



**SPEED POST
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. 04 DT 03-01-2023
PROCEEDINGS NO. 1846/L of 2021

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

-Vs-

Shri Kailash Das

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 **Shri Kailash Das, Quarters No. 1 & 2 Block No. H, Taratala New Colony Mazdoor Line, P.S. Taratala, Kolkata- 700088**, is in unauthorized occupation of the Public Premises specified in the Schedule below :

REASONS

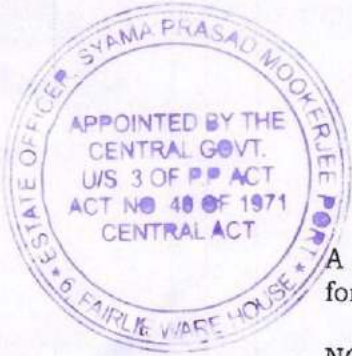
- 1) That no reply to the Show Cause notice is filed by O.P.
- 2) That nothing has been shown in support of O.P.'s occupation into the public premises.
- 3) That no evidence has been laid to support the possession of O.P. as "authorized possession/ occupation".
- 4) That mere occupation into the quarters 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.

Handwritten signature

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Handwritten signature 05/01/23
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

PLEASE SEE ON REVERSE



(2)

A copy of the reasoned order No. 04 dated 03.01.23 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 **Shri Kailash Das, Quarters No. 1 & 2 Block No. H, Taratala New Colony Mazdoor Line, P.S. Taratala, Kolkata- 700088** 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 **Shri Kailash Das, Quarters No. 1 & 2 Block No. H, Taratala New Colony Mazdoor Line, P.S. Taratala, Kolkata- 700088** 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. 1 & 2 Block No. H, Taratala New Colony Mazdoor Line, P.S. Taratala, Kolkata- 700088 is butted and bounded in the manner as follows :

- On the North by : Block No. G
- On the South by : Block No. L
- On the East by : Vacant Land
- On the West by : Qrs. No. H/3 & 4

Trustees' means the Board to Trustees' Syama Prasad Mookerjee Port, Kolkata. (Erstwhile Board of Trustees' for the Port of Kolkata)

DATED: 05/01/2023

Paonita Biswas Debnath
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
05/01/23
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

SERVICE TO THE SYAMA PRASAD MOOKERJEE PORT, KOLKATA, (SMP.KOLKATA) (ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF KOLKATA THROUGH ESTATE MANAGER, SMP KOLKATA AT 6, FAIRLIE PLACE 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

Proceedings No. 1846/L Of 2021 Order Sheet No. 05

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SHRI KAILASH DAS

FINAL ORDER

The matter is taken up today for final disposal. It is the case of Syama Prasad Mookerjee Port, Kolkata, hereinafter referred to as SMPK that all times they are the owners of Quarters No. 1 & 2, Block No. H, at Taratala (New) Colony Mazdoor Line. Shri Kailash Das, the Opposite Party herein, hereinafter referred to as O.P., who was employed with M & EE Department was allotted Quarter being No. 1 & 2 Block no. H at Taratala (New) Colony Mazdoor Line on and from 30.11.2016. The said O.P. superannuated from services from 01.05.2019 and allotment of the quarters stood cancelled. However, the O.P. and the legal heirs of O.P. did not vacate the above mentioned quarters and held the same unauthorisedly.

Application was filed by SMPK on 18.12.2020, praying for eviction of O.P. This Forum on having the information of such unauthorised occupation issued a Notice to Show Cause under Section 4 of the Public Premises (Eviction of Unauthorised Occupant) Act, 1971 (hereinafter referred to as The Act) on 12.01.2021. The said Show Cause notice along with the order dated 06.04.2022 were sent through "Speed Post". The envelope containing the notice and form was not returned showing good service of the order. The order along with the form were also sent through Process Server. It is seen from the report of the Process Server dated 14.01.2021, that order was duly received on by O.P. The said order was also affixed on a conspicuous part of the premises for notice to all concerned. I am satisfied with the service of the order.

In course of hearing, O.P. appeared before the Forum on 15.02.2021 and filed his identification proof and prayed for some time to vacate the premises. O.P. was directed to vacate the premises within 05.04.2021 and file a report of compliance report before the Forum within 05.04.2021.

However, no report has been filed O.P. or by SMPK in compliance of the order dated 05.04.2021, neither has any Reply to the Show Cause Notice been filed.

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 Ass.
05/01/23
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. 1846/L Of 2021 Order Sheet No. 06

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SHRI KAILASH DAS

04
03-01-2023

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. Accordingly the order of eviction is issued on the following grounds/reasons;

- (a) That no Reply to the Show Cause has been filed by O.P. or anyone else
- (b) That nothing has been shown in support of O.P.'s occupation into the premises;
- (c) That no evidence has been laid to support the possession of O.P. as "authorised possession/occupation"
- (d) 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;
- (e) That O.P.'s occupation is unauthorised 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 a formal order of eviction u/s 5 of the Act and Rules made thereunder against O.P., giving 15 days time to all the occupants of the quarters in question or whoever may be in occupation are liable to be evicted by this Order and SMP,K 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

Paromita Ghosh Majumdar
(Paromita Ghosh Majumdar)

Estate Officer

*** ALL EXHIBITS AND DOCUMENTS

ARE REQUIRED TO BE TAKEN BACK WITHIN ONE MONTH FROM

THE DATE 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

05/01/23
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT