



**REGISTERED 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. 13 DT 14-02-2023
PROCEEDINGS NO. 1857/L of 2021

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

-Vs-

Shri Pandey

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 Pandey, Qtrs.31 Block No. D/1 at BISN Mazdoor Line P.S. South Port Police Station, Kolkata- 700 023** 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



(2).

A copy of the reasoned order No. 13 dated 14.2.23 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 Pandey, Qtrs.31 Block No. D/1 at BISM Mazdoor Line P.S. South Port Police Station. 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 **Shri Pandey, Qtrs.31 Block No. D/1 at BISM Mazdoor Line P.S. South Port Police Station. 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

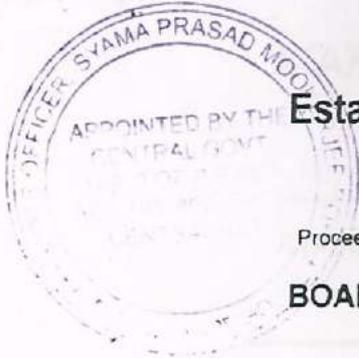
Qtrs.31 Block No. D/1 at BISM Mazdoor Line P.S. South Port Police Station. Kolkata- 700 023 is butted and bounded in the manner as follows :

On the North by : Qrs. No. D/1 -18
On the South by : Block E
On the East by : Qrs. No. D/1 -32
On the West By : Qrs. No. D/1 -30

Date-

17 FEB 2023

Ravonita Anwar Mehmood
Signature & Seal of the
Estate Officer.



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. 1857/L Of 2021 Order Sheet No. 09

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Sri Pandey
VS

13
14-02-2023

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 31 Block no.D/1 at BISN Mazdoor Road. The said quarter was under lock and key since 03.12.1997. One Sri Pandey, the Opposite Party hereinafter referred to as O.P. forcibly occupied the above quarters by breaking open the padlock and has since been living in the quarters unauthorisedly. An application was filed by SMPK on 03.06.1998, praying for eviction of O.P. Forum on the basis of the information 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 14.10.2022. The said Show Cause notice along with the order dated 14.10.2022 were sent through "Speed Post". The envelope, was returned with the remark "Insufficient address". The said order was also sent through Process Server. It is seen from the report of the Process Server dated 26.10.2022, that O.P. refused to accept the order. However, due affixation was also made in the conspicuous part of the premises for notice to all concerned. In spite of having knowledge of the pending proceedings the O.P. nor anyone interested in the said property appeared before the Forum to place their submissions. I am satisfied with the service of notice.

THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
17/2/23
ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

In spite of having knowledge...

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. 1857/L of 2021 Order Sheet No. 10

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SHRI PANDEY

18

24-02-2023

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;
- (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

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Paromita Ghosh Majumdar
(Paromita Ghosh Majumdar)

Estate Officer

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