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**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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REASONED ORDER NO. 46 DT 25.11.21 read with ORDER NO. 49 DT. 31.08.2022

Court Room At the 1<sup>st</sup> Floor  
of SMPK's  
Fairley Warehouse  
6, Fairley Place, Kolkata- 700 001.

PROCEEDINGS NO. 568 OF 2004

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
-Vs-**

**Estate of Late R.N Poddar (PDP International Pvt. Ltd, Added Party), O.P**

**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 **Estate of Late R.N Poddar (PDP International Pvt. Ltd, Added Party) of 8/4, Alipore Park Road, Kolkata-700027 AND 43/A, Hide Road, Opp. Beico Lawrie, Kolkata-700088 AND ALSO AT 'Sagar Estate', 4<sup>th</sup> Floor, 2 N.C Dutta Sarani, Kolkata-700001** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**REASONS**

1. That this Forum of Law is well within its jurisdiction to adjudicate upon the matters relating to eviction and recovery of arrear dues/damages etc. as prayed for on behalf of SMP, Kolkata.
2. That O.P has failed to file reply to the Show Cause Notice under Sec. 4 of the Act in spite of sufficient chances being given to them.
3. That the Sitting occupant(Added Party) appearing before this Forum has failed to explain their authority to occupy the premises.
4. That the lease as granted to O.P. by SMP, Kolkata had doubtlessly determined by efflux of time, in the facts and circumstances of the case.
5. That the Sitting Occupant(Added Party) has no right whatsoever to claim direct tenancy from Port Authority in respect of the subject premises in question and the Resolution No.299 dated 28.09.1982 is also not applicable to the Added Party.
6. That O.P has made unauthorised construction on the subject premises without any authority of law.
7. That O.P has parted with possession of the subject public premises without any authority of law.
8. The O.P or any other person/occupant has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation".
9. That O.P. or any other person/occupant of the public premises have failed to make out any case in support of their occupation as "authorised occupation", inspite of sufficient chances being provided.

**PLEASE SEE ON REVERSE**

(2)

10. That the Sitting Occupant(Added Party) has got no right to hold the property after expiry of the lease (which was granted by the Port Authority in favour of O.P.) by efflux of time dated 28.02.2002.
11. That no case has been made out on behalf of O.P. as to how its occupation in the Public Premises could be termed as "authorised occupation" after issuance of notice dated 01.08.2002, demanding possession by the Port Authority and O.P.'s occupation has become unauthorized in view of Sec.2(g) of the P.P. Act, 1971.
12. That right from the date of expiry of the lease, O.P. has lost its authority to occupy the Public Premises and O.P. is liable to pay dues/compensation charges with interest for wrongful use and enjoyment of the Public Property upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

A copy of the reasoned order No. 49 dated 31.08.2022 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 **Estate of Late R.N Poddar (PDP International Pvt. Ltd, Added Party) of 8/4, Alipore Park Road, Kolkata-700027 AND 43/A, Hide Road, Opp. Beico Lawrie, Kolkata-700088 AND ALSO AT 'Sagar Estate', 4<sup>th</sup> Floor, 2 N.C Dutta Sarani, Kolkata-700001** 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 **Estate of Late R.N Poddar (PDP International Pvt. Ltd, Added Party) of 8/4, Alipore Park Road, Kolkata-700027 AND 43/A, Hide Road, Opp. Beico Lawrie, Kolkata-700088 AND ALSO AT 'Sagar Estate', 4<sup>th</sup> Floor, 2 N.C Dutta Sarani, Kolkata-700001** 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

**Plate no - D-270/8/A**

The piece or parcel of land comprising 1187.12 sq.m or thereabouts in the 1<sup>st</sup> belt(land lying within 50 metres from the road) and 1248.43 sq.m or thereabouts in the 2<sup>nd</sup> belt (land lying 50 metres from the road) altogether measuring 2435.55 sq.m or thereabouts is situate at Hide Road Extension Thana. Garden Reach (now Taratala) District-24 Parganas, Registration District-Alipore. It is bounded on the north partly by a kutchra drain and partly by the open land now belonging to the Eastern Railway authorities and proposed to be handed over to the Trustees' on the east by Hide Road Extension on the south by the Trustees' land leased to Balmer Lawrie and Company Limited and on the west by the Trustees' open land beyond which in their Railway truck. Trustee's means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Dated: 31.08.2022.



**Signature & Seal of the  
Estate Officer.**

COPY FORWARDED TO THE ESTATE MANAGER, 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. 568 of 2004 Order Sheet No. 33

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

ESTATE OF LATE **VS**  
**R. N. PODDER [PDP INTERNATIONAL PVT. LTD. (ADDED PARTY)]**

49  
31.08.2022

The record is put up by the Department. It has been pointed out by the Department that due to some inadvertent clerical error the name of the O.P. has been wrongly recorded in order Nos. 41 to 48. Through this order the said orders stand rectified and the name of the O.P. be read as "**Estate of Late R. N. Podder [PDP International Pvt. Ltd. (Added Party)]**". It is further seen that the order sheet Nos. 46 dated 25.11.2021 is the final order of eviction passed by this Forum and through this order the said eviction order also stands rectified. Department is directed to issue rectified Forms once again incorporating the corrected portion which forms a part of the reason order No. 46 dated 25.11.2021 and intimate the parties accordingly.

It is further appears from the record that the Authorised Officer has filed an application dated 19.07.2022. On perusal of the said application it is seen that the Authorised Officer has submitted that the Taratala Police Station has declined to provide assistance for execution of the eviction order dated 25.11.2021 as PP Appeal No. 11 of 2021 is still pending before the Ld. District Judge's Court, Alipore. The authorised Officer has prayed for passing necessary order in this regard.

In such circumstances, SMPK is directed to let this Forum know in writing whether there is any order of stay barring this Forum to proceed with the present matter or not.

Let the matter come for consideration etc., on 14.09.2022 at 11.30AM. All concerned are directed to act accordingly.

(KAUSIK KUMAR MANNA)  
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 ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT