



ofc.

**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 Kolkata Port Trust's
Fairlie Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 08 DT 28/01/22
PROCEEDINGS NO. 1772/L of 2020

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

-Vs-

Sri Maikulal Bharati and his family members.

F O R M - "B"

**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

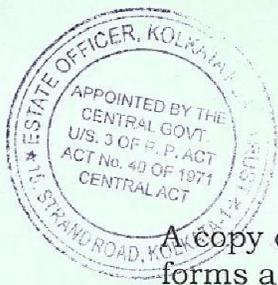
1894
WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Sri Maikulal Bharati and his family members of Quarters No.23 & 24, Block No. N, Taratala New Colony Mazdoor Line, P.S: Taratala, Kolkata-700088** are in unauthorized occupation of the Public Premises specified in the Schedule below :

R E A S O N S

- 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.

[Signature]

PLEASE SEE ON REVERSE



(2)

A copy of the reasoned order No. 08 dated 28/01/22 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 Maikulal Bharati and his family members of Quarters No.23 & 24, Block No. N, 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 **Sri Maikulal Bharati and his family members of Quarters No.23 & 24, Block No. N, 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

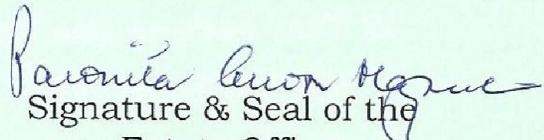
Quarters No.23 & 24, Block No. N, at Taratala New Colony Mazdoor Line, P.S: Taratala, Kolkata-700088 is butted and bounded in the manner as follows :

On the North by: Block No. K at Taratala Colony(New) Mazdoor Line;
On the South by: Block No. Q at Taratala Colony(New) Mazdoor Line;
On the East by: Block No. P at Taratala Colony(New) Mazdoor Line;
On the West by: Qtrs No. N/21 & 22 at Taratala Colony(New) Mazdoor Line;

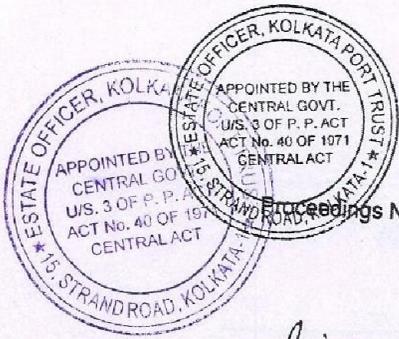
Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees' for the Port of Kolkata.)

Date-

08/02/2022


Signature & Seal of the
Estate Officer.

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



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. 1772/L Of 2020 Order Sheet No. 8

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Shri MAIKULAL BHARATI AND HIS FAMILY MEMBERS.

08

28/01/2022

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
HEAD OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

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 SMP, Kolkata, Applicant herein, that Quarters No.23 & 24, Block No. N at Taratala New Colony Mazdoor Line, P.S. Taratala, Kolkata-700088 were allotted to Shri Maikulal Bharati and his family members(O.P herein) on 02.06.2004 as an employee of the Civil Department of SMP, Kolkata and after his superannuation from the service on and from 30.04.2019 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 SMP, Kolkata 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 20.02.2020 (vide Order No.1 dated 20.02.2020) 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



Estate Officer, Kolkata Port Trust

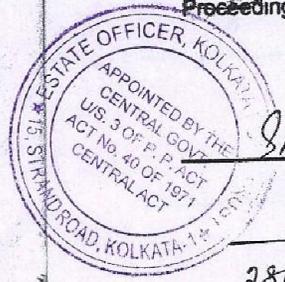
Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1772/L Of 2020 Order Sheet No. 9

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

SRI MAIKULAL BHARATI AND HIS FAMILY MEMBERS.



08
28/01/2022

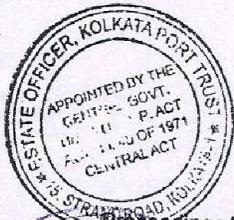
By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST

Head Assistant
OFFICE OF THE
KOLKATA PORT TRUST
KOLKATA
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KOLKATA PORT TRUST

record. The Postal Service to the recorded address of O.P was not returned back to the Forum however perusing the report of the Process Server dated 06.03.2020 as well as dated 18.01.2021 regarding affixation of such Show Cause Notice u/s 4, I am satisfied with service of notice to all concerned.

It is seen from the record that in the course of hearing nobody has appeared before the Forum to stay into the 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.



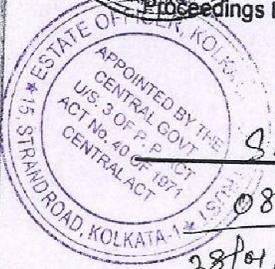
Estate Officer, Kolkata Port Trust
Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1772 Of 2020 Order Sheet No. 10

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

SRI MAIKULAL BHARATI AND HIS FAMILY MEMBERS



28/01/2022

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST

Head Assistant
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

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 SMP, Kolkata 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

P. Ghosh Majumdar
(P. Ghosh Majumdar)
ESTATE OFFICER

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