

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

REASONED ORDER NO. 07 DT 13.07.2022
PROCEEDINGS NO. 1930/L of 2022

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

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 Prakash, residing at Quarters No 10, Block No.9, Hide Road Mazdoor Line, P.S.: South Port Police Station, Kolkata-700043** 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.

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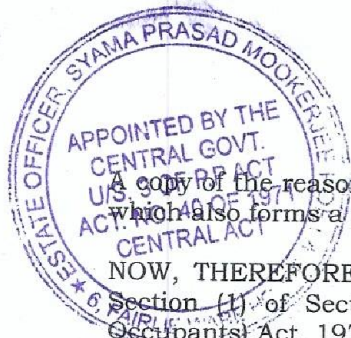
PLEASE SEE ON REVERSE

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 ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
14/02/2022

(2)



A copy of the reasoned order No. 07 dated 13.07.2022 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 Prakash, residing at Quarters No 10, Block No.9, Hide Road Mazdoor Line, P.S.: South Port Police Station, Kolkata-700043** 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 Prakash, residing at Quarters No 10, Block No.9, Hide Road Mazdoor Line, P.S.: South Port Police Station, Kolkata-700043** 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. 9 at Hide Road Mazdoor Line , P.S: South Port Police Station, Kolkata-700043 is butted and bounded in the manner as follows :

- On the North by : Qrs.No.9/3 Hide Road Mazdoor Line
- On the South by : Qrs.No.10/3 Hide Road Mazdoor Line
- On the East by : Qrs.No.9/11 Hide Road Mazdoor Line
- On the West by : Qrs.No.9/9 Hide Road Mazdoor Line

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

Date- 15.07.2022

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.

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

14/07/2022

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. 1930/L of 2022 Order Sheet No. 06

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
SRI PRAKASH

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 Quarters No.10, Block No. 9 at Hide Road Mazdoor Line, P.S. South Port Police Station, Kolkata-700043 was under the lock and key of SMP, Kolkata since 27.07.2000. However, one **Sri Prakash(O.P.)** herein, forcibly occupied said Quarter by breaking open SMPK's padlock on or about 04.09.2000 and since then the O.P. 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 Bikash Kumar Dusadh**, who is a rank outsider into the quarter/public premises in question.

This Forum formed its opinion to proceed against O.P under the relevant provisions of the Act and issued Show Cause Notice U/S 4 of the Act (for adjudication of the prayer for order of eviction) dated 09.05.2022 (vide Order No.4 dated 21.04.2022) as per rule made under the Act and such Show Cause notice was sent to O.P both by hand and Speed Post as per address available on record. The Postal Service to the recorded address of O.P. returned undelivered to the Forum with a remark "addressee moved" however, the report of the Process Server dated 12.05.2022 depicts that although O.P. or the person whoever in occupation has refused to take service of the order but due affixation of such Show Cause Notice u/s 4 was made on the quarter in question as a notice to all concerned thereafter to give chances to O.P. further service of the order dated 03.06.2022 was also made upon the O.P. and such efforts also remain futile and the attendance of O.P could not be procured. I am satisfied with service of notice to all concerned.

It is seen from the record that in the course of hearing nobody has appeared before the Forum to stay into the quarters in question. No reply to the Show Cause Notice has also been filed by the O.P or any person interested in the property as yet. In view of the above, I

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

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

14/02/2022

Handwritten signature or mark.



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. 1930/L Of 2022 Order Sheet No. 07

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
SRI PRAKASH

07.
13.07.2022

am left with no other alternative but to issue order of eviction as prayed for on behalf of the Port Authority. I have nothing to disbelieve the statement made against O.P by the Port Authority. Accordingly the order of eviction issued on the following grounds/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.Ps occupation is unauthorized 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
CERTIFIED COPY OF THE ORDER
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SYAMA PRASAD MOOKERJEE PORT
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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 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 SMP, Kolkata 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***