



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیشن 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/40/2016

Decision No. SIC/K/SA/40/2016/22

Appellant : Mr. Gh. Nabi Mir,
Respondent : ADC Kupwara
Date of Registration : 24 .03.2016
Date of Decision : 10.05.2016

Brief facts of the case are that Second Appeal has been filed before the Commission on 08.03.2016 stating that he requested PIO Revenue Department Kupwara on 09.12.2015 for providing information pertaining to land under Survey No. 880 situated at Gund Zonaresh Kralpora presently under occupation of Army but PIO failed to provide information. That he preferred First Appeal before First Appellate Authority/Deputy Commissioner Kupwara on 11.01.2016, which was disposed of whereunder wrong information was submitted to FAA by Tehsildar Kralpora, as information sought by him vide letter dated 18.01.2015 addressed to DC Kupwara with copy to Addl. Deputy Commissioner Kupwara. Appellant has

submitted that Tehsildar Kralpora has provided report which is inadequate as the said officer has hidden truth and given a false report

The appellant has requested the Commission the necessary directions may be issued to Tehsildar Kralpora to justify his position for providing wrong information.

As per records, the appellant has sought filed RTI application addressed to PIO Revenue Department/Tehsildar Kupwara on 09.12.2015 seeking following information: -

1. *“Providing of brief list of High Court J&K Srinagar order No. 1854 dated 22.12.2014 whereunder mutation on 10.03.2015 of Survey No. 880 Gund Zonareshi under occupation of Army has been done.*
2. *Whether implantation of Court order is genuine or otherwise as order passed during Lok-Adalat Kupwara No. 62 dated 26.07.2007 has stayed and case is sub-judice before Hon’ble Sub-Judge Kup.*
3. *Whether Hon’ble High Court Order No. 1854 dated 22.12.2014 has directed to impellent order passed during Lok-Adalat order No. 62 dated 26.07.07”.*

This RTI application has been responded to by Tehsildar Kralpora vide letter dated 18.01.2016 interalia stating as under: -

1. *“That the petitioner Ab. Ahad Mir s/o Gh. Mohi-din Mir filed a civil revision petition in J&K High Court Srinagar against the order or Principal District & Session Judge Kupwara dated 13.05.2014 whereby the limitation petition has been dismissed and the Hon’ble High Court in its order passed on 19.12.2014 dismissed the civil revision petition.*

2. *That in view of the court decision and outcome of the Civil Revision petition in the Hon'ble High Court of J&K Srinagar, the Naib Tehsildar concerned being himself an attesting authority found it genuine to attested the said mutation.*
3. *Although the Hon'ble High Court of J&K Srinagar in its order passed on 19.12.2014 did not direct for the implementation of the court decree passed earlier by the sub-Judge Kupwara, however, the court dismissed the civil revision petition filed against the order of Principal District Session Judge Kupwara."*

During proceeding, PIO/ADC submitted that copy of order of the Hon'ble High Court dated 22.12.2014 is already available with the applicant and the appellant through medium of RTI application wants to know gist of the order. Therefore, Tehsildar has not authority to give gist etc. of the order of any Court, which is akin to give interpretation of court order. Since copy of order is available with appellant, it is evident that information is no more held by Public Authority under RTI Act.

Further information sought at Points 2-3 are questions related to same court order which again is akin to seeking opinion and therefore fall outside the purview of the J&K RTI Act, 2009.

It is therefore held that there is no merit in this appeal.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Additional Deputy Commissioner Kupwara.
2. Tehsildar Kralpora.
3. Private Secretary to Hon'ble State Information Commission, Srinagar.
4. Mr. Ghulam Nabi Mir s/o Lt. Gh. Mohi-u-din Mir r/o Tumina Kupwara.

(G.Q. Bhat)
Registrar,
State Information Commission