

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

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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 28.06.22  
PROCEEDINGS NO. 1924/L of 2022

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

-Vs-

**Suresh Kumar**

**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 **Suresh Kumar, residing at Quarters No 10, Block No.3, Hide Road Mazdoor Line, P.S.: S.P.P.S, Kolkata-700023** is in unauthorized occupation of the Public Premises specified in the Schedule below :

**R E A S O N S**

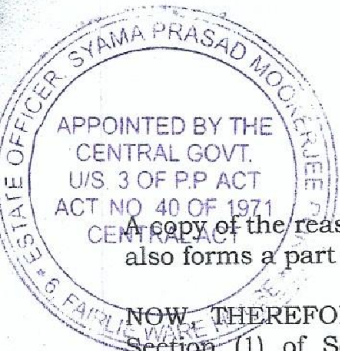
- 1) That no Reply to the Show Cause has been filed by O.P. or anyone else;
- 2) That nothing has been shown in support of O.P.'s occupation into the premises;
- 3) That no evidence has been laid to support the possession of O.P. as "authorised possession /occupation"
- 4) That mere occupation into the 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 unauthorised in all respect and O.P. has failed to make out any case in support of his occupation.

*S*

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  
29.6.22  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT



(2)

A copy of the reasoned order No. 06 dated 28.06.22 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 **Suresh Kumar, residing at Quarters No 10, Block No.3, Hide Road Mazdoor Line, 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 **Suresh Kumar, residing at Quarters No 10, Block No.3, Hide Road Mazdoor Line, 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.

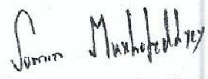
### SCHEDULE

Quarters No.10, Block No. 3 at Hide Road Mazdoor Line , P.S: South Port Police Station, Kolkata-700023 is butted and bounded in the manner as follows :

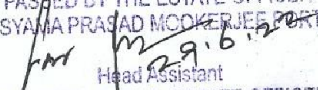
On the North by : 3/3 Hide Road Mazdoor Line;  
On the South by : 4/3 Hide Road Mazdoor Line.  
On the East by : 3/11 Hide Road Mazdoor Line .  
On the West by : 3/9 Hide Road Mazdoor Line.

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

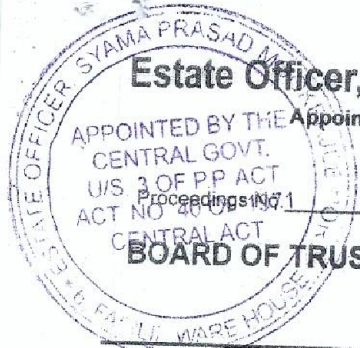
Date- 29.6.22

  
Signature & Seal of the  
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  
  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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

1924/L of 2022 Order Sheet No. 05

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

**VS**  
**SURESH KUMAR**

06  
28.06.2022

**FINAL ORDER**

The matter is taken up today for final disposal. Relevant facts are required to be put forward in a nutshell in order to understand the chain of events leading to the proceedings. It is the case of Syama Prasad Mookerjee Port, Kolkata hereinafter referred to as SMPK, (erstwhile Kolkata Port Trust) applicant, herein, that all along SMPK is the owner of the of Quarter No. 10 Block. No. 3 at Hide Road Mazdoor Line, S.P.P.S, Kolkata-700023. The said quarter was under lock and key since 21.06.1999. On or about 25.11.1999, **Suresh Kumar**, the **Opposite Party**, hereinafter referred to as O.P. forcibly occupied the above quarters by breaking open the padlock. Since then O.P. had been unauthorisedly occupying the said quarters without any authority. SMPK filed an application dated 27.01.2000 praying for an order of eviction against O.P. SMPK vide application dated 19.04.2022 submitted that on a recent inspection it was found that the subject quarter is presently being unauthorisedly occupied by one Suresh Kumar Shaw, another rank outsider.

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 06.06.2022. The said Show Cause notice along with the order dated 03.06.2022 were sent both by "Speed Post/hand delivery to the recorded address of O.P. The notice sent through speed post returned undelivered to the Forum with a remark "Addressee Moved". However, it appears from the report of the Process Server dated 07.06.2022 that due affixation of the order along with the Show Cause Notice dated 06.06.2022 was made on a conspicuous part of the premises for notice to all concerned. I am satisfied with the service of notice.

In course of hearing inspite of having knowledge of the pending proceedings neither O.P. nor anyone interested in the said property appeared before the Forum to place their submissions. No Reply to the Show Cause Notice has been filed by O.P. or any other person interested on the property. In view of the above, I am left with no other alternative but to issue order of eviction as prayed for on

*[Handwritten signature]*

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. U/S. 3 OF P.P. ACT ACT NO. 10 OF 1971  
Proceedings No. 1924/L Of 2022 Order Sheet No. 06  
CENTRAL ACT

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

VS  
**SURESH KUMAR**

06  
28.06.2022

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:

- 1) That no Reply to the Show Cause has been filed by O.P. or anyone else;
- 2) That nothing has been shown in support of O.P.'s occupation into the premises;
- 3) That no evidence has been laid to support the possession of O.P. as "authorised 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 unauthorised in all respect and O.P. has failed to make out any case in support of his occupation.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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

Accordingly, Department is directed to draw up a formal order of eviction u/s 5 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 SMPK 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

*S. Mukhopadhyay*  
(S. Mukhopadhyay)  
Estate Officer

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