



**Jammu and Kashmir State Information Commission**  
(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](http://www.jksic.nic.in)

\*\*\*\*\*

File No. SIC/K/SA/64/2016  
Decision No. SIC/K/SA/64/2016/43

Appellant : Sh. Gh. Muhammad Lone  
Respondent : PIO/Tehsildar Gurez  
Date of Registration : 01.06.2016  
Date of Decision : 23.06.2016

1. Brief facts of this case are that appellant filed Second Appeal on 01.06.2016 under RTI Act 2009 stating that he submitted an application before Tehsildar Gurez on 15.01.2016 seeking information/record of land under Khasra No.91 situated in Haqlqa Badwan Wanpora Gurez and details of compensation of land acquired by NHPC for Kishan Ganga Power project. As no information was furnished, he preferred First Appeal before Dy. Commissioner, Bandipora on 17.03.2016. That DC Bandipora only addressed the letter in the name of PIO/Tehsildar Gurez on 07.04.2016 and neither the First Appeal of the appellants was considered nor the outcome of First Appeal filed before DC Bandipora was communicated to him. The appellant has alleged that the land under Khasra No.91 is submerged under Kishan Ganga River since 1959, but now it is shown in possession of respondents and is shown growing Maiz. He

has accordingly requested that appellant be provided relevant records and action under RTI Act be taken against the officer who have failed to act as per provisions of the Act.

2. Mr. Tariq Ahmad Sheikh, Tehsildar Gurez and appellant Shri Gh. Muhammad Lone appeared before the Commission. The FAA/DC Bandipora has sought exemption for appearance stating his preoccupation with the visit of Parliamentary Standing Committee on Home Affairs on 23<sup>rd</sup> June, 2016 and has enclosed the meeting schedule issued by Home Department in this regard.

3. The FAA has filed reply/Counter statement interalia submitting that appeal presented by the appellant was disposed of within stipulated time whereby an order was passed directing PIO for delivery of information forthwith, without further delay and explanation was called for non delivery of information. Other parts of the appeal have been denied by the FAA/DC Bandipora, copy of this is marked to the appellant.

The FAA has decided the appeal on 07.04.2016 by passing an order wherein directions have been given to PIO/Tehsildar Gurez to provide the information to the appellant directly under the relevant provisions of the Act, forthwith, without further delay and also explain as to why he may not be penalized for non-delivery of information as per provisions of the Act.

It is, therefore, evident that FAA has passed an order within the prescribed period and in accordance with the Act.

4. PIO/Tehsildar Gurez filed reply/counter statement dated 08.06.2016 interalia submitting that records pertaining to Survey No.91 of estate Badwan Wanpora has been dispatched to the applicant vide letter dated 10.04.2016.

Tehsildar Gurez vide letter dated 10.04.2016 has enclosed information relating to extracts of record of rights 1959-60, Jamabandi extract 1971,

Girdawari extract 1972, Girdawari extract of the year 2012 and copy of Khasrah paymaish prepared during the acquisition process involved under Kishan Ganga Hydro Electric Project. With regard to information regarding release of compensation for Survey No. 91, Tehsildar has advised appellant to approach Collector Land Acquisition/ SDM Gurez.

The Tehsildar has informed the appellant that his office has not received any kind of application, so question of non response does not arise. The appellant submitted that he filed application before ACR Bandipora. It is therefore evident that he has not made an application to Tehsildar.

5. As per provisions of Section 6(3) of the Act, if the information is held by any other public authority, the PIO of the public authority is required to transfer such limb of information to the other public authority, who is holding this information. Therefore, the Commission directs Tehsildar Gurez to transfer the compensation component of the application regarding survey No.91 to Collector Land Acquisition/SDM Gurez under Section 6(3) of the Act. SDM Gurez is directed to give response to appellant/information seeker as per provisions of Section 7(1) of the Act.

6. As regards allegation of compensation for land submerged under water, the appellant is advised to approach the concerned authorities with the information for appropriate action.

Accordingly, appeal is disposed of with above directions.

**Sd/-**  
**(Nazir Ahmed)**  
**State Information Commissioner**

**Copy to the:-**

1. Deputy Commissioner, Bandipora
2. SDM Gurez
3. PIO/Tehsildar Gurez

4. Pvt. Secy to HSIC (K)
5. Sh. Ghulam Muhammad Lone S/o Gh. Rasool R/o Khandyal Gurez  
A/P Naz Colony Section-A Bandipora.

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