



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

File No. SIC/J/A/33/2016
Decision No. SIC/J/A/33/2016/339

Appellant : Madan Lal
Respondent: DC, Kathua (FAA) / Tehsildar, Basholi (PIO)
Date of Institution: 16-05-2016
Date of Decision: 10-06-2016/
Decision: Appeal disposed of.

1. Brief facts of this case are that appellant filed 2nd appeal before the Commission on 16-05-2016, against non receipt of reply by FAA/Deputy Commissioner, Kathua and neither Deputy Commissioner nor PIO, ACR/Tehsildar, Basholi furnished correct / complete information which was the subject matter of RTI application dated: 04-02-2016. That aggrieved by the reply of Tehsildar, Basholi dated: 28-12-2015, appellant filed first appeal before Deputy Commissioner, Kathua/FAA on 11-03-2016. The matter was discussed in the office of Deputy Commissioner on 30-03-2016, wherein Tehsildar, Basholi was directed to provide correct information, but till date no information has been received even after expiry of stipulated period. Appellant has prayed that complete and correct information be provided to him and penalty be initiated against PIO for malafidely and knowingly giving incorrect information.

2. Mr. Hemraj, Tehsildar, Basholi / PIO and appellant Madan Lal attended hearing through video conferencing from Jammu office of the Commission.

3. In the reply/counter statement filed by Deputy Commissioner, Kathua / FAA 09-06-2016, it is stated that Tehsildar, Basholi has provided information vide letter dated: 14-03-2016 (copy enclosed). That in response to first appeal, both appellant and respondent, PIO were summoned and appeal was heard on 30-03-2016. It was found that information as sought by the appellant was not provided to him. Accordingly, FAA passed an order on 30-03-2016 with direction to Tehsildar, Basholi/PIO to provide copy of the order dated: 25-04-2013 passed by the Hon'ble High Court in PIL NO. 19/2011, CMA No. 276/2012, 551/2013 & 597/2013, C/W

OWP NO. 352/2013 CMA No. 465/2013 to the appellant within weeks' time, if available in records. Accordingly, Tehsildar, Basholi vide letter dated: 24-05-2016 has provided copy of the aforementioned order to the information seeker. Appellant admitted receipt of the letter of Tehsildar, Basholi dated: 24-05-2016 along with copy of court order. However, appellant submitted that the order of the Hon'ble High Court referred to above does not pertain to the land as referred to by Tehsildar, Basholi in his letter dated: 28-12-2015.

4. In reply to para 1 of the RTI application, Tehsildar, Basholi has informed the appellant vide letter dated: 14-03-2016 that information regarding title and number of writ petition, along with its date of institution can be obtained from Hon'ble High Court, as precise information is not available in his office. As the appellant was not satisfied with this reply, FAA directed Tehsildar, Basholi to provide copies of orders of the Hon'ble High Court related to the case. Therefore, whatever information is available in the public authority has been provided to the appellant. On the other hand, there is some merit in the pleading of the appellant that Tehsildar, Basholi has informed vide letter dated: 28-12-2015 that Roshani Act has been challenged in the Hon'ble High Court.

5. In view of the reply furnished by the Tehsildar, Basholi dated: 28-12-2015 and assertions made by the appellant that copy of orders provided to him as referred to herein above does not pertain to his case, Commission directs Deputy Commissioner/FAA to hold an enquiry into the matter and take appropriate action under rules under an intimation to the Commission and the appellant within one month.

**Sd/-
(Er. Nazir Ahmad)**

State Information Commissioner

Dated: -06-2016

No. SIC/J/A/33/2016

Copy to the:-

1. First Appellate Authority, O/o Deputy Commissioner, Kathua.
2. Tehsildar, Basholi /PIO.
3. Pvt. Secretary to HSIC.
4. Shri Madan Lal S/o Late Durga Chand R/o Basholi C/o H.No. 51/3, Nanak Nagar, Jammu. (Appellant).
5. Guard file.

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

