21.03.2022. It is also my considered view that a sum of Rs. 8,408.48 (Rupees Eight Thousand Four Hundred Eight and paise Forty Eight only) for the period from 18.05.2021 upto 31.08.2021 is due and recoverable from O.P. by Port Authority on account of compensation dues/ damages/ mesne profit and O.P. must have to pay the rental dues to SMP, Kolkata on or before 21.03.2022.

Such rental as well compensation dues shall attract compound interest @ 6.30 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered from the official website of the State Bank of India) from the date of incurrance of liability, till the liquidation of the same, as per 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

*[Signature]*  
02.03.2022  
H.B. Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*[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. 1883, 1883/R, 1883/A of 2021 Order Sheet No. 18

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

*Shri Sundar Lal Vyas.* VS

07  
02.03.2022

adjustment of payments, if any made so far by O.P., in terms of SMP, Kolkata's books of accounts. I sign the formal orders u/s 7 of the Act.

I make it clear that SMP, Kolkata is entitled to claim damages against O.P. for unauthorized use and occupation of the public premises right upto the date of recovery of clear, vacant and unencumbered possession of the same in accordance with Law, and as such the liability of O.P. to pay damages extends beyond 31.08.2021 as well, till such time the possession of the premise continues to be under the unauthorized occupation with the O.P. SMP, Kolkata is directed to submit a statement comprising details of its calculation of damages after 31.08.2021, indicating therein, the details of the rate of such charges, and the period of the damages (i.e. till the date of taking over of possession) together with the basis on which such charges are claimed against O.P., for my consideration for the purpose of assessment of such damages as per Rule made under the Act.

I make it clear that in the event of failure on the part of O.P. to pay the amounts to SMP, Kolkata as aforesaid, Port Authority is entitled to proceed further for recovery of its claim in accordance with law.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(Sourav Mitra)  
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 THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*[Signature]*  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT