



O/c.

**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. 08 DT 06-04-22  
PROCEEDINGS NO. 515/L of 2004

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

**-Vs-  
Sri Abul & Anr.**

**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 Abul & Sri Majnu( hereinafter referred to O.P No.1 & O.P No. 2) both of Quarters No.13, Block No. C, K.F. Shipping Mazdoor Line, P.S: S.P.P.S., Kolkata-700023** are 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.Ps occupation is unauthorized in all respect and O.P has failed to make out any case in support of his occupation.

*[Handwritten signature]*

**PLEASE SEE ON REVERSE**

5861  
5860



(2)

A copy of the reasoned order No. 08 dated 06-04-22 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 **Sri Abul & Sri Majnu (hereinafter referred to O.P No.1 & O.P No. 2) both of Quarters No.13, Block No. C, K.F. Shipping 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 **Sri Abul & Sri Majnu (hereinafter referred to O.P No.1 & O.P No. 2) both of Quarters No.13, Block No. C, K.F. Shipping 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.13, Block No. C, at K.F. Shipping Mazdoor Line, 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.)

Date- 06-04-22

*Syama Prasad Mookerjee*  
Signature & Seal of the  
Estate Officer.

SERVICE TO KOLKATA PORT TRUST THROUGH THE LABOUR ADVISOR & INDUSTRIAL  
RELATION OFFICER, SYAMA PRASAD MOOKERJEE PORT KOLKATA FOR INFORMATION.



## Estate Officer, Kolkata Port Trust

Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 55 C 515/L Of 2004 Order Sheet No. 08

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

SRI ABUL

08  
06-04-22

#### 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.13, Block No. C at K.F. Shipping Mazdoor Line, P.S. South Port Police Station, Kolkata-700023 was under the lock and key of SMP, Kolkata since 30.05.1991 but it was forcibly occupied by one Sri Abul (hereinafter referred to as O.P No.1) on or about 01.07.1999 by breaking open the SMP, Kolkata's padlock and it is revealed on a recent inspection that the said quarter has now been occupied by one Sri Majnu (hereinafter referred to as O.P No.2) as rank outsider. Now SMP, Kolkata has argued that Opposite Parties have no right to occupy such quarters thus the occupation of O.P in the quarters in question are unauthorized.

This Forum formed its opinion to proceed against both the Opposite Parties 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 12.01.2021 (vide Order No.04 dated 21.12.2020) as per rule made under the Act and such Show Cause notice was sent to both the Opposite Parties both by hand and Speed Post as per address available on record. The Postal Service to the recorded address of both the Opposite Parties returned undelivered to the Forum with a mark 'insufficient address' however

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



# Estate Officer, Kolkata Port Trust

Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 515/L Of 2004 Order Sheet No. 09

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

SRI ABUL

08  
06-04-22

perusing the report of the Process Server dated 01.04.2021 and 25.02.2021 regarding affixation of such Show Cause Notice u/s 4, 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 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 COPY  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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

*[Handwritten mark]*



# Estate Officer, Kolkata Port Trust

Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 515/L of 2004 Order Sheet No. 10

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

SRI ABUL

08  
06-04-22

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

*P. Ghosh Majumdar*  
(P. 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

*[Signature]*  
06/04/22

OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT