



**REGISTERED 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 05 DT 14-02-2023
PROCEEDINGS NO. 1870/L of 2021

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

-Vs-

**Smt. Rani Devi, Laxmi Kumari, Sandip Kumar, Karn
Kumar, Vishal Kumar, Arjun Kumar all legal heirs of
Late Sri Pradip Kumar, Ex- AC Porter**

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
**Smt. Rani Devi, Laxmi Kumari, Sandip Kumar, Karn
Kumar, Vishal Kumar, Arjun Kumar, Qtrs. 23 & 24 Block No. L at
Taratala New Colony Mazdoor Line P.S. Taratala, Kolkata- 700 088** 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.s have 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 ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



(2)

A copy of the reasoned order No. 05 dated 14.02.2023 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 **Smt. Rani Devi, Laxmi Kumari, Sandip Kumar, Karn Kumar, Vishal Kumar, Arjun Kumar, Qtrs. 23 & 24 Block No. L at Taratala New Colony Mazdoor Line P.S. Taratala, Kolkata- 700 088** 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 **Smt. Rani Devi, Laxmi Kumari, Sandip Kumar, Karn Kumar, Vishal Kumar, Arjun Kumar, Qtrs. 23 & 24 Block No. L at Taratala New Colony Mazdoor Line P.S. Taratala, Kolkata- 700 088** 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. 23 & 24 Block No. L at Taratala New Colony Mazdoor Line P.S. Taratala, Kolkata- 700 088 is butted and bounded in the manner as follows :

On the North by: Block No. H at Taratala Colony (New) Mazdoor Line
On the South by: Block No. N at Taratala Colony (New) Mazdoor Line
On the East by: Block No. K at Taratala Colony (New) Mazdoor Line
On the West by: Block No. L/21&22 at Taratala Colony (New) Mazdoor Line

Date-

15 FEB 2023

Ranvita Ranjan Mookerjee
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

In Order of:
THE 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. 1870/L Of 2024 Order Sheet No. 04

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SMT RANI DEVI

05
14-02-2023

FINAL ORDER

The matter is taken up today for final disposal. It is the case of Syama Prasad Mookerjee Port, Kolkata, that Late Pradip Kumar, was an Ex. A.C Porter who was allotted Qtr. Nos. 23 & 24 Block-L at SMPK's Taratala New Colony Mazdoor Line. P.S. Taratala Kolkata - 7000088. The said O.P. expired on 17.10.2020. In terms of the Rule (5ii)/ 5(iii) of the Rule governing the Commissioners Residential Accommodation of Class-IV employee, the allotment of the quarter stood cancelled. The family member Late Pradip Kumar namely Smt. Rani Devi (wife of Pradip Kumar), and his family members hereinafter referred to as O.P. did not vacate the subject quarters and they are holding over to the said quarters unauthorisedly. It is argued on behalf of SMPK that O.P. has no authority to occupy the premises after the cancellation of allotment and thus the occupation of O.P. in the quarters in question is unauthorised.

SMPK filed an application dated 14.06.2021 praying for an order of eviction against 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 16.08.2022. The said Show Cause notice along with the order dated 16.08.2022 were sent through "Speed Post", however the envelope was not returned back showing good service of the order and notice to Show Cause. The Show Cause notice along with the order were also sent through Process Server. It is seen from the report of the Process Server dated 18.08.2022 that the order along with the notice was duly hand served upon O.P. which was accepted by one Vishal Kumar. O.P. appeared before the Forum, and submits her pension card. It was submitted by O.P. that they need 3 to 4 years to vacate the subject



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. 12/1876/L of 2021 Order Sheet No. 05

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Smt. Paromita Ghosh Majumdar

No reply to show cause was filed by O.P. inspite of a good number of opportunities provided to them. 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 SMPK 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/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

05
14-02-2023