



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

File No: SIC/J/A/280/2016
Decision SIC/J/A/280/2016/301

Sh. Yash Paul Singh

.... (Appellant)

V/s

FAA/D.C. Kathua and PIO/SDM, Hiranagar

.... (Respondents)

Date of Institution : 18.03.2016
Date of Decision : 28.04.2016
Decision : Appeal disposed of.

Mr. Sohan Lal, SDM-cum-PIO, Hiranagar, Mr. Farooq Hussain, Tehsildar H.Q. on behalf of FAA/DC, Kathua and appellant: Sh. Yash Paul Singh attended the Commission.

Brief facts: Sh. Yash Paul Singh filed 2nd appeal under J&K RTI Act, 2009 against FAA/PIO, Revenue Department, Kathua on 18.03.2016 inter-alia submitting that he has filed an application, under RTI Act, before PIO (Addl. D.C., Kathua), seeking some information, which was sent through registered post bearing No. EE 885735568 IN dated: 13.10.2015 (photocopy enclosed). That PIO (SDM, Hiranagar) provided some information vide his office communication dated: 12.11.2015 but information was incomplete and not as per subject of RTI application. That aggrieved by the response of PIO, appellant preferred First Appeal before FAA (DC, Kathua) through registered post dated: 21.11.2015 (photocopy enclosed). That appellant attended hearing of the appeal by FAA on 16.12.2015. That after hearing of the appeal,

FAA made a decision by virtue of which, PIO/SDM, Hiranagar and APIO/Assistant Commissioner, Kathua were directed to provide the 1st part and 2nd part of the information within seven days. That after a lapse of more than two months none of the aforementioned officer has provided the requisite information.

In view of the aforementioned facts and circumstances, the appellant has prayed that the concerned PIO/APIO may kindly be directed to provide complete information, as sought in the RTI application. It is further prayed that defaulting officers may be dealt in accordance with J&K RTI Act.

Perusal of RTI application reveals that appellant has sought information on following points:

- (i) Copy of the allotment of State land measuring 26 Kanal 11 Marlas comprising Khasra No. 200, situated at Village: Kishanpur Kandi now Tehsil: Marheen in the name of Mst. Taro Devi, Wd/o. Khillo Ram, caste Brahmin, R/o. Tehsil: Akhnoor A/p. Chhan Datyal Tehsil: Hiranagar as DPSs of 1971.
- (ii) Copy of payment of cash, in lieu of deficiency of land to the aforementioned allottee.

On scrutiny of records it came to fore that PIO/SDM, Hiranagar has disposed of the RTI application of appellant vide letter dated: 12.11.2015, giving point wise reply as received from Tehsildar Marheen vide office letter dated; 12.11.2015.

The First Appeal was adjudicated by the FAA/Deputy Commissioner, Kathua vide order dated: 04.01.2016, directing PIO/SDM, Hiranagar to provide the 1st part of information and APIO/Assistant Commissioner (R) to provide 2nd part of the information to appellant within 07 days and appeal is disposed of accordingly.

Sh. Sohan Lal, PIO/SDM, Hiranagar has filed counter reply dated: 16.04.2016, with a separate copy to appellant inter-alia submitting that appellant has filed an application before the PIO/Additional Deputy Commissioner, Kathua received in his office on 19.10.2015, which was

transferred to answering respondent by APIO/Assistant Commissioner (R), Kathua under letter dated:20.10.2015,(received on 26.10.2015). That information received from Tehsildar, Marheen was provided to appellant under no. SDM/H/78-79 dated: 12.11.2015. That appellant filed First Appeal before FAA/Deputy Commissioner, Kathua on 26.11.2015. That FAA disposed of the appeal on 04.01.2016 with directions to answering respondent to provide first part of the information and respondent No. 2/Assistant Commissioner (R), Kathua to provide 2nd part of the information to appellant within 07 days. That after receipt of the orders of FAA/Deputy Commissioner, Kathua, the information was again provided to appellant by the answering respondent under letter dated: 11.01.2016. That appellant was again contacted and advised to collect the record/information from the office of answering respondent to avoid delay in providing the information. That appellant responded and attended the office of answering respondent but was reluctant in receiving the information. That appellant told that he has filed an appeal before the Hon'ble Commission at Jammu and will receive the information from the office of Hon'ble Commission. PIO/SDM, Hirangar concluded that answering responded being a PIO of his office is duly bound to provide the information to information seeker.

The case was heard through video conferencing at Srinagar Office on 18.04.2016 and it was observed that appellant had not specified in which respect information is incomplete and accordingly, he was asked to specify to PIO within one week with copy to the Commission. The appellant submitted during proceedings that copy of allotment of land as sought at Point-1 and payment made to the allottee at Point-2 has not been provided to him.

Mr. Farooq Hussain, Tehsildar H.Q., O/o DC, Kathua submitted that information in respect of payment of cash in lieu deficiency to the allottee has been sent to the appellant vide letter dated: 16.04.2016 through post

and as evidence thereof he produced copy of the said communication. Appellant submitted that he has not received it. Therefore, copy of this information be provided to the appellant. As regards to copy of allotment order as sought at Para-1, SDM Hiranagar produced copy of order dated: 10.12.2007, signed by Naib Tehsildar, Hiranagar. Therefore, SDM, Hiranagar is directed to provide original copy of order to appellant.

It is, therefore, evident that complete information has now been provided.

Regarding non-appearance before the Commission at Jammu office on 18.04.2016, SDM has explained that he was asked to be present in the O/o DC, Kathua for video conferencing, which office he attended on the prescribed date and time. However, video conferencing was not connected and he was asked to attend Commission on the next date of hearing. Therefore, due to communication gap, he could not attend the Commission office at Jammu. His explanation being reasonable and genuine is accepted.

Accordingly, the appeal is disposed of.

Sd/-
(Er. Nazir Ahmed)
State Information Commissioner

1. Copy to the :

1. D.C.cum-FAA, Kathua.
2. Mr. Sohan La, SDM-cum-PIO, Hiranagar.
3. Mr. Farooq Hussain, Tehsildar, HQ, O/o D.C., Kathua.
4. Appellant: Sh. Yash Paul Singh, R/O Ward No.10, Hiranagar.
- 5.

(Renu Mahajan)
Joint Registrar,
J&K State Information Commission