



REGISTERED POST WITH A/D.
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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. 11 DT 02.05.2023
PROCEEDINGS NO. 472/L of 2004

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

-Vs-

Shri Rajendra Singh

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 Rajendra Singh, C.P.T.(Now SMPK) Qrs. No. 1, Block No.30, Hide Road Mazdoor Line, P.S.: South Port Police Station, Kolkata-700023** 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.

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

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
02/05/23
Head Ass...

Handwritten signature/initials



(2)

A copy of the reasoned order No. 11 dated 02.05.2023 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 **Shri Rajendra Singh, C.P.T.(Now SMPK) Qrs. No. 1, Block No.30, Hide Road Mazdoor Line, P.S.: South Port Police Station, Kolkata-700023** 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 Rajendra Singh, C.P.T.(Now SMPK) Qrs. No. 1, Block No.30, Hide Road Mazdoor Line, P.S.: South Port Police Station, Kolkata-700023** 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, Block No.30 at Hide Road Mazdoor Line, P.S: South Port Police Station, Kolkata-700023 is butted and bounded in the manner as follows :

On the North by : ---Road---
On the South by : Qtrs. No.30/6 Hide Road Mazdoor Line.
On the East by : ---Road---
On the West by : Qtrs. No.30/2 Hide Road Mazdoor Line.

Date-03.05.2023


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

HEAD ASSISTANT
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

SERVICE TO SYAMA PRASAD MOOKERJEE PORT, KOLKATA (ERSTWHILE KOLKATA PORT TRUST) THROUGH THE LABOUR ADVISOR & INDUSTRIAL RELATION OFFICER, SYAMA PRASAD MOOKERJEE PORT KOLKATA FOR INFORMATION.



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. 472/L Of 2004 Order Sheet No. 07

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
SRI RAJENDRA SINGH.

FINAL ORDER

The matter is taken up today for final disposal. It is the case of Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust/KoPT], hereinafter referred to as SMPK, Applicant herein, that Quarter No.1, Block No.30 at Hide Road Mazdoor Line, P.S. South Port Police Station, Kolkata-700023 was under the lock and key of SMPK since 04.04.2000. However, one **Shri Rajendra Singh (O.P. herein)**, forcibly occupied said Quarter by breaking open SMPK's padlock on or about 29.06.2000 and since then the O.P. was living unauthorisedly in the said quarter/ public premises as an unauthorised occupant. It is further the case of SMPK that on a recent inspection it has been found that the said quarter is presently being unauthorisedly occupied by one **Jb. Israil Khan**, who is a rank outsider into the quarter/public premises in question.

This Forum formed its opinion to proceed against O.P under the relevant provisions of the Act and issued Show Cause Notice U/S 4 of the Act (for adjudication of the prayer for order of eviction) dated 15.01.2004 (vide Order No.1 dated 15.01.2004) as per rule made under the Act and such Show Cause notice was sent to O.P both by hand and Registered Post as per address available on record. The Postal Service to the recorded address of O.P. returned undelivered to the Forum. However, the report of the Process Server dated 27.01.2004 depicts that due affixation of such Show Cause Notice u/s 4 was made on the quarter in question. In spite of such efforts, the appearance of O.P. or other person interested in the property could not be procured and the efforts remained futile. Following the principles of natural justice, further attempt was made by the Forum for procuring the attendance of O.P by serving the Order dated 20.10.2022 by way of hand delivery/affixation. It appears from the report of the Process Server that one Nazia Khatun has received the same, however, on the Schedule date of hearing none appeared on behalf of O.P or other person interested in the property to give reply to the Show Cause and accordingly a further chance was allowed to O.P. by giving further direction of service of the Order upon O.P. or other person interested in the property. All the efforts were again went into vain and O.P or other person interested in the property again failed to appear before the Forum in spite of service and affixation of the Order/s dated 22.12.2022.

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 Assessor

OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

11
02.05.2023



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. 472/L Of 2004 Order Sheet No. 08

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SHRI RAJENDRA SINGH.

11
02.05.2023

quarters in question. No reply to the Show Cause Notice has also been filed by the O.P or any person interested in the property as yet. 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 nothing to disbelieve the statement made against O.P by the Port Authority. Accordingly the order of eviction issued on the following grounds/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.Ps occupation is unauthorized 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 formal order of eviction u/s 5 of the Act and Rules made thereunder against O.P, giving 15 days time to all to vacate the public premises. I make it clear that all the occupants of the quarters in question whoever may be in occupation are liable to be evicted by this order and SMPK 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

(A.K Das)
ESTATE OFFICER

*** ALL EXHIBITS AND DOCUMENTS
ARE REQUIRED TO BE TAKEN BACK
WITHIN ONE MONTH FROM THE DATE
OF 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

Head of Office
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT