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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
Fairlie Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 09 DT 25/04/22
PROCEEDINGS NO. 532/L of 2004

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(Erstwhile Board of Trustees' for the Port of Kolkata)

-Vs-

Sri Raj Mahammad & Anr

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

F O R M - "B"

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

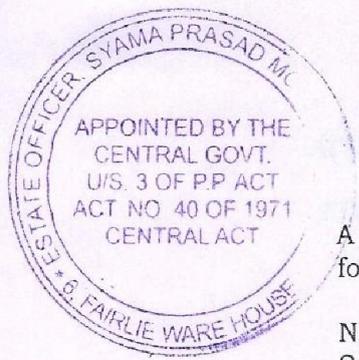
WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that
1) Sri Raj Mahammad, 2) Sri Munna, both residing at Quarters No 3, Block No.
C, K.F. Shipping, P.S.: S.P.P.S, Kolkata-700023 are in unauthorized occupation
of the Public Premises specified in the Schedule below :

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.

[Handwritten signature]

PLEASE SEE ON REVERSE



(2)

A copy of the reasoned order No. 09 dated 25/04/2022 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 1) **Sri Raj Mahammad**, 2) **Sri Munna**, both residing at **Quarters No 3, Block No. C, K.F. Shipping, P.S.: S.P.P.S, Kolkata-700023** 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) **Sri Raj Mahammad**, 2) **Sri Munna**, both residing at **Quarters No 3, Block No. C, K.F. Shipping, P.S.: S.P.P.S, Kolkata-700023** 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.3, Block No. C, at K.F. Shipping, P.S: S.P.P.S, Kolkata-700023 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 Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees' for the Port of Kolkata)

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

Heal. A. *[Signature]*
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Date- 26/04/22

[Signature]
Signature & Seal of the
Estate Officer.

SERVICE TO SYAMA PRASAD MOOKERJEE PORT, KOLKATA (ERSTWHILE KOLKATA PORT TRUST) THROUGH THE LABOUR ADVISOR & INDUSTRIAL RELATION OFFICER, 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. 32/L Of 2004 Order Sheet No. 10

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Sri RAJ MAHAMMAD

FINAL ORDER

The matter is taken up today for final disposal. It is the case of Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust], hereinafter referred to as SMP, Kolkata, Applicant herein, that Quarter No.3, Block No. C at K.F. Shipping, P.S. South Port Police Station, Kolkata-700023 was under the lock and key of SMP, Kolkata since 19.10.1995. However, one **Sri Raj Mahammad** (hereinafter referred to as **O.P. No. 1**), rank outsider forcibly occupied said Quarter by breaking open SMPK's padlock on or about 01.07.1999 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 Munna** (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 O.P. No 1 and 2 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. 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'/hand delivery to the Quarter address of the O.P. The notice

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SYAMA PRASAD MOOKERJEE PORT
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

25/04/2022

FAW



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. 532/L Of 2004 Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SRI RAJ MAHAMMAD

09
25/04/2022

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

[Signature]
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

addressed to O.P No.2 returned undelivered to the Forum due to possible insufficient address of O.P. however, the communication sent to O.P No.1 was not returned back to the Forum. The 'Process Server' attached with this Forum has submitted his report dated 03.02.2021 intimating that the parties did not allow him to enter into the premises and threatened to assault him in case he makes further attempt to visit there. However, considering O.P. refusal, a further attempt was made to serve such notice upon Opposite Parties in terms of Order dated 29.06.2021. It appears from the report of 'Process Server' dated 26.07.2021 that such Order was affixed on the subject quarter in question as per the mandate of the P.P Act. However, inspite of such efforts, 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 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 yet. 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".

[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. 532/L

Of 2004

Order Sheet No. 12

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Shri RAJ MAHAMMAD

09
25/06/2022
25/09/2022

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.

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
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT