



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937
www.jksic.nic.in

File No: SIC/J/A/25/2015
Decision SIC/J/A/25/2015/142

Ms. Preeti Payal	Appellant	Absent
Ms. Sania Khan Tehsildar Jammu South (Gadigarh)	Public Information Officer	Present

Jammu

01.08.2015

Briefly the facts in this appeal are that Ms. Preeti Payal, R/o. House No. 1483, Sector No. 13, Nanak Nagar, Jammu-180004 moved an application dated: 26.12.2014 before the PIO/APIO, Revenue Department, Office of Deputy Commissioner, Jammu under the Jammu & Kashmir Right to Information Act, 2009 whereunder she sought the following information:-

1. List of registered owner(s)(alongwith landholdings) and their address(s) having their plot(s) situated at Khasra No. 205 Min, Khata No. 385, Khewat No. 127, Village Gangyal, Tehsil and District Jammu.
2. Site map of the land (on plain paper) falling under Khasra No. 205 Min, Khata No. 385, Khewat No. 127, Village Gangyal, Tehsil and District Jammu with proper and actual dimensions displaying the actual land holding of each owner(s).
3. Name, office address and phone numbers of the officers responsible for revenue administration of this piece of land (Khasra No. 205 Min, Khata No. 385, Khewat No. 127, Village Gangyal, Tehsil and District Jammu) especially concerned Patwari, Girdwar, Naib Tehsildar and Tehsildar.
4. Details of connectivity of this piece of land (Khasra No. 205 Min, Khata No. 385, Khewat No. 127, Village Gangyal, Tehsil and District Jammu) with common facilities such as lanes, drains, electricity and water connection.
5. Details of demarcation of this piece of land (Khasra No. 205 Min, Khata No. 385, Khewat No. 127, Village Gangyal, Tehsil and District Jammu). This detail should include the name and address of owners of surrounding plots as well as any common/government assets such as Nullah/Parks/Overhead Tanks/Roads/Lanes etc.
6. Details of any illegal encroachment (if any) on this piece of land (Khasra No. 205 Min, Khata No. 385, Khewat No. 127, Village Gangyal, Tehsil and District Jammu)

7. Does this piece of land (Khasra No. 205 Min, Khata No. 385, Khewat No. 127, Village Gangyal, Tehsil and District Jammu) falls under the Jammu municipal limits.

Feeling aggrieved of inaction on the part of PIO, the applicant filed 1st appeal dated: 30.01.2015 before the First Appellate Authority/Office of Deputy Commissioner, Jammu. The perusal of the record shows that the 1st appeal of the appellant has not been adjudicated and disposed of by the First Appellate Authority. However, the application of the information seeker was transferred to Tehsildar, Jammu South (Gadigarh) vide office No. DCJ/PIO/RTI/2014-15/1166-67 dated; 28.12.2014 by the PIO/Assistant Commissioner (Revenue), Jammu with a direction to provide the reply to the applicant directly under the provisions of Jammu and Kashmir Right to Information Act, 2009. However, the appellant did not receive any response from Tehsildar, Jammu South (Gadigarh) as well as the First Appellate Authority and as such feeling aggrieved, filed 2nd appeal dated: 02.03.2015 before the Commission.

The Commission after receiving the 2nd appeal issued deficiency notice to the appellant vide Office No. SIC-J/D/293/2015/7608 dated: 12.03.2015 and in compliance to the aforesaid direction of the Commission, the appellant fulfilled the deficiency vide her letter dated: 18.03.2015 and subsequently through email dated: May 12, 2015. After that the Commission listed the matter for hearing on several dates and due to non-availability of the appellant as well as the PIO/ Tehsildar, Jammu South (Gadigarh) the matter was adjourned and finally the matter was listed for hearing on 01.08.2015. Ms. Sania Khan, PIO/Tehsildar, Jammu South (Gadigarh) was present in person and in her counterstatement dated: 01.08.2015 she submitted that she joined the office of Tehsildar, Jammu South (Gadigarh) on 01.06.2015 whereas, the RTI application was received during the tenure of her predecessor Sh. Jai Singh, presently posted as Tehsildar Chasana, Reasi who did not respond to the aforesaid RTI during his tenure and immediately after assuming the charge of the office, a letter bearing No. TJS/OQ/2015-16/169 dated: 15.06.2015 was issued to Naib Tehsildar, Digiana, Jammu who did not submit the reply within 30 days, and immediately after receiving the same from the field staff the reply was furnished to the appellant vide No. TJS/PIO/RTI/15-16/04 dated: 14.07.2015. On the last date of hearing i.e. 28.07.2015, Sh. Surinder Sharma, appeared on behalf of the appellant and he apprised the Commission that the information sought in the RTI application has been furnished by the PIO/Tehsildar, Jammu South (Gadigarh), however, it is incomplete, incorrect and not as per the RTI application.

During the course of proceedings held today i.e. 01.08.2015 the PIO/Tehsildar, Jammu South (Gadigarh) submitted that the information available in office record and as reported by the field staff stands already furnished to the information seeker and in case the appellant desires to inspect the office record, she is at liberty to do the same in her office at office hours on a working day.

In view of the aforesaid facts and observations, the PIO/Tehsildar, Jammu South (Gadigarh) is hereby directed to allow the appellant an opportunity to inspect the record in her office on a working day, during office hours and provide certified copies of the relevant documents, if any, sought by the information seeker on payment of requisite fee, as prescribed under revenue laws.

The perusal of the aforesaid facts show that there has been delay on the part of PIO/Tehsildar, Jammu South (Gadigarh) in furnishing the information to the information seeker. Infact as submitted by the present incumbent Ms. Sania Khan, Tehsildar, Jammu South (Gadigarh) that RTI application was not responded by her predecessor Sh. Jai Singh, the then Tehsildar, Jammu South (Gadigarh) and now posted as Tehsildar Chasana, Reasi within stipulated time, as prescribed under the Jammu & Kashmir Right to Information Act, 2009. In view of the statement made by Ms. Sania Khan, Tehsildar, Jammu South (Gadigarh), Sh. Jai Singh Tehsildar Chasana, Reasi is hereby directed to show cause why penalty under Section 17 of the Jammu and Kashmir Right to Information Act, 2009 may not be imposed upon him for causing delay in furnishing the information to the information seeker. His reply to the Commission must reach within two weeks from the date of receipt of this order failing which the matter will be disposed of under rules. Registry is directed to endorse a copy of this order to Sh. Jai Singh who is posted as Tehsildar Chasana, Reasi for compliance.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

Sd/-

Dr. S.K. Sharma

State Information Commissioner

Copy to the:

1. Public Information Officer/Ms. Sania Khan, Tehsildar, Jammu South (Gadigarh).
2. Appellant/Ms. Preeti Payal, R/o. House No. 1483, Sector No. 13, Nanak Nagar, Jammu-180004.
3. Sh. Jai Singh, Tehsildar, Chasana, Reasi for compliance.

(Khalid. A. Shah)

Dy. Registrar

State Information Commission