



REGISTERED POST WITH A/D.
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 SMPK's
Fairlie Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 06 DT
PROCEEDINGS NO. 1967/L of 2022

4 AUG 2023

**SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF KOLKATA)**

-Vs-

**Sri Pardeshi
Shri Ram Nath Rajbhar**

FORM - "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 Pardeshi, Shri Ram Nath Rajbhar, residing at Qrs. No.3, Block No.26, Hide Road Mazdoor Line, P.S.: S.P.P.S, Kolkata-700043** is in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

1. That no reply to the Show Cause Notice u/s 4 of the Act has been filed on behalf of O.P or any other occupant asserting any right over the Public Premises in question inspite of considerable period of time.
2. That nothing has been shown in support of your occupation into the Public Premises.
3. That no evidence has been laid in favour of O.P or other occupant of the quarter to support their possession as "authorized".
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, including person in occupation of the quarter have failed to adduce any evidence or bear any witness in support of their occupation into the Public Premises.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
25/8/23
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

PLEASE SEE ON REVERSE



(2)

14 AUG 2023

A copy of the reasoned order No. 06 dated 14 AUG 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 **Sri Pardeshi, Shri Ram Nath Rajbhar, residing at Qrs. No.3, Block No.26, Hide Road Mazdoor Line, P.S.: S.P.P.S, Kolkata-700043** 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 Pardeshi, Shri Ram Nath Rajbhar, residing at Qrs. No.3, Block No.26, Hide Road Mazdoor Line, P.S.: S.P.P.S, Kolkata-700043** 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.3, Block No.26 at Hide Road Majdoor Line, P.S: South Port Police Station, Kolkata-700043 is butted and bounded in the manner as follows :

On the North by : 26/10, Hide Road Majdoor Line
On the South by : 25/10, Hide Road Majdoor Line
On the East by : 26/4, Hide Road Majdoor Line
On the West by : 26/2, Hide Road Majdoor Line

Date- 25 AUG 2023


Signature & Seal of the
Estate Officer.

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.

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
25/8/23
Head Ass.
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. 1967/L Of 2022 Order Sheet No. 05

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Sri PARDESHI & SHRI RAMNATH RAJBHAR

06

14 AUG 2023

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.3, Block No.26 at Hide Road Mazdoor Line, P.S: S.P.P.S, Kolkata-700043 was under the lock and key of SMPK since 29.09.2000. However, one **Sri Pardeshi**(hereinafter referred to as **O.P.**), rank outsider forcibly occupied said Quarter by breaking open SMPK's padlock on or about 20.10.2000 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 **Shri Ram Nath Rajbhar**, who is also a rank outsider into the quarter/public premises in question.

It appears from the record that in the Show Cause Notice dated 24.01.2023 of the instant Proceedings the proceedings Number has been erroneously recorded as "1969/L of 2022" in place of "1967/L of 2022". Such error, in my view, is merely a typographical one and does not prejudice the rights and liabilities of the parties to the present proceeding. In view of the above, it is therefore, directed that the proceedings should be read as 1967/L of 2022 for all the material purposes of this proceedings.

This Forum formed its opinion to proceed against both the O.P and other occupant by issuing the Show Cause Notice dated 24.01.2023 (vide Order no 03 dated 19.01.2023) for adjudication of the prayer of eviction, under the relevant provisions of **Public Premises (Eviction of Unauthorized Occupants) Act, 1971** (hereinafter referred to as '**the Act**') and the Rules made thereunder. The O.P. and the other occupant were called upon as per the relevant provisions of the Act and the Rules made thereunder to appear before this Forum in person or through authorized representative/s, capable of answering all material questions connected with the matter, along with the evidence which they intends to produce in support of their case.

The said Notice was sent through 'Speed Post' to the Quarter address of the O.P., however, the notice was returned undelivered by the Postal Department with a mark 'no such person in the address'. The 'Process Server' attached with this Forum has submitted his report dated

By order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
[Signature]
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[Handwritten mark]

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. 1967/L Of 2022 Order Sheet No. 06

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SRI PARDESHI & SHRI RAMNATH RAJBHAR

06
14 AUG 2023

30.01.2023 intimating that the service of the notice has not been effected due to refusal of the O.P/occupant. However, such Notice was affixed on the property in question, as per the mandate of the Act, as it appears from the said report of Process Server dated 30.01.2023. In spite of such efforts made by the Forum, the appearance of O.P. could not be procured and the efforts remained futile. Following the principles of natural justice, further attempt was made to serve such notice in terms of Order dated 02.02.2023. However, as per the reports of 'Process Server' dated 13.02.2023 such effort also went unsuccessful and nobody appeared before me with any authority to stay into the quarters in question.

Considered the report of the Process Server dated 30.01.2023 and 13.02.2023 regarding affixation of Show Cause Notice u/s 4 of the Act on the quarter in question. I am satisfied with the service of notice to all concerned. No reply to the Show Cause Notice u/s 4 of the Act dated 24.01.2023 on behalf of either O.P. or other occupant of the quarter has been filed. As such, I have nothing to disbelieve the statements made against both the O.P and said occupant in question by the Port Authority. In fact, I am left with no other alternative but to issue order of eviction as prayed for on behalf of the Port Authority on the following grounds/reasons.

1. That no reply to the Show Cause Notice u/s 4 of the Act has been filed on behalf of O.P or any other occupant asserting any right over the Public Premises in question in spite of considerable period of time.
2. That nothing has been shown in support of your occupation into the Public Premises.
3. That no evidence has been laid in favour of O.P or other occupant of the quarter to support their possession as "authorized".
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, including person in occupation of the quarter have failed to adduce any evidence or bear any witness in support of their occupation into the Public Premises.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

FOR THE COPY OF THE ORDER
FILED BY THE ESTATE
OFFICER, SYAMA PRASAD MOOKERJEE PORT
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. 1967/L Of 2022 Order Sheet No. 07

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
SRI PARDESHI & SHRI RAM NATH RAJBHAR

06
14 AUG 2023

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 said Quarter/ public premises. I make it clear that all the occupants of the quarters in question wherever may be in occupation are liable to be evicted by this order and Port Authority is entitled to claim damages for unauthorized 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 & 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 Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT