



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیری اسٹیٹسٹونڈ 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/25/2016

Decision No. SIC/K/SA/25/2016/17

Appellants : Sh. Nazir Ahmad Najar S/o Gh. Mohammad Najar
R/o Mnazgam , Brein, Srinagar

Respondent : FAA/PIO—LAWWDA- Srinagar

Date of Registration : 26 .02.2016

Date of Decision : 04.05.2016

Brief facts of this case are that appellant filed Second Appeal on 26.02.2016 stating that he approached PIO Office of LAWWDA vide letter dated 30.11.2015, seeking information but no information has been provided to him within specific time period. That he filed First Appeal on 11.01.2016 for the same information but again no information, has been provided to him till date. The appellant has accordingly requested the Commission to direct the PIO to provide information sought by him.

In response to the notice of the Commission, Mr. Nisar Ahmad Malik, Secretary LAWWDA/PIO filed his statement of facts dated 21.04.2016 inter alia submitting that the application for information vide RTI application dated

30.11.2015 is similar in nature to the application dated 01.09.2015, which was also processed by him in the capacity as PIO. That fresh report was obtained from Enforcement Officer, LDA and the said report was provided to the applicant vide letter dated 25.03.2016 (copy enclosed). That the information seeker preferred to file an appeal before FAA, pursuant to which the applicant was called on 04.02.2016 for clarification on the report provided to him vide letter 14.11.2015. That the issue was deliberated with the applicant and tried to convince him that since information sought by applicant by virtue of his application dated 01.09.2015 was similar to that of his new application dated 30.11.2015, there was no need to go for an appeal before FAA. That the matter has already been taken up with Tehsildar Khanyar vide letter dated 13.01.2015 for restoration of irrigation khul and path leading to the agricultural land.

The appellant filed rejoinder to the reply/statement of facts of PIO, interalia stating that he filed 3 RTI application dated 01.09.2015, 23.09.2015 and 30.11.2015 and in response to application dated 01.09.2015 information was not provided in time. That he has submitted copies of RTI applications dated 01.09.2015 and 30.11.2015 for perusal of the Commission to decide whether the applications in question are similar in nature as has been mentioned by the PIO in letter dated 21.04.2016. The appellant has admitted that Point NO. 03 was repeated as the same was not provided. In response to the First Appeal, he was called on 04.02.2016 at LAWDA (HQ) where the contents of all the 3 RTI applications were discussed and it was assured that Point-3 of 1st RTI application dated 01.09.2015, Point-2 of 2nd RTI application dated 23.09.2015 will be replied shortly along with the reply to the RTI application dated 30.11.2015. That 3rd application (dated 30.11.2015) was replied on 25.03.2016 after the case was listed in the Commission and applicant is not satisfied with the reply. That replies were not delivered in due

course of time, which compelled the applicant to approach the higher authorities so that comprehensive reply is sought under the law.

The Commission has perused RTI applications dated 01.09.2015 and 30.11.2015 and it is observed that information sought is almost similar. In response to Point-2 of RTI application dated 01.09.2015, PIO vide letter 14.11.2015 has enclosed a list of building cases of Brein Nishat. This information has been enclosed with Second Appeal by the appellant, thereby confirming that he is in receipt of the information. During proceedings, PIO clarified it is implied that buildings not included in this list are without permission.

Perusal of the communication dated 24.03.2016 enclosed with the letter of PIO dated 25.03.2016 reveal that all the 4 points of the RTI application have been responded by EO interalia stating with regard to Point-1 *“as per the report of concerned field staff no illegal construction has been done in the said patch of land of Renander Pati Manzgam Brein in the recent past nor any sort of construction is going on”*. It is therefore evident that information at Point-2 of application dated 01.05.2015 and Point-1 of application and point-4 are same, except that information sought has been rephrased.

In view of above, the appeal filed before the Commission is disposed of with the directions to the PIO to refer Points 2-3 to the concerned revenue authorities under the provisions of the Act.

Since RTI application dated 30.11.2015 has not been responded to within the time limit prescribed under the Act, PIO is directed to explain the causes of delay within two weeks from receipt of this order.

Appeal disposed of with above directions.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Vice Chairman/FAA LAWWDA-Srinagar
2. PIO/Secretary LAWWDA Srinagar
3. Enforcement Officer, LDA Srinagar
4. Pvt. Secretary to Hon'ble State Information Commissioner (Kashmir).
5. Sh. Nazir Ahmad Najar S/o Gh. Mohammad R/o Mnazgam , Brein, Srinagar

**(M.S. Bhat),
Deputy Registrar,
State Information Commission
J&K Srinagar**