



**Jammu and Kashmir State Information Commission**  
(Constituted under The Right to Information Act, 2009)  
**Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937**  
**Old Assembly Complex, Srinagar, 0194-2506660, 2506661**  
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File No. SIC/K/SA/74/2015  
Decision No. SIC/K/SA/74/2015/80

Appellant : Mr. Rajesh Kumar Oswal  
Respondent : Tehsildar Sonawari  
Date of last hearing : 08.09.2015  
Date of decision : 08.09.2015

Brief facts of the case are that the Commission received a Second Appeal on 24.07.2015 from Mr. Rajesh Kumar Oswal r/o Tawi Vihar, Sidhra, Jammu Tehsildar Sonawari stating that he filed an RTI application dated 29.12.2014 addressed to PIO O/o DC Bandipora, seeking information on six Points. This RTI application has been transferred by ADC Bandipora on 08.01.2015 to Tehsildar Sonawari with the request to provide requisite information to the applicant directly within the stipulated period but the information has not been provided by Tehsildar Sonawari till filing of Second Appeal. The appellant has prayed the Commission that his Second Appeal be allowed and FAA/PIO be directed to provide the information strictly sought in

the RTI application dated 29.12.2014 in the interest of justice holding officer responsible for dereliction in performance of official duty.

As per records, applicant has filed RTI application through Post on 29.12.2014 addressed to AC Revenue Bandipora seeking information on six Points relating to Resumption Form/application, mutations attested, rent received from Tillers, levy deposited by the Tillers, extract of Girdawari of Khariief and details of quantum of land retained by the Tehsildar Sonawari. This RTI application has been transferred by ADC Bandipora to Tehsildar Sonawari on 08.01.2015 with the request to provide requisite information to the applicant directly within the stipulated time under intimation to his office.

Thereafter, the appellant has filed First Appeal before FAA/Deputy Commissioner, Bandipora on 04.03.2015.

In response to Second Appeal, ADC Bandipora vide letter dated 14.08.2015 submitted that on receiving the First Appeal, PIO/Tehsildar Sonawari was put to notice and the appellant was accordingly informed vide office letter dated 12.03.2015. That PIO along with staff was present but the appellant was not present, however, matter was taken up in his absence. That PIO submitted that he and his staff remained busy with relief and rehabilitation work and delay in providing the information was not deliberate. He has further submitted that PIO was directed to provide the information to the information forthwith vide order dated 26.03.2015.

During proceedings on 18.08.2015, the Commission observed as under: -

*“Tehsildar Sonawari, who is the deemed PIO in this case by virtue of transfer of RTI application under Section 6(3) of the Act, is directed to file counter reply with regard to compliance of order passed by FAA on 26.03.2015, before next date of hearing with copy to the appellant”.*

In compliance to the directions of the Commission, PIO/Tehsildar Sonawari submitted para wise reply dated 03.09.2015 along with 27 leaves of information.

Mr. Mohammad Adnan Malik, Counsel for appellant was heard through telephone and reply submitted by PIO/Tehsildar was conveyed to him and he expressed his satisfaction on the response.

The Commission after having perused para wise reply of the PIO vis-à-vis queries of the RTI application is of the considered view that information as per records has been provided on all points, but for Point-2, wherein copies of attested mutation have been sought. In response to this Point, Tehsildar Sonawari has made a communication to Deputy Commission Bandipora with copy to the information seeker asking him to deposit an amount of Rs. 500/- as copying charges for the information.

For seeking copies of extracts of Jamabandi and other revenue document etc. there is a set procedure laid down under Section 34 of the Land Revenue Act and therefore such information is outside the purview of the RTI Act. This has also been upheld by Hon'ble High Court of Delhi in SP (C) 11271/2009 in the case titled Registrar of Companies & Ors. v/s Dharmendra Kumar Garg & Anr. that *information, in respect of which there is a statutory mechanism evolved, (independent of the RTI Act, which obliges the public authority to share the same with the citizenry by following the prescribed procedure, and upon fulfillment of the prescribed conditions. This is so, because in respect of such information, which the public authority is statutorily obliged to disseminate, it cannot be said that the public authority 'holds' or 'controls' the same.*

Accordingly, Tehsildar Sonawari is directed to send para-wise reply dated 03.09.2015 along with attested copies of enclosures to the appellant within one week and submit a compliance report to the Commission.

With regard to delay in disposal of RTI application, Mr. Zaffar Ahmad Lone, Tehsildar Sonwari submitted that he has joined on 18.08.2015 and immediately after joining, he furnished para-wise reply alongwith information. It is therefore evident that incumbent Tehsildar has acted reasonably. Therefore, in order to establish delay in disposal of the RTI application, Mr. Zaffar Ahmad Lone, incumbent Tehsildar Sonawari is directed to provide details of Tehsildar/s during whose tenure/s RTI application transferred by ADC Bandipora on 26.03.2015 remained pending. This information should be submitted to the Commission within one week from receipt of the order.

**Sd/-**  
**(Nazir Ahmed)**  
**State Information Commissioner**

Copy to the: -

1. Tehsildar Sonawari.
2. Mr. Rajesh Kumar Oswal s/o Late Paras Ram r/o Tawi Vihar, Sidhra, Jammu.

(G.Q. Bhat)  
Registrar,  
State Information Commission