

O/c.



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
Fairley Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 10 DT 16.02.2022
PROCEEDINGS NO. 545/L OF 2004

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
Sk. Mustak & Anr.

F O R M - "B"

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

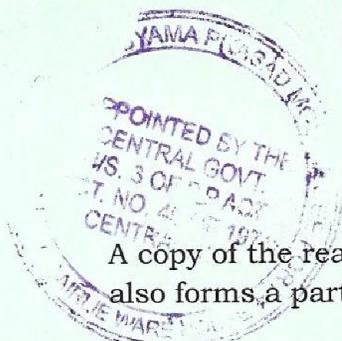
3091

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Sk. Mustak & Anr. Qrs.No. 9, Block No. H, K.F. Shipping , P.S: S.P.P.S. Kolkata - 700 023** is in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

1. That nothing has been shown in support of O.P's occupation into the public premises.
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 the O.P's occupation is unauthorized in all respect and the O.P's has failed to make out any case in support of his occupation.

Please see on reverse



:2:

A copy of the reasoned order No. 10 dated 16-02-2022 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 Sk. Mustak & Anr. Qrs.No. 9, Block No. H, K.F. Shipping, P.S: S.P.P.S. 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 Sk. Mustak & Anr. Qrs.No. 9, Block No. H, K.F. Shipping, P.S: S.P.P.S. 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

Quarters No. 9, Block No. H, at K.F. Shipping, P.S.: S.P.P.S, Kolkata -700 023 is butted and bounded in the manner as follows :

On the North by : K.F. Shipping Quarters.

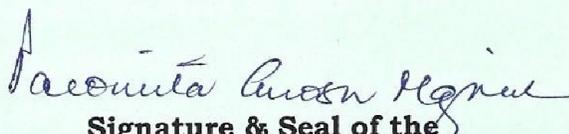
On the South by : K.F. Shipping Quarters.

On the East by : K.F. Shipping drain.

On the West by : Mosque

Trustees' means the Board to Trustees' Syama Prasad Mookerjee Port, Kolkata, (Erstwhile Board of Trustees' for the Port of Kolkata)

Dated: 23/02/2022


Signature & Seal of the
Estate Officer.

SERVICE TO THE ESTATE MANAGER, 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. _____ Of _____ Order Sheet No. 10

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SK MUSTAK

10

16.02.2022.

FINAL ORDER

The matter is taken up today for delivering the final order. It is the case of **Syama Prasad Mookerjee Port, Kolkata** [earstwhile Kolkata Port Trust/ KoPT (hereinafter referred to as '**SMPK**'/ '**Port Authority**'), applicant herein, that Quarter No 9, Block No -H at K.F. Shipping Mazdoor Line, P.S. South Port Police Station, Kolkata- 700 023 was under lock and key of SMPK since 02.01.1995. However, one **Sk. Mustak** (hereinafter referred to as **O.P.**), rank outsider forcibly occupied said Quarter by breaking open SMPK's padlock on or about 28.01.2000 and since then 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 some persons, who are rank outsiders into the quarter/public premises in question.

This Forum formed its opinion to proceed against the O.P. by issuing the Show Cause Notice dated 16.04.2021 (vide Order no 06 dated 15.03.2021) 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. was 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 to answer all material questions connected with the matter, along with the evidence which the O.P.s 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 did not return undelivered by the Postal Department. The 'Process Server' attached with this Forum has submitted his report dated 23.04.2021 intimating that the service of the notice could not be effected as the "party did not allow to enter the premises". However, the Notice was affixed on the property under schedule, as per the mandate of the Act, as it appears from the said report of Process Server dated 23.04.2021. In spite of such efforts made, the appearance of O.P. or any other

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

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

16.02.2022
Heard on
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

Jur



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. 545/L Of 2007 Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SK MUSTAK

10

16.02.2022

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

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

[Signature]
Head Assistant
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

person interested on the property under schedule 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 29.06.2021. However, such effort also went unsuccessful as it appears from the report of 'Process Server' dated 26.07.2021 that the party refused to receive the Order. However, on that occasion also the Notice was affixed on the property in question, in terms of the mandate of the Act.

In spite of such efforts, nobody appeared before me with any authority to stay into the quarters in question. I have considered the report of the Process Server dated 23.04.2021 and 26.07.2021 regarding affixation of Show Cause Notice on the property in question and presumed good service through Post, as the notice did not return undelivered by the Postal Department. Hence, 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 16.04.2021 on behalf of either O.P. or any other person has been filed. As such, I have nothing to disbelieve the statements made against the O.P. 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 nothing has been shown in support of O.P's occupation into the public premises.
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 the O.P's occupation is unauthorized in all respect and the O.P's 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 said Quarter/ public



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. 545/L Of 2004 Order Sheet No. 12

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SK MUSTAK

10

16.02.2022

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

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

for SK int
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

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 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

Paromita Ghosh Majumdar
(Paromita 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***