

**SPEED POST  
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

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

REASONED ORDER NO. 06 DT 27-05-22  
PROCEEDINGS NO. 1856/L of 2021

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

-Vs-

**Shri Motilal Chowhan and his family members**

**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 **Motilal Chowhan and his family members**, Qrs. No. 9 & 10, Block No. C at Taratala New Colony Mazdoor Line, Kolkata- 700 088, P.S. : Taratala, is in unauthorized occupation of the Public Premises specified in the Schedule below :

**REASONS**

- 1) That no reply to the Show Cause notice is filed by O.P.
- 2) That nothing has been shown in support of O.P's occupation into the public premises.
- 3) That no evidence has been laid to support the possession of O.P. as "authorized possession/ occupation".
- 4) That mere occupation into the quarters for a certain period without any authority for such occupation cannot create any right over the property in question.
- 5) That O.P's occupation is unauthorized in all respect and O.P has failed to make out any case in support of his occupation.



**PLEASE SEE ON REVERSE**



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



(2)

A copy of the reasoned order No. 06 dated ~~27-05-2015~~ 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 **Motilal Chowhan and his family members**, Qrs. No. 9 & 10, Block No. C at Taratala New Colony Mazdoor Line, Kolkata- 700 088, P.S. : Taratala 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 **Motilal Chowhan and his family members**, Qrs. No. 9 & 10, Block No. C at Taratala New Colony Mazdoor Line, Kolkata- 700 088, P.S. : Taratala 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.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

### SCHEDULE

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

Quarters No. 9 & 10, Block No. C, at Taratala New Colony Mazdoor Line, P.S. : Taratala, Kolkata -700 088 is butted and bounded in the manner as follows :

On the North by : Block No. B at Taratala Colony (New) Mazdoor Line.

On the South by : Block No. G at Taratala Colony (New) Mazdoor Line

On the East by : Block No. D at Taratala Colony (New) Mazdoor Line.

On the West by : Qrs. No. C/11 & 12 at Taratala Colony (New) Mazdoor Line

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

DATED: 30/5/22

*Syama Prasad Mookerjee*  
Signature & Seal of the

ESTATE OFFICER

SERVICE TO THE SYAMA PRASAD MOOKERJEE PORT, KOLKATA, (SMP.KOLKATA) (ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF KOLKATA THROUGH ESTATE MANAGER, SMP KOLKATA AT 6, FAIRLIE PLACE KOLKATA -700 001.

# 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. 1856/L Of 2021 Order Sheet No. 06

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

**VS**

**MOTILAL CHOWHAN.**



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

## FINAL ORDER

The matter is taken up today for final disposal. It is the case of Syama Prasad Mookerjee Port, Kolkata, that Motilal Chowhan, hereinafter referred to as O.P. was an Ex. "A" Category Porter who was allotted Qtr. Nos. 9 & 10 Block-C at SMPK, Taratala New Colony Mazdoor Line. P.S. Taratala Kolkata - 7000088. The said O.P. superannuated from services on 01.08.2020. In terms of the Rule (5ii)/ 5(iii) of the Rule governing the Commissioners Residential Accommodation of Class-IV employee, the allotment of the quarter stood cancelled. O.P. did not vacate the subject quarters and he is holding over to the said quarters unauthorisedly. It is argued on behalf of SMPK that O.P. has no authority to occupy the premises after the cancellation of allotment and thus the occupation of O.P. in the quarters in question is unauthorised.

SMPK filed an application dated 12.11.2020 praying for an order of eviction against O.P. This Forum on having the information of such unauthorised occupation issued a Notice to Show Cause under Section 4 of the Public Premises (Eviction of Unauthorised Occupant) Act, 1971 (hereinafter referred to as The Act) on 22.02.2021. The said Show Cause notice along with the order dated 22.02.2021 were sent through "Speed Post", however the envelope was not returned back showing good service of the order and notice to Show Cause. The Show Cause notice along with the order were also sent through Process Server. It is seen from the report of the Process Server dated 18.03.2021 that the order along with the notice was duly hand served upon O.P. which was accepted by One Laxmi Devi. The order was again I am satisfied with the service of notice.

O.P. appeared before the Forum and prayed for two months time to vacate the premises. However, on contrary to his earlier commitment of surrender of the quarter, O.P., ultimately changed his stand and expressed his unwillingness and inability to vacate the quarter in question during the course of hearing on 09.08.2021.

No reply to show cause was filed by him inspite of a good number of opportunities provided to him. In view of the above, I am left with no

# 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. 1856/L Of 2021 Order Sheet No. 07

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

**VS**

**MOTILAL CHOWHAN.**



06

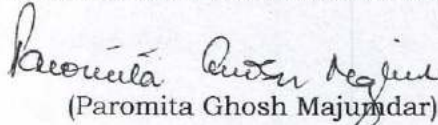
27.05.22

other alternative but to issue order of eviction as prayed for on behalf of the Port Authority. I have no reason to disbelief on the statements made by SMPK before the Forum. Accordingly the order of eviction is issued on the following grounds/ reasons;

- (a) That no Reply to the Show Cause has been filed by O.P. or anyone else
- (b) That nothing has been shown in support of O.P.'s occupation into the premises;
- (c) That no evidence has been laid to support the possession of O.P. as "authorised possession/occupation"
- (d) That mere occupation into the quarters for a certain period without any authority for such occupation cannot create any right over the property in question;
- (e) That O.P.'s occupation is unauthorised in all respect and O.P. has failed to make out any case in support of his occupation.

Accordingly, Department is directed to draw up a formal order of eviction u/s5 of the Act and Rules made thereunder against O.P., giving 15 days time to all the occupants of the quarters in question or whoever may be in occupation are liable to be evicted by this Order and SMP,K is entitled to claim damages for unauthorised 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 AND SEAL

  
(Paromita Ghosh Majumdar)

ESTATE OFFICER

\*\*\* ALL EXHIBITS AND DOCUMENTS  
ARE REQUIRED TO BE TAKEN BACK WITHIN ONE MONTH FROM  
THE DATE 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

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