



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیری اسٹینڈ کشمیر جموں ا

(Constituted under The Right to Information Act, 2009)

Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937

Old Assembly Complex, Srinagar, 0194-2506660, 2506661

www.jksic.nic.in

File No. SIC/K/SA/39/2016

Decision No. SIC/K/SA/39/2016/15

Appellants : Sh. Raghunath and others
Respondent : Tehsildar Zainapora
Date of Registration : 24 .03.2016
Date of Decision : 03.05.2016

Brief facts of this case are that appellants have sought information under RTI Act 2009 from PIO/ADC Shopian on 01.10.2015 seeking information on five points regarding:

- a) Copy of Government notification related to amendment in Section 4 & 8 of Agrarian Reforms Act
- b) Particulars of Revenue officers who attested mutation No's 846 under Section 4 and 854 under Section 8
- c) Copies of summons issued to co-shares attending mutation proceedings at particular place and date.

- d) Copy of notification issued by Revenue Officer for wide publicity in newspapers for inviting objections to mutation attestation of migrant immovable property under law.
- e) Particulars of the persons who attended the attestation mutation proceedings and on spot witnesses.

This RTI application has been responded to by PIO/ADC Shopian vide letter dated 18.11.2015 enclosing three leaves of information received from Tehsildar Zainapora. Aggrieved by the information given by the PIO appellant have filed First Appeal before Deputy Commissioner Shopian vide application dated 27.11.2015. Thereafter, the appellants have filed Second appeal in the Commission on 24.03.2016 stating that PIO/ADC Shopian provided information vide letter dated 01.02.2016 without any information in respect of points a, b, c, d & e and also did not provide any photocopy of official record, except that revenue record has been provided to Tehsildar Zainapora on 10.11.2014 pertaining to mutation No's 846 and 854. That Tehsildar Zainapora has denied revenue record of mutation no's 846 and 854 in his office vide his letter dated 09.12.2015.

In view of the above, appellant has prayed that necessary direction be passed to the concerned authorities to provide requisite information in respect of points a, b, c, d & e as per application dated 01.10.2015 along with supporting documents.

In response to the notice of the Commission, PIO/ADC Shopian has filed reply dated 28.04.2016 interalia submitting that the application received by his office on 07.10.2015 was transferred to Tehsildar Zainapora vide letter dated 20.10.2015. That the information received from Tehsildar Zainapora was sent to the information seeker under letter 18.11.2015. In the meanwhile,

the appellant preferred First Appeal who which was received on 02.12.2015. In the backdrop of this appeal, the application was transferred to Tehsildar Shopian under Section 6(3) (B) for providing information directly to the information seeker and clarification was sought from Tehsildar Zainapora in respect of deficient information as pointed out by the appellants. That Tehsildar Zainapora furnished clarification vide letter dated 16.12.2015, where under in addition to reply to points A, B, C, D and E, he categorically denied the availability of Parti Sarkar of mutation No's 846 & 854. Accordingly, latest information submitted by Tehsildar Zainapora was directly handed over to the information seeker on 01.02.2015. PIO O/o Deputy Commissioner Shopian has further submitted Tehsildar Zainapora has now provided copy of Parti Sarkar in respect of mutations, which was the cause of confusion before the appellants. Tehsildar Zainapora has filed reply vide letter dated 30.04.2016 interalia submitting that Parti Sarkar of mutation, numbers of village Zainapora were not found in the bag of mutation Parti Sarkar's of Village Zainapora. On checking the mutation bags of other villages, the said mutations no's are found in the bag of village Rakh-Zainapora and accordingly, true copies of these mutations are enclosed.

Tehsildar Zainapora has also given reply to point (e) of the RTI application giving particulars of persons who attended the attestation.

This information has been sent by the Tehsildar to respondents through registered post on 12.05.2016 at their Jammu address. Therefore, copy of this information was given to appellants.

Upon perusal of the information sought and information provided vide references given here in above, it is evident that only information in respect of Point (C) and (d) have not been given by the PIO stating "**Not available**".

In this connection, Tehsildar Zainapora has stated that Tehsil Zainapora has been newly created out of erstwhile Shopian Tehsil. It is therefore possible that information in respect of Point (c) and (d), which was earlier under control of Tehsildar Shopian, have not been transferred to Tehsildar Zainapora. Therefore, Tehsildar's Shopian and Zainapora are directed to make further efforts to trace records pertaining to Point (c) and (d) of the RTI application and give response to the appellants within two weeks. In case the information sought is not available despite best efforts, both Tehsildar Shopian and Tehsildar Zainapora are directed to file an affidavit to the Commission with copy to appellant No. 1. These directions be complied within two weeks.

With above directions, the appeal filed before the Commission is disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Additional Deputy Commissioner, Shopian.
2. Tehsildar Shopian.
3. Tehsildar Zainapora.
4. Pvt. Secretary to Hon'ble State Information Commissioner (Kashmir).
5. Mr. Rughnath s/o Late Krishen Dass r/o Ashok Nagar, Canal Road, Jammu.

(M.S. Bhat),
Deputy Registrar,
State Information Commission