

SCAN



**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. 06 DT 01.08.22
PROCEEDINGS NO. 1925/L of 2022

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

Office of the ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

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 Durga Prasad, residing at Quarters No 10, Block No.5, 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.

8

PLEASE SEE ON REVERSE

(2)

A copy of the reasoned order No. 06 dated 01.08.22 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 Durga Prasad, residing at Quarters No 10, Block No.5, 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 Durga Prasad, residing at Quarters No 10, Block No.5, 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. 5 at Hide Road Mazdoor Line, P.S: South Port Police Station, Kolkata-700043 is butted and bounded in the manner as follows : By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

On the North by : Qrs. No. 5/2 Hide Road Mazdoor Line;
On the South by : Qrs. No. 6/2 Hide Road Mazdoor Line.
On the East by : Qrs. No. 5/11 Hide Road Mazdoor Line.
On the West by : Qrs. No. 5/9 Hide Road Mazdoor Line.

CERTIFIED COPY OF THE ORDER
MADE BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
01/08/22
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

Date- 01/08/22

Suman Mukherjee
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.



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.

1925/L of 2022

Order Sheet No.

05

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SRI DURGA Prasad.

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 SMPK, Applicant herein, that Quarters No.10, Block No. 5 at Hide Road Mazdoor Line, P.S. South Port Police Station, Kolkata-700043 was under the lock and key of SMPK, Kolkata since 24.06.1999. However, one **Sri Durga Prasad(O.P. herein)**, forcibly occupied said Quarter by breaking open SMPK's padlock on or about 31.05.2000 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 Jay Prakash Pandey**, 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 30.06.2022 (vide Order No.4 dated 28.06.2022) 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" and the report of the Process Server dated 04.07.2022 reveals that although such Notice was not personally served upon O.P. due to O.P's refusal however, due affixation of such Show Cause Notice u/s 4 was made on the quarter in question. 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.

06

01.08.2022

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

OFFICE OF THE 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. 1925/L Of 2022 Order Sheet No. 06

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Sri Durga Prasad.

06
01.08.2022

- 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.

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

Suman 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***

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