



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 SMPK's
Fairlie Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 06 DT
PROCEEDINGS NO. 1971/L of 2022

14 AUG 2023

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

**SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF KOLKATA)**

-Vs-
Shri Sheru
Shri Gopal

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

FORM - "B"

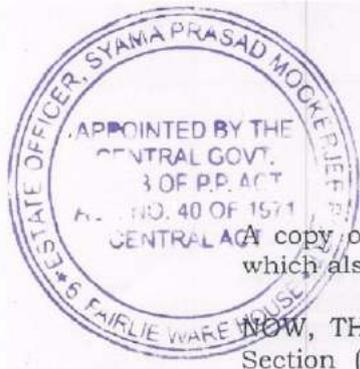
**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Shri Sheru, Shri Gopal, residing at Qrs. No.3, Block No.24, Hide Road, P.S.: S.P.P.S, Kolkata-700023** is in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

1. That no reply to the Show Cause Notice u/s 4 of the Act has been filed on behalf of O.P or any other occupant asserting any right over the Public Premises in question inspite of considerable period of time.
2. That nothing has been shown in support of your occupation into the Public Premises.
3. That no evidence has been laid in favour of O.P or other occupant of the quarter to support their possession as "authorized".
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, including person in occupation of the quarter have failed to adduce any evidence or bear any witness in support of their occupation into the Public Premises.

PLEASE SEE ON REVERSE



(2)

14 AUG 2023

A copy of the reasoned order No. 06 dated 14 AUG 2023 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 Sheru, Shri Gopal, residing at Qrs. No.3, Block No.24, Hide Road, P.S.: S.P.P.S, Kolkata-700023** 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 Sheru, Shri Gopal, residing at Qrs. No.3, Block No.24, Hide Road, P.S.: S.P.P.S, Kolkata-700023** 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.3, Block No.24 at Hide Road, P.S: South Port Police Station, Kolkata-700023 is butted and bounded in the manner as follows :

On the North by: Qrs. No. 24/10 Hide Road
On the South by: Qrs. No. 23/1 Hide Road
On the East by : Qrs. No. 24/4 Hide Road
On the West by : Qrs. No. 24/2 Hide Road

Date- 25 AUG 2023

Signature & Seal of the
Estate Officer.

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

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

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. 1971/L Of 2022 Order Sheet No. 05

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
SHRI SHERU & SHRI GOPAL

06
14 AUG 2023

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/KoPT], hereinafter referred to as SMPK, Applicant herein, that Quarter No.3, Block No.24 at Hide Road Mazdoor Line, P.S: S.P.P.S, Kolkata-700043 was under the lock and key of SMPK since 03.04.1995. However, one **Shri Sheru**(hereinafter referred to as **O.P.**), rank outsider forcibly occupied said Quarter by breaking open SMPK's padlock on or about 08.06.1997 and since then the 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 one **Shri Gopal**, who is also a rank outsider into the quarter/public premises in question. This Forum formed its opinion to proceed against both the O.P and other occupant by issuing the Show Cause Notice dated 24.01.2023 (vide Order no 03 dated 19.01.2023) 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. and the other occupant 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 of answering all material questions connected with the matter, along with the evidence which they 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 was returned undelivered by the Postal Department with a mark 'no such person in the address'. The 'Process Server' attached with this Forum has submitted his report dated

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
25/8/23
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. 1971/L Of 2022 Order Sheet No. 86

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SHRI SHERU & SHRI GOPAL

06
14 AUG 2023

30.01.2023 intimating that the service of the notice has not been effected due to closure of the door. However, such Notice was affixed on the property in question, as per the mandate of the Act, as it appears from the said report of Process Server dated 30.01.2023. In spite of such efforts made by the Forum, the appearance of O.P. 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 no.4 dated 02.02.2023 both by Speed Post/Hand delivery and the order sent through speed post again returned undelivered to the Forum with the same remark. The report of 'Process Server' dated 13.02.2023 depicts that such order was affixed on the quarter in question however, the effort again went unsuccessful and nobody appeared before me with any authority to stay into the quarters in question.

Considered the report of the Process Server dated 30.01.2023 and 13.02.2023 regarding affixation of Show Cause Notice u/s 4 of the Act on the quarter 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 24.01.2023 on behalf of either O.P. or other occupant of the quarter has been filed. As such, I have nothing to disbelieve the statements made against both the O.P and said occupant in question 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 no reply to the Show Cause Notice u/s 4 of the Act has been filed on behalf of O.P or any other occupant asserting any right over the Public Premises in question inspite of considerable period of time.
2. That nothing has been shown in support of your occupation into the Public Premises.

By Order of:

THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

Head Assistant

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. 1971/6 Of 2022 Order Sheet No. 07

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
SHRI SHERU & SHRI GOPAL

06
14 AUG 2023

3. That no evidence has been laid in favour of O.P or other occupant of the quarter to support their possession as "authorized".
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, including person in occupation of the quarter have failed to adduce any evidence or bear any witness in support of their occupation into the Public Premises.

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

(A.K Das)
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