

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. 10 DT 18-04-22
PROCEEDINGS NO. 544/L OF 2004

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
SRI ABDUL HAMID**

F O R M - "B"

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

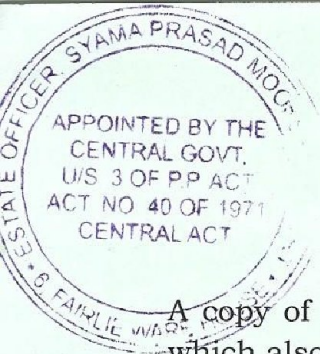
WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Sri Abdul Hamid, Qrs.No. 6, Block No. I, K.F. Shipping , P.S: S.P.P.S. Kolkata - 700 023** is in unauthorized occupation of the Public Premises specified in the Schedule below:

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.

[Handwritten signature]

Please see on reverse



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A copy of the reasoned order No. 10 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 Abdul Hamid, Qrs.No. 6, Block No. I, 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 Abdul Hamid, Qrs.No. 6, Block No. I, 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. 6, Block No. I, 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,

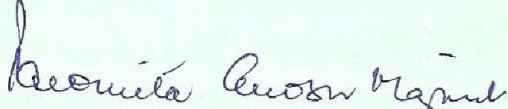
On the South by : K. F. Shipping Quarters.

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

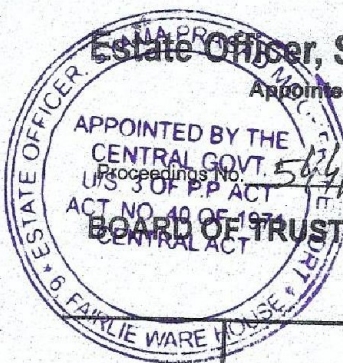
On the West by : Mosque

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

Dated: 21/04/22


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

Proceedings No. 564/L
Of 2004 Order Sheet No. 10
ACT NO. 40 OF 1971
CENTRAL ACT

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
ABDUL HAMID

10
19-04-22

FINAL ORDER

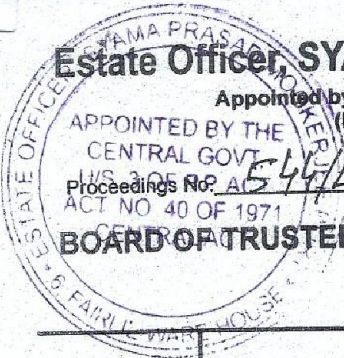
The matter is taken up today for delivering the final order. It is the case of **Syama Prasad Mookerjee Port, Kolkata** [earstwhile Kolkata Port Trust/ KoPT (hereinafter referred to as '**SMPK**'/ '**Port Authority**'), applicant herein, that Quarter No. 6, Block No. I at K.F. Shipping, P.S. South Port Police Station Kolkata-700 023, was under lock and key of SMPK since 29.02.1996 but on or about 15.06.1999 one **Abdul Hamid** (hereinafter referred to as **O.P.**), a rank outsider, forcibly occupied said quarter by breaking open SMPK's padlock and since then the O.P. has been unauthorisedly living in the said quarter/ Public Premises as an unauthorised occupant. It is the case of SMPK that on a recent inspection it has been found that the quarter is presently being occupied, unauthorisedly, by some other rank outsider. SMPK has made out a case that the O.P. / any other rank outsider has no authority under law to occupy the said quarter and is required to be evicted from the quarter /Public Premises in question. It is also submitted by SMPK that the cause of action of this matter arose on 15.06.1999 and is continuing till date.

This Forum formed its opinion to proceed against the O.P. by issuing the Show Cause Notice dated 16.04.2021 (vide Order no 06 dated 15.03.2021) 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. 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. and did not return undelivered by the Postal Department, raising a presumption of service of such notice. The 'Process Server' attached with this Forum has submitted his report dated 23.04.2021 intimating that hand service of such notice could not

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



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. A 544/2 Of 2004 Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
SRI ABDUL HAMID

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19-04-22

be effected as the O.P. did not allow the Process Server to enter the premises. However, the Notice was affixed on the property in question, in terms of the mandate of the Act. I must condemn here the act of wrongful resistance by any of the occupants of the premises to the Process Server in execution of his lawful duty. Be that as it may, none appeared or filed any reply to show cause before this Forum. 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 26.07.2021, as the party refused to take the Order on 26.07.2021. Similarly, on the occasion of 26.07.2021 as well, 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 reports of Process Server dated 23.04.2021 and 26.07.2021 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 15.03.2021 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.

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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.

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

Proceedings No. 544/L Of 2004 Order Sheet No. 12

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

ABDUL HAMID.

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19.04.22

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.

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

***ALL EXHIBITS AND DOCUMENTS
ARE REQUIRED TO BE TAKEN BACK
WITHIN ONE MONTH FROM THE DATE
OF PASSING OF THIS ORDER***