



**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 07 DT 14-02-2023
PROCEEDINGS NO. 547/L of 2004

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

-Vs-

Sri Md. Aktar Khan & Sri Id Mohammad

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 Md. Aktar Khan & Sri Id Mohammad, Qtrs. 10 Block No. E at K.F. Shipping Mazdoor Line P.S. SPPS, 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.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

PLEASE SEE ON REVERSE



(2)

A copy of the reasoned order No 07 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 **Sri Md. Aktar Khan & Sri Id Mohammad, Qtrs. 10 Block No. E at K.F. Shipping Mazdoor Line P.S. SPPS, 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 Md. Aktar Khan & Sri Id Mohammad, Qtrs. 10 Block No. E at K.F. Shipping Mazdoor Line P.S. SPPS, 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. 10 Block No. E at K.F. Shipping Mazdoor Line P.S. SPPS, Kolkata- 700 023 is butted and bounded in the manner as follows :

On the North by: Qrs. No. E/9, K.F. Shipping Mazdoor Line
On the South by : Qrs. No. E/11, K.F. Shipping Mazdoor Line
On the East by : Qrs. No. E/3 K.F. Shipping Mazdoor Line
On the West By : Boundary Wall

Date-

17 FEB 2023

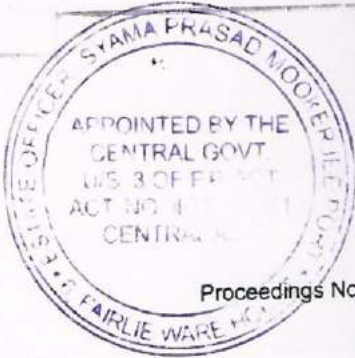
7 FEB 2023

17 FEB 2023

Syama Prasad 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

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD



Estate Officer, Kolkata Port Trust

Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 547/L Of 2004 Order Sheet No. 07

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri md AKHTAR KHAN & Sri ID MOHAMMAD

07
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 10 Block no. E at K.F. Shipping Mazdoor Line. The said quarter was under lock and key since 24.05.2001. On or about 14.06.2001, one Md. Akhtar Khan, the Opposite Party No.1 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 stating that the quarter is still under the unauthorised occupation of Sri Id. Mohammad, another rank outsider hereinafter referred to as O.P. N. 2 and prayed for his eviction. Forum 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 21.12.2020. The said order was sent through Speed Post. The envelope has been returned with the remark "Insufficient Address". The said order was sent through Process Server. It is seen from the report of the Process Server dated 14.01.2021, that the Door of O.P. was found closed. However, due affixation of the order was made on a conspicuous part of the premises for notice to all concerned. For the sake of natural justice another chance was given to O.P. to represent their case before the Forum. For the sake of natural justice, vide order dated 01.03.2021 another chance was given to O.P. to represent their case before the Forum. The said order was sent through Process Server. It is seen from the report of Process Server dated 24.03.2021 that O.P.s did not allow the process server to enter and threatened to assault in case they would visit the premises again. Affixation also could not be made by O.P. as the O.P.s did not allow them affix the same. I am

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]
14/2/23
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. 547/L Of 2004 Order Sheet No. 08

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Sri MD ABTAR KHAN & SRI ID MOHAMMAD

07
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. 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.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[Signature]
12/2/23

GIVEN UNDER MY HAND AND SEAL

[Signature]
(Paromita Ghosh Majumdar)

Estate Officer