

SC 116

**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 08 DT 07.02.2023
PROCEEDINGS NO. 1874/ L of 2023

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

-Vs-

Shri Surendra Upadhyay

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 Surendra Upadhyay, Qtrs. 8 Block No. 12 at Hide Road P.S. South Port Police Station. Kolkata- 700 023** 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.

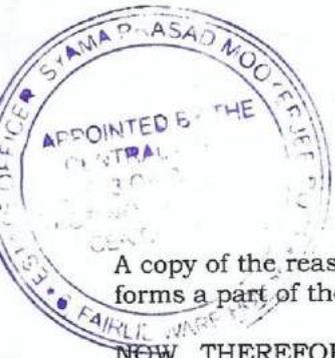
See

By Order of:
**THE ESTATE OFFICER
 SYAMA PRASAD MOOKERJEE PORT**

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

for Head Ass. *08/02/23*
 OFFICE OF THE ESTATE OFFICER
 SYAMA PRASAD MOOKERJEE PORT

PLEASE SEE ON REVERSE



(2)

A copy of the reasoned order No. 08 dated 07-02-23 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 **Sri Surendra Upadhyay, Qtrs. 8 Block No. 12 at Hide Road P.S. South Port Police Station. Kolkata- 700 023** 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 Surendra Upadhyay, Qtrs. 8 Block No. 12 at Hide Road P.S. South Port Police Station. Kolkata- 700 023** 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

Qtrs. 8 Block No. 12 at Hide Road P.S. South Port Police Station. Kolkata- 700 023 is butted and bounded in the manner as follows :

On the North by : Qtr. No. 12/5, Hide Road Mazdoor Line
On the South by : -Road-
On the East by : Qtr. No. 12/9, Hide Road Mazdoor Line
On the West By : Qtr. No. 12/7, Hide Road Mazdoor Line

Date-

08 FEB 2023

Surendra Upadhyay
Signature & Seal of the
Estate Officer.

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 WAREHOUSE, 2nd FLOOR, KOLKATA-700 001

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



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. 1874/L of 2021 Order Sheet No. 06

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SRI SURENDRA UPADHYAYA.

FINAL ORDER

The matter is taken up today for final disposal. Relevant facts are required to be put forward in a nutshell in order to understand the chain of events leading to the proceedings. It is the case of Syama Prasad Mookerjee Port, Kolkata hereinafter referred to as SMP,K, (erstwhile Kolkata Port Trust) applicant, herein, that all along SMP,K is the owner of the of Quarter No 8 Block no.12 at Hide Road. The said quarter was under lock and key since 05.02.1999. On or about 10.02.1999, one Sri Surendra Upadhyaya, the Opposite Party hereinafter referred to as O.P. forcibly occupied the above quarters by breaking open the padlock and has since been living in the quarters unauthorisedly. An application was filed by SMPK on 19.03.1999, praying for eviction of O.P. No. 1. Upon a query being made by the Forum on 18.08.2021, an application was filed by SMPK on 25.04.2022, stating that the quarters in question is still under the unauthorised occupation of one Ramesh Chinai, rank outsider.

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 09.05.2022. The said Show Cause notice along with the order dated 09.05.2022 were sent through "Speed Post". The envelope, was returned with the remark "Addressee cannot be located". The said order was also sent through Process Server. It is seen from the report of the Process Server dated 20.05.2022, that O.P. refused to take the order. However, due affixation was also made in

08
07.02.2023

Har

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**

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. 1874/L of 2021 Order Sheet No. 07

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Sri SURENDRA VRADHAYA

the conspicuous part of the premises for notice to all concerned. I am satisfied with the service of notice.

In course of hearing inspite of having knowledge of the pending proceedings neither O.P. nor anyone interested in the said property appeared before the Forum to place their submissions. No Reply to the Show Cause Notice has been filed by O.P. or any other person interested on the property. 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 no reason to disbelief on the statements made by SMP,K before the Forum. 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/s5 of the Act and Rules made

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
for 08/02/23
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

08
07-02-2023



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. 1874/L Of 2021 Order Sheet No. 08

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
Sri SURENDRA UPADHAYAYA

08
07-02-2023

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
[Signature]
08/02/23
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT