



SC 111

**SPEED POST
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 05 DT 03.01.2023
PROCEEDINGS NO. 1896/ L of 2022

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

-Vs-

Shri Md. Nehal

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. Md. Nehal Qtrs. 5 Block No. 45 at 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

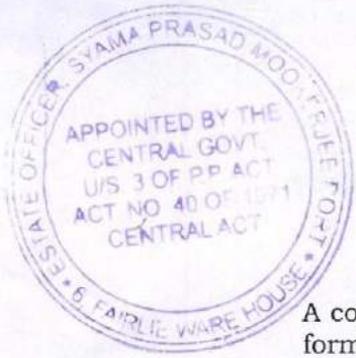
- 1) That no reply to the Show Cause notice is filed by O.P.
- 2) That nothing has been shown in support of O.P's occupation into the public premises.
- 3) That no evidence has been laid to support the possession of O.P. as "authorized possession/ occupation".
- 4) That mere occupation into the quarters for a certain period without any authority for such occupation cannot create any right over the property in question.
- 5) That O.P's occupation is unauthorized in all respect and O.P has failed to make out any case in support of his occupation.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

for *[Signature]*
Deputy Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

PLEASE SEE ON REVERSE



(2)

A copy of the reasoned order No. 05 dated 08-01-23 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 **Shri. Md. Nehal Qtrs. 5 Block No. 45 at 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 **Shri. Md. Nehal Qtrs. 5 Block No. 45 at 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

Qtrs. 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 : Qtr. No. 45/14, Hide Road Mazdoor Line
On the South by : Hindustan Leaver Tea Co.
On the East by : 45/6, Hide Mazdoor Line
On the West By : Qtr. No. 45/4, Hide Road Mazdoor Line

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Deputy Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Date- 04 JAN 2023

P. Paromita Chowdhury
Signature & Seal of the
Estate Officer.

SERVICE TO THE SYAMA PRASAD MOOKERJEE PORT, KOLKATA, (SMP.KOLKATA) (ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF KOLKATA) THROUGH ESTATE MANAGER, (SMP.KOLKATA) AT 6, FAIRLIE PLACE WAREHOUSE, 2nd FLOOR, KOLKATA-700 001



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. 1896/L Of 2022 Order Sheet No. 04

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SHRI MD NEHAL

05

03.04.2023

FINAL ORDER

The matter is taken up today for final disposal. Relevant facts are required to be put forward in a nutshell in order to understand the chain of events leading to the proceedings. It is the case of Syama Prasad Mookerjee Port, Kolkata hereinafter referred to as SMP,K, (erstwhile Kolkata Port Trust) applicant, herein, that all along SMP,K is the owner of the of Quarter No 5 Block no. 45 at Hide Road Mazdoor Line. That the said Mazdoor Line was under lock and key since 22.12.2003.

On or about 09.02.2004, the O.P. herein wrongfully trespassed into the area, and had been occupying the subject quarters since then. SMPK filed an application dated 10.03.2004 praying for an order of eviction against O.P. I am appalled by the fact that since then almost 18 years have elapsed and the matter was never placed before any Estate Officer for proper adjudication thereby frustrating the entire spirit of the Act of 1971. SMP,K vide application dated 16.03.2022 submitted that on a recent inspection it was found that the subject quarter is presently being unauthorisedly occupied by one Navlesh Mishra. Another application dated 01.04.2022 was filed by SMPK stating that the quarters are being presently unauthorisedly occupied by one Shri Md. Wali Ahmed.

This Forum on having the information of such unauthorised occupation issued a Notice to Show Cause under Section 4 of the Public Premises (Eviction of Unauthorised Occupant) Act, 1971 (hereinafter referred to as The Act) on 13.06.2022. The said Show Cause notice

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THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Deputy Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[Handwritten signature]

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. 1896/L Of 2022 Order Sheet No. 05

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SHRI MD NEHAL

05

03-01-2023

along with the order dated 13.06.2022 were sent through "Speed Post". The envelope, was however, returned by the Postal Department with the remark "Addressee Moved". The Show Cause notice along with the order were also sent through Process Server attached to the Forum. It is seen from the report of the Process Server dated 15.06.2022 that the said order was received by one Rahat Parveen on 15.06.2022. It is further seen from the Report of the Process Server that due affixation of the order along with the Show Cause Notice dated 13.06.2022 were made on a conspicuous part of the premises for notice to all concerned. I am satisfied with the service of notice.

In course of hearing inspite of having knowledge of the pending proceedings neither O.P. nor anyone interested in the said property appeared before the Forum to place their submissions. No Reply to the Show Cause Notice has been filed by O.P. or any other person interested on the property. 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 no reason to disbelief on the statements made by SMP,K before the Forum. Accordingly the order of eviction is issued on the following grounds/ reasons;

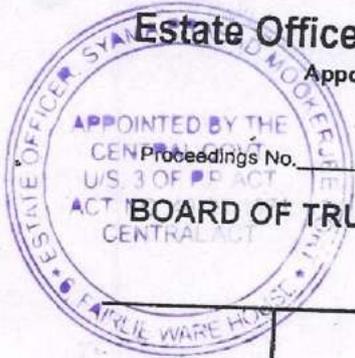
- (a) That no Reply to the Show Cause has been filed by O.P. or anyone else
- (b) That nothing has been shown in support of O.P.'s occupation into the premises;

[Handwritten signature]

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
10/01/22
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. 1896/L of 2022 Order Sheet No. 06

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SHRI MD NEHAL

05

03-01-2023

By Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
MADE BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
for 03/01/23
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

- (c) That no evidence has been laid to support the possession of O.P. as "authorised possession/occupation"
- (d) 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;
- (e) That O.P.'s occupation is unauthorised 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 a formal order of eviction u/s5 of the Act and Rules made thereunder against O.P., giving 15 days time to all the occupants of the quarters in question or whoever may be in occupation are liable to be evicted by this Order and SMP,K 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

Paromita Ghosh Majumdar
(Paromita Ghosh Majumdar)

Estate Officer

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