



**Jammu and Kashmir State Information Commission**  
(Constituted under Right to Information Act 2009)  
Old Assembly Complex, Srinagar, Fax No. 0194-2520937, 2484262  
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520927, 2520937  
www.jksic.nic.in  
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File No: SIC/J/A/271/2016  
Decision SIC/J/A/271/2016/300

**Sh. Daljit Singh**

**V/s**

**FAA/PIO, Deputy Commissioner Office, Jammu.**

**.... (Appellant)**

**.... (Respondents)**

Date of Institution : 10.03.2016  
Date of Decision : 27.04.2016  
Decision : Appeal disposed of.

1. Sh. Deep Raj, Assistant Commissioner, Nazool Jammu-cum-PIO, Sh. Khalid A. Shah, Public Law Officer (On behalf of PIO/ADDC, Jammu) and appellant attended the Commission.

2. Brief facts of the case are that appellant filed 2<sup>nd</sup> appeal in the Commission on 10.03.2016, against Assistant Commissioner Nazool, under section 9(2) of RTI Act, 2009 on the ground that inspite of directions of FAA, Assistant Commissioner Nazool has not given status report, measurement & Dasti Map of House No. 59 & 59-A at New Rehari, Jammu, which is constructed on the Nazool Land measuring 1 kanal, which is at the back side of House No. 125, at New Rehari, Jammu. That Tehsildar Nazool has neither issued status report of said house properly nor issued the measurement of the said house, as no court order debar from measurement of the said house.

3. In compliance to notice of the Commission, Mr. Simrandeep Singh, IAS, FAA/Deputy Commissioner, Jammu has filed counter statement/reply, interalia submitting that the 2<sup>nd</sup> appeal filed is not maintainable, as the information seeker/appellant is not aggrieved of the order dated: 11.12.2015, passed by the answering respondent. That a 2<sup>nd</sup> appeal is maintainable against the order passed under section 16(1) of J&K RTI Act, 2009, but in the present case, appellant is seeking implementation of order passed by the answering

respondent and he has no grievance with the order passed by answering respondent. In such an eventuality, appellant instead of filing 2<sup>nd</sup> appeal under section 16(4) of J&K RTI Act, 2009 should have filed complaint under section 15 of the Act. That appellant has filed instant appeal under section 9(2) of J&K RTI Act, 2009 whereas, there is no such section in J&K RTI Act, 2009. That First Appeal was filed before the answering respondent on 28.11.2015, and the same was disposed on 11.12.2015, well within ordinary statutory period of 30 days. That appellant in his memo of appeal has nowhere assailed the order passed by answering respondent nor has levelled any allegation against him. As such 2<sup>nd</sup> appeal filed by appellant deserves to be dismissed.

4. Upon perusal of the appeal, it is observed that appeal is not against the order of FAA, as is required under section 16 of the Act, but on the alleged non-compliance of the orders of FAA by PIO. Therefore, taking a lenient view of the issue, appeal filed before the Commission is treated as complaint under section 15 of the Act.

5. In response to notice of the Commission, Sh. Deep Raj, KAS, Assistant Commissioner, Nazool Jammu/PIO has filed reply dated: 20.04.2016, inter alia, submitting that information sought by applicant was to be created after spot visit by Tehsildar Nazool & Tehsildar Jammu & measure the land. He has referred to judgment in the case of CBSE & Anr. V/s Aditya Bandopadhyay & Ors. that only the information which is readily available is to be provided to appellant. Moreover, the information sought also fall under PSGA & applicant should have applied for demarcation under PSGA.

6. In the RTI application, appellant has sought status report, measurement & Dasti Map of House No. 59 and 59 A, at New Rehari, Jammu which is constructed on the Nazool Land, measuring 1 kanal, which is at the back side of House No. 125 at New Rehari, Jammu.

7. This RTI application has been responded to by Ms. Anuradha Gupta, KAS, Additional District Development Commissioner/PIO, Jammu vide letter dated: 05.11.2015, enclosing the information provided by Assistant Commissioner, Nazool. Perusal of the enclosures reveals that Patwari and Girdwar have filed status report pertaining to house numbers given in the RTI application. PIO has also enclosed documents earlier submitted by appellant before Tehsildar Nazool.

8. From the contents of information sought, it is apparent that appellant has sought status report, measurement and Dasti Map of houses as referred to in his RTI application. The status report in this regard has been provided by PIO as referred to hereinabove. However, taking measurement and preparing Dasti Map as sought by appellant is akin to creation of information and, therefore, it does not fall under the provisions of RTI Act. Therefore, the Commission advises appellant to approach appropriate revenue/other competent authorities with the information provided to him for redressal of his grievances.

9. The appeal/complaint filed before the Commission is accordingly disposed of.

Sd/-

**(Er. Nazir Ahmed)**

**State Information Commissioner**

Date: .04.2016

No: SIC/J/A/271/2016

Copy to:

1. FAA/Sh. Simrandeep Singh, IAS, Deputy Commissioner, Jammu.
2. PIO/Sh. Sh. Deep Raj, Assistant Commissioner, Nazool Jammu for compliance.
3. PIO/Ms. Anuradha Gupta, KAS, Additional District Development Commissioner, DC Office, Jammu.
4. Sh. Khalid A. Shah, Public Law Officer, DC Office, Jammu.
5. Appellant/Sh. Daljit Singh, S/o. Late S. Avtar Singh, R/o. 125, New Rehari, Behind Shakuntla Cinema, Jammu.

**(Renu Mahajan)**

Joint Registrar

J&K State Information Commission

(P.A. Ajay)