



**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

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

REASONED ORDER NO. 09 DT 14.02.2023  
PROCEEDINGS NO. 476/L of 2004

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

-Vs-

**Janab Jaffar Khan**

**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 **Janab Jaffar Khan, Qtrs. 04 Block No. 35 at Hide Road Mazdoor Line P.S. WPPS, Kolkata- 700 043** is in unauthorized occupation of the Public Premises specified in the Schedule below :

**REASONS**

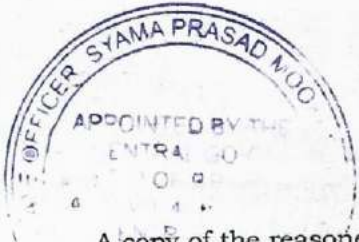
- 1) That no reply to the Show Cause notice is filed by O.P.
- 2) That nothing has been shown in support of O.P.'s occupation into the public premises.
- 3) That no evidence has been laid to support the possession of O.P. as "authorized possession/ occupation".
- 4) That mere occupation into the quarters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

**PLEASE SEE ON REVERSE**

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





(2)

A copy of the reasoned order No. 09 dated 14-02-23 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 **Janab Jaffar Khan, Qtrs. 04 Block No. 35 at Hide Road Mazdoor Line P.S. WPPS, Kolkata- 700 043** 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 **Janab Jaffar Khan, Qtrs. 04 Block No. 35 at Hide Road Mazdoor Line P.S. WPPS, Kolkata- 700 043** 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. 04 Block No. 35 at Hide Road Mazdoor Line P.S. WPPS, Kolkata-700 043 is butted and bounded in the manner as follows :

- On the North by: 34/15 Hide Road Mazdoor Line
- On the South by : 35/15 Hide Road Mazdoor Line
- On the East by : 35/3 Hide Road Mazdoor Line
- On the West By : 35/5 Hide Road Mazdoor Line

Date-

15 FEB 2023

15 FEB 2023

15 FEB 2023

*Prasanta Kumar Dasgupta*  
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, 2<sup>nd</sup> FLOOR, KOLKATA-700 001

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
15/2/23  
OFFICE 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. 476/L of 2004 Order Sheet No. 07

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

**VS**  
**JANAB JAFFAR KHAN,**

09  
14-02-2023

**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 4 Block no. 35 at Hide Road Mazdoor Line. The said quarter was under lock and key since 14.05.1999. On or about 24.11.1999, one Sri Janab Jaffar Khan, the Opposite Party 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 31.01.2000, praying for eviction of O.P. Forum on the basis of the information 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 15.01.2004. The said Show Cause notice along with the order dated 15.01.2004 were sent through "Speed Post". The envelope, has been returned by the postal department. The said order was also sent through Process Server. It is seen from the report of the Process Server dated 27.01.2004, that the O.P. was not available in the premises. Due affixation was also made in the conspicuous part of the premises for notice to all concerned inspite of which none appeared for O.P. For the sake of natural justice vide order dated 20.10.2022 another chance was given to O.P. to represent his case before the Forum. The order was sent through Speed Post. The envelope, has been returned by the postal Department with the remark "No such person in the address". The order was also sent through Process Server. It is seen from the report of the Process Server dated 26.10.2022, that door of the quarter was found closed. Due affixation was also made in the conspicuous part of the premises for notice to all concerned inspite of which none appeared for O.P. I am satisfied with the service of notice.

Inspite of having knowledge of the pending proceedings neither of the O.P.s nor anyone interested in the said property appeared before the Forum to place their submissions. No Reply to the Show Cause Notice

By 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. 476/L of 2009 Order Sheet No. 08

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

**VS**  
**JAWAB JAFFAR KHAN**

09  
14.02.2023

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 disbelieve 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.s 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.s 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 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 \*\*\*