

O/P
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. 9 DT 18.04.22
PROCEEDINGS NO. 508/L OF 2004

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

Sri Ramjan

F O R M - "B"

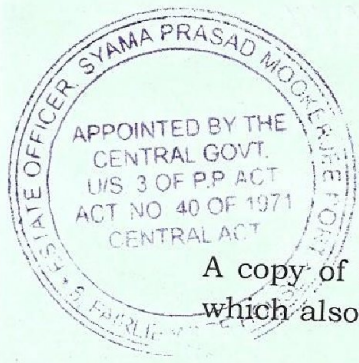
**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

6535
WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Sri Ramjan, Quarters No.4, Block No.C, K.F. Shipping, 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 O.P's occupation into the public premises.
2. That no evidence has been laid to support the possession of 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 the O.P's occupation is unauthorized in all respect and the O.P's have failed to make out any case in support of his occupation.

Please see on reverse



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A copy of the reasoned order No. 09 dated 18.04.2022 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 **Sri Ramjan, Quarters No.4, Block No.C, K.F. Shipping, 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 **Sri Ramjan, Quarters No.4, Block No.C, K.F. Shipping, 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. 4, Block No. C, at K. F. Shipping, P.S.: S.P.P.S, Kolkata -700 023 is butted and bounded in the manner as follows :

On the North by : K.F. Shipping Quarters.

On the South by : K.F. Shipping Quarters

On the East by : K.F. Shipping drain,

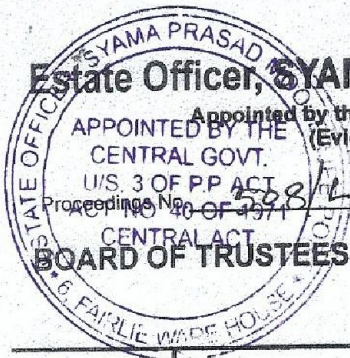
On the West by : Mosque

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

Dated: 21/04/22

Soumitra Anon Regid
**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 Unauthorised Occupants) Act 1971

APPOINTED BY THE CENTRAL GOVT.

U/S 3 OF P.P. ACT

Proceedings No. 588/20 OF 1971

CENTRAL ACT

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Of 2004 Order Sheet No. 08

VS
SRI RAMJAN

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. 4, Block No. C at K.F. Shipping, P.S: South Port Police Station, Kolkata-700 023, was under lock and key of SMPK since 25.09.1993, but on or about 01.07.1999 one **Ramjan (O.P.** herein) forcibly occupied the above quarter by breaking open SMPK's padlock and since then the O.P. had been living in the said quarter/ Public Premises in question as an unauthorised occupant. It is the case of SMPK that O.P. has no authority under law to occupy the said quarter and is required to be evicted from the Public Premises in question. It is further the case of SMPK that the cause of action arose on 01.07.1999 and is continuing till date.

This Forum formed its opinion to proceed against the O.P. by issuing the Show Cause Notice dated 22.02.2021 (vide Order no 04 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. was called upon as per 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. intends to produce in support of his case.

The Notice was sent through 'Speed Post' to the recorded address of O.P. However, the Notice was returned undelivered by the Postal Department with the same remark as "Insufficient Address". The 'Process Server' attached with this Forum has submitted his report dated 24.03.2021 intimating that the service of the notice could not be effected as the O.P. did not allow the Process Server to enter the premises and threatened to assault him in case he would visit the premises again. I must mention here that assuming, though not confirming the commission of

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

[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

U/S 3 OF P.P. ACT

ACT NO. 40 OF 1971

Proceedings No. 508/L

Of 2009

Order Sheet No. 09

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
SRI RAMJAN.

9
19-04-22

such illegal act of wrongful resistance, by any of the occupants of the premises, to the Process Server in execution of his lawful duty, this Forum did not take any adverse immediate steps and conversely, following the principles of natural justice further chances were given to O.P. to represent his case. However, such effort went unsuccessful as well, as it appears from the report of 'Process Server' dated 20.07.2021, as the party refused to take the Order on 20.07.2021. However, on the occasion on 20.07.2021 the Notice was affixed on the property in question, in terms of the mandate of the Act.

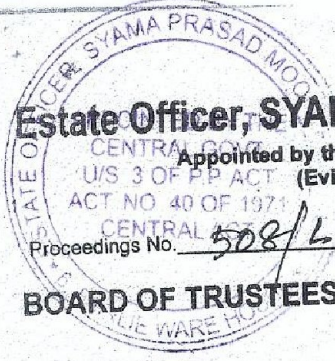
In spite of such efforts made, nobody appeared before me with any authority to stay into the quarters in question. Considered the report of the Process Server dated 24.03.2021 regarding refusal of the party to receive the Notice and the report dated 20.07.2021 regarding affixation of Show Cause Notice u/s 4 of the Act on the premises 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 O.P. has been filed. As such, I have nothing to disbelieve the statements made against the O.P. 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 O.P's occupation into the public premises.
2. That no evidence has been laid to support the possession of 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 the O.P's occupation is unauthorized in all respect and the O.P's have failed to make out any case in support of his 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.,

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 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. 508/L of 2004 Order Sheet No. 10

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
SRI RAMJAN

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19-04-22

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 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