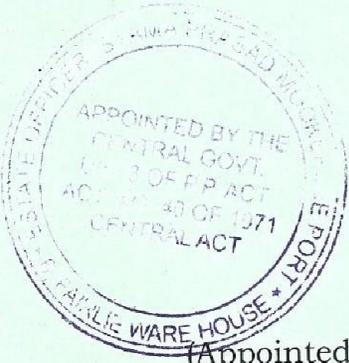


O/C



**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 08 DT 19.04.22
PROCEEDINGS NO. 1802 L of 2020

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
SHRI RASHID KHAN & ANR.**

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
**1) Shri Rashid Khan, 2) Sri Bunty, Both residing at Quarters No.5 Block
No.45, Hide Road Mazdoor Line P.S.: W.P.P.S, Kolkata - 700 043** is in
unauthorized occupation of the Public Premises specified in the Schedule
below:

REASONS

1. That nothing has been shown in support of either O.P's occupation into the public premises.
2. That no evidence has been laid to support the possession of either O.P. as "authorized possession/occupation".
3. That mere occupation into the quarters for a period without any authority for such occupation cannot create any right over the property in question.
4. That both the O.P's occupation is unauthorized in all respect and both the O.P's have failed to make out any case in support of their occupation.

[Signature]

Please see on reverse

7211



:2:

A copy of the reasoned order No. 08 dated 19.04.22 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 **1) Shri Rashid Khan, 2) Sri Bunty, Both residing at Quarters No.5 Block No.45, Hide Road Mazdoor Line P.S.: W.P.P.S, Kolkata - 700 043** 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 **1) Shri Rashid Khan, 2) Sri Bunty, Both residing at Quarters No.5 Block No.45, Hide Road Mazdoor Line P.S.: W.P.P.S, Kolkata - 700 043** 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. 5, Block No. 45, at Hide Road Mazdoor Line, P.S.: W.P.P.S, Kolkata -700 043 is butted and bounded in the manner as follows :

On the North by : Qrs. No. 45/14 at Hide Road Mazdoor Line.

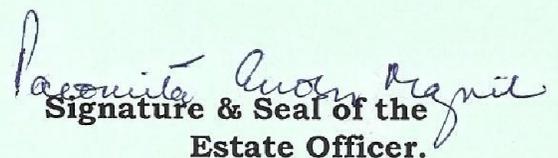
On the South by : Brooke Bond Company.

On the East by : Qrs. No. 45/6 at Hide Road Mazdoor Line.

On the West by : Qrs. No. 45/4 at Hide Road Mazdoor Line.

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

Dated: 21/04/22


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. 1802/L of 2020 Order Sheet No. 09

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Shri Rashid Khan

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. 5, Block No. 45 at Hide Road Mazdoor Line, P.S. West Port Police Station, Kolkata-700 043, was allotted with effect from 29.11.2000 in favour of one **Shri Krishna Dosad**, Peon, who was employed with Sr. Executive Engineer, Railways Section of Civil Engineering Department. It is further the case of SMPK that the allottee retired from SMPK's service on 01.07.2002 and since then the allotment stood cancelled but the said Shri Krishna Dosad allowed one **Shri Rashid Khan** (hereinafter referred to as **O.P. 1**) to reside in the said quarter with his family members on and from 01.07.2002 in an unauthorised manner and since then, the O.P. 1 was unauthorisedly living in the said quarter/ Public Premises as an unauthorised occupant. It has been submitted by SMP, Kolkata that on a recent inspection it has been found that the said quarter is presently being unauthorisedly occupied by one **Sri Bunt** (hereinafter referred to as **O.P. 2**), who is also a rank outsider. SMPK has made out a case that neither the O.P. 1 nor O.P. 2 has any authority under law to occupy the said quarter and is required to be evicted from the Public Premises in question. It is the case of SMPK that the cause of action of the matter arose on 01.07.2002 and is continuing till date.

This Forum formed its opinion to proceed against both O.P. No 1 and 2 by issuing the Show Cause Notice dated 22.02.2021 (vide Order no 03 dated 22.02.2021) 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. no 1 & 2 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 to answer all material questions connected with the matter, along with the

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

19.04.22

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. 1802/L of 2020 Order Sheet No. 10

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
Smt. Rashid Khan.

8
19-04-22

evidence which the O.P.s intends to produce in support of their case.

The Notices were sent through 'Speed Post' to the Quarter address of both the O.P.s, individually. However, both the Notices were returned undelivered by the Postal Department with the same remark as "Addressee Moved". The 'Process Server' attached with this Forum has submitted his report dated 18.03.2021, intimating service of notice on 18.03.2021. The report also indicates that the Notice was affixed on a conspicuous part of the premises for a notice to all concerned, as per the mandate of the Act.

Inspite of such efforts made, the appearance of O.P. could not be procured and the efforts remained futile. Following the principles of natural justice, further chances were given to O.P. to represent their case before the Forum. In terms of the Report of Process Server dated 06.07.2021, he visited the premises again on 06.07.2021 in order to make hand service of such notice, however, the door of the premises was found closed on that day. Thereafter, the Process Server visited the premises again on 20.07.2021 and made further attempt to serve such notice. However, such effort also went unsuccessful as it appears from the reports of the 'Process Server' dated 20.07.2021 as the "party refused to take the Order". However, on both the occasions, viz. on 06.07.2021 and 20.07.2021 the Notice was affixed on the property in question, in terms of the mandate of the Act.

Inspite of such efforts, nobody appeared before me with any authority to stay into the quarters in question. Considered the Reports of Process Server dated 18.03.2021, 06.07.2021 and 20.07.2021 regarding affixation of Show Cause Notice u/s 4 of the Act on the property 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 22.02.2021 on behalf of either O.P. no 1 or O.P. no 2 has been filed. As such, I have nothing to disbelieve the statements made against both the O.P.s by the Port Authority. In fact, I am left with no other

[Handwritten signature]

By Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSD BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Near Assistant
OFFICE OF THE 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. 1802/L Of 2020 Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Shari Rashid Chan

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 either O.P's occupation into the public premises.
2. That no evidence has been laid to support the possession of either O.P. as "authorized possession/occupation".
3. That mere occupation into the quarters for a period without any authority for such occupation cannot create any right over the property in question.
4. That both the O.P's occupation is unauthorized in all respect and both the O.P's have failed to make out any case in support of their 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 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***

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



19-04-22

THE UNIVERSITY OF CHICAGO
LIBRARY
540 EAST 57TH STREET
CHICAGO, ILL. 60637
TEL: 773-936-3200