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SCAN

**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.05 DT 04-07-22
PROCEEDINGS NO. 1866/L OF 2021

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

SHRI KRISHNA CHANDRA BEJ & 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**

By Order of:
**THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT**

CERTIFIED COPY OF THE ORDER
PASS'D BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Krishna Chandra Bej & his family members, Quarters No.3 & 4, Block No. N, Taratala (New) Colony Mazdoor Line, P.S.: Taratala, Kolkata - 700 088** is in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

1. That no authority has been shown/ produced by any person in support of occupation into the public premises.
2. That no evidence has been laid to support the reported occupation of heir/s of Krishna Chandra Bej (since deceased) into the public premises 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 after the demise of Krishna Chandra Bej, anybody's occupation in quarters is unauthorized in all respect.

Please see on reverse



:2:

A copy of the reasoned order No. 05 dated 04-07-22 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 Krishna Chandra Bej & his family members, Quarters No.3 & 4, Block No.N, Taratala (New) Colony Mazdoor Line, P.S.: Taratala, Kolkata - 700 088 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 Krishna Chandra Bej & his family members, Quarters No.3 & 4, Block No.N, Taratala (New) Colony Mazdoor Line, P.S.: Taratala, Kolkata - 700 088 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 & 4, Block No. N 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. N/5 & 6 at Taratala Colony (New) Mazdoor Line
- On the South by : Block No. N/1 & 2 at Taratala Colony (New) Mazdoor Line
- On the East by : Bl. No. K at Taratala Colony (New) Mazdoor Line
- On the West by : Bl. No. R at Taratala Colony (New) Mazdoor Line

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

Dated: 05-07-22

Syama Prasad Mookerjee
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 THE SYAMA PRASAD MOOKERJEE PORT/SMPK (ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF KOLKATA) THROUGH ESTATE MANAGER, SMPK AT 6, FAIRLIE PLACE WAREHOUSE, 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

1866/L of 2021 Order Sheet No. 05

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SRI KRISHNA CHANDRA BEJ + FAMILY MEMBERS -

05
04-07-22

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 3 & 4, Block No N at Taratala New Colony Mazdoor Line, P.S. Taratala, Kolkata- 700 088 were allotted to **Krishna Chandra Bej (since deceased)**, who had been employed with the Officers' Club, SMPK and during the tenure of his employment approached SMPK authorities for allotment of a residential quarter in his favour. It is submitted by SMPK that the said quarters were allotted in his favour on 15.06.2009. It is further submitted by SMPK that said Krishna Chandra Bej has expired on 30.11.2016 and as per Rule 5(ii)/5(iii) of the Rules Governing the Commissioners Residential Accommodation for Class-IV employees, the allotment of the quarters stood cancelled. It is further the case of SMPK that subsequently, the heir/s of said Krishna Chandra Bej (since deceased) did not vacate the said quarters and holding the same unauthorisedly and as such, the same could not be allotted to any employee of SMPK, who would be in need of such residential quarters. It is further the case of SMPK that after the demise of Krishna Chandra Bej, the quarters is under unauthorised occupation of heir/s of said Krishna Chandra Bej (since deceased).

This Forum formed its opinion to proceed against the O.P. and issued the Show Cause Notice dated 07.04.2022 (vide Order no 01 dated 06.04.2022) 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 addressee was 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

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PREPARED 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

Proceedings No. 1864/L Of 2021 Order Sheet No. 6

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SRI KRISHNA CHANDRA BEJ & FAMILY MEMBERS

05
04-07-22

evidence which the O.P.s intends to produce in support of their case.

The said Notice dated 07.04.2022 has been affixed on the property in question, as per the mandate of the Act, as it appears from the Report of 'Process Server' dated 13.04.2022. The 'Process Server' Report also indicates that hand service of the notice has been effected upon one Shri Suraj Kr. Pandey, who received the same under acknowledgement on 13.04.2022. However, on the day fixed for show cause, the matter could not be taken up for hearing due to sudden engagement with other urgent official works. The matter, thereafter, was taken up for hearing on 11.05.2022, when one Shri Dipak Kumar Bej (Pandey), representing himself as the son of O.P., appeared before the Forum and expressed willingness for surrender of the quarters. He filed an application dated 11.05.2022 in confirmation of his willingness to surrender the quarters. He, however, stated that the electricity connection could not be disconnected from CESC, as the electric meter is not in his deceased father's name. Considering the situation, said Shri Dipak Kumar Bej (Pandey) was directed to vacate the premises and file a Report with the Forum by the next date of hearing i.e. 08.06.2022. Additionally, SMPK was directed to intimate the status to this Forum. Be it mentioned here that Shri Dipak Kumar Bej (Pandey)/ O.P. has chosen not to deal with or contradict any issue indicated in the Notice to Show Cause issued by this Forum.

Considered the report of the Process Server dated 13.04.2022. I am satisfied with the service of notice to all concerned as affixation of Show Cause Notice was made on the property in question. It emerges that nobody appeared before me till date with any authority to stay into the quarters in question. It appears that no reply to the Show Cause Notice u/s 4 of the Act dated 07.04.2022 on behalf of any person was filed. As such, I have nothing to disbelieve the statements made by the Port Authority. In fact, I am left with no other alternative but to issue order of

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
MADE BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Hd. 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. 1866/L OF 2021 Order Sheet No. 07.

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SRI KRISHNA CHANDRA BEJ & FAMILY MEMBER

05
04-07-22

eviction as prayed for on behalf of the Port Authority on the following grounds/reasons.

1. That no authority has been shown/ produced by any person in support of occupation into the public premises.
2. That no evidence has been laid to support the reported occupation of heir/s of Krishna Chandra Bej (since deceased) into the public premises 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 after the demise of Krishna Chandra Bej, anybody's occupation in quarters is unauthorized in all respect.

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
FORWARDED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Office of the 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***