



J&K State Information Commission
Wazarat Road, Near D.C. Office, Jammu /
Old Assembly Complex, Srinagar.

File No. SIC/J/A/275/2016
Decision No. SIC/J/A/275/2016/316

Appellant : Ms. Sroman
Respondent: FAA/ADC, Kathua & SDM/PIO, Hiranagar.
Date of Institution: 16-03-2016
Date of Decision: 19-05-2016/
State Information Commissioner: Er. Nazir Ahmad
Decision: Appeal disposed of.

1. Brief facts of the case are that appellant filed 2nd appeal before the Commission on 16-03-2016, against the orders passed by SDM, Hiranagar/PIO and FAA, O/o Deputy Commissioner, Doda on her RTI application dated: 01-10-2015 and first appeal dated: 11-11-2015 respectively. In the grounds of appeal, appellant has submitted that incomplete and incorrect information has been provided by PIO and has made a prayer before the Commission that correct and complete information be provided to her.
2. Mr. Sohan Lal, SDM, Hiranagar /PIO and Ms. Sroman, appellant heard via video conferencing from NIC, Kathua.
3. During proceedings in the Commission on 28-04-2016, Commission passed following directions;
 - a) *In reply filed by PIO, it is submitted that in compliance to directions of FAA/DC, Kathua, Tehsildar collected information from Record Room, Jammu and also from Executive Engineer, RTIC, Lower Division, Hiranagar in respect*

of information which was not in his office and provided this information to the appellant under Letter dated: 11-03-2016. This information has been received by appellant, as is evident from her letter dated: 29-03-2016, wherein, appellant has requested the Commission to keep the compliant/appeal pending till decision of DC, Kathua. However, this request of the appellant cannot be conceded, as the appeals filed before the Commission have to be decided within period prescribed under Section 16 of the Act.

b) The Commission has observed that appellant has filed appeal on the ground "incorrect / incomplete information has been provided". However, she has not substantiated alleged incorrect/incompletion. Since, appellant did not appear before the Commission, nor has filed objections to the reply of the PIO dated: 09-04-2016, the Commission provides an opportunity to the appellant to substantiate alleged incompleteness in information and file objection with copy to the PIO within 10 days.

4. In compliance to the above referred directions of the Commission, appellant has filed reply/objections dated: 16-05-2016 and submitted that contents in para 1,2 & 3 of the reply/counter statement to the appeal filed by respondents FAA/PIO dated: 09-04-2016 are correct and agreed. However, she has submitted that statement made under para 4 by the respondents that "information sought by the appellant has been provided by Tehsildar Hiranagar" is not correct. At point 1 of RTI application, Appellant has sought information regarding new khasra nos of old khasra no. 390, measuring **1 kanal and 19 marlas** of Village Gura Mundian, Tehsildar Hiranagar, after bandobast and issue Girdawari nakal of this khasra no for kharif 2015. In reply to this, PIO vide his letter dated: 03-11-2015 has intimated that old khasra no. 390 was measured in three khasra nos as 747=7 marlas, 748=8 marlas and 749=8 marlas, total **1 kanal 3 marlas**. That appellant contested about remaining 16 marlas of land under old khasra no. 390. PIO vide letter dated: 03-11-2016 has provided information / report and nakal khasra girdawari submitted by Tehsildar, Hiranagar of the new khasra no. of old khasra no. 390. Therefore, PIO has provided information as available on records. In so far as discrepancy in measurements, as pointed out by the appellant, SDM, Hiranagar is directed to enquire the variations in measurements as pointed out by the appellant in time bound manner and inform the

appellant about outcome of enquiry and a compliance report be submitted to the Commission.

5. Regarding, point 3 of RTI application, wherein, name of the Patwari has been sought during whose period buildings were raised in spite of restrain order, PIO has communicated letter of Tehsildar, Hiranagar dated: 31-10-2015, wherein, among other things, name of the said Patwari has been communicated to the appellant.

6. With regard to point 4 of RTI application, PIO has informed that no such information is available in his office. As per definition of information under J&K RTI Act, 2009, public authorities are required to provide information which is held by them. Since, Tehsildar, Hiranagar has intimated in writing that no such information is available in his office, therefore, no further action is warranted against him on this point of information.

7. Appellant has also contested information given at point 8 of her RTI application, wherein, present nature and user of land as per actual ground position and as per record has been sought. In reply to this, Tehsildar, Hiranagar has furnished present nature and user of land as follows;

- a) Khasra No. 747-measuring 7 marlas under residential building of Saran Dass S/o Prem Nath Cosharer.**
- b) Khasra No. 748 & 749 under the cattle shed of Ram Krishan, Krishan Dev, Ram Dhan Ss/o Mani Ram all in equal share.**

Appellant, however has contested that as per girdawari nakal provided by APIO, the present nature and user of said land is under;

- a) Khasra No. 747-measuring 7 marlas Warhal Awal cultivated.**
- b) Khasra No. 748-measuring warhalawal Maize + fallow.**
- c) Khasra No. 748-measuring warhalawal Maize + fallow.**

Appellant has not substantiated the above referred discrepancy and contradiction in the statements provided by PIO and APIO. However, in the interest of natural justice, Commission directs SDM, Hiranagar /PIO to enquire into the matter and provide factual report to the appellant within one weeks' time.

5. In view of the above, appeal filed before the Commission is disposed of.

Sd/-
(Er. Nazir Ahmad)
State Information Commission

No. SIC/J/A/275/2016

Dated: -05-2016

Copy to the:-

1. First Appellate Authority, O/o Deputy Commissioner, Kathua.
2. SDM, Hiranagar, Kathua (PIO).
3. Pvt. Secretary to HSIC.
4. Ms. Sroman D/o Dhri Gurdheyman W/o Shri Hem Raj R/o VPO, Kharote, Tehsil & District Kathua (Appellant).
5. Guard file.

(G.Q.Bhat)
Registrar,
J&K, State Information Commission