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**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. 09 DT 14 AUG 2023
PROCEEDINGS NO. 1951/L of 2022

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

-Vs-

Shri Narayan Chandra Banik

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 Narayan Chandra Banik, Qrs. No.15 & 16, Block No. F, Taratala (New) Colony Mazdoor Line, P.S: Taratala, Kolkata-700088** are in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

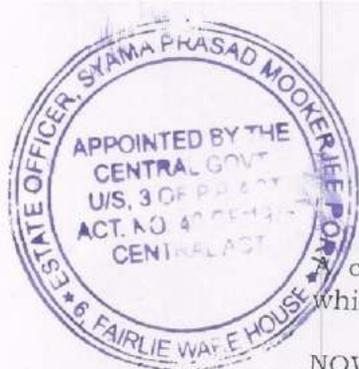
- 1) That no reply to the Show Cause notice is filed by O.P.
- 2) That no evidence has been laid to support the possession of O.P. as "authorized possession/ occupation".
- 3) That mere occupation into the quarters for a certain period without any authority for such occupation cannot create any right over the property in question.
- 4) 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.

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PLEASE SEE ON REVERSE

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]
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



(2)

copy of the reasoned order No. 09 dated 14 AUG 2023 is attached hereto which also forms a part of the reasons.

14 AUG 2023

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 Narayan Chandra Banik, Qrs. No.15 & 16, Block No. F, Taratala (New) Colony Mazdoor Line, P.S: Taratala, Kolkata-700088** 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 Narayan Chandra Banik, Qrs. No.15 & 16, Block No. F, Taratala (New) Colony Mazdoor Line, P.S: Taratala, Kolkata-700088** 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.15 & 16, Block No. F, at Taratala (New) Colony Mazdoor Line, P.S: Taratala, Kolkata-700088 is butted and bounded in the manner as follows :

- On the North by: Block No. D at Taratala(New)Colony Mazdoor Line;
- On the South by: Block No. J at Taratala(New)Colony Mazdoor Line;
- On the East by: Bl. No. F/17 & 18 at Taratala(New)Colony Mazdoor Line;
- On the West by: Bl. No. F/13 &14 Taratala(New)Colony Mazdoor Line;

Date- 17 AUG 2023

Suman Mukherjee
Signature & Seal of the
Estate Officer.

SERVICE TO SYAMA PRASAD MOOKERJEE PORT, KOLKATA 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
[Signature]
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. 195/1 Of 2022 Order Sheet No. 08

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SHRI NARAYAN CHANDRA BANIK



09

1.4 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], hereinafter referred to as SMPK, Applicant herein, that Quarters No.15 & 16, Block No.F at Taratala (New) Colony Mazdoor Line, P.S. Taratala Police Station, Kolkata-700088 were allotted to **Shri Narayan Chandra Banik** (O.P) herein, on 18.06.2008 as an employee of the M & E.E Department of SMPK and after his superannuation from the service on and from 01.01.2018 such allotments were cancelled as per Rule 5(ii)/5(iii) of the Rules Governing the Commissioners Residential Accommodation for Class-IV employees. However, O.P and his family members continued their occupation over the said quarters in violation of the above mentioned Rule. Now SMPK has argued that O.P and his family members have no authority to occupy such quarters after cancellation of such allotment thus the occupation of O.P and his family members in the quarters in question are unauthorized.

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 28.07.2022 (vide Order No.1 dated 28.07.2022) as per rule made under the Act and such Show Cause notice was sent to O.P both by hand and Speed Post as per address available on record. The Postal Service to the recorded address of O.P was not returned back to the Forum however the report of the Process Server dated 21.08.2022 depicts that such order along with the notice was personally served upon O.P and due affixation of such Show Cause notice was also made on the subject premises in question as per the mandate of P.P Act.

On 25.08.2022 O.P appeared before the Forum and thereafter during the course of hearing on 29.09.2022 repeatedly prayed time upto the end of 2022 for vacating the Quarter in question. However, he did not file any reply to the Show Cause.

As the O.P has failed to vacate the premises and failed to file his reply to the Show Cause Notice u/s 4 of the P.P Act inspite of getting sufficient opportunity from the

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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



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. 1951/L Of 2022 Order Sheet No. 09

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SHRI NARAYAN CHANDRA BANIK

09
14 AUG 2023

Forum, I am left with no other alternative but to issue order of eviction against O.P 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

Suman Mukhopadhyay
(S.Mukhopadhyay)
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
14/08/23
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT