



Jammu and Kashmir State Information Commission

شہن ى كم شہن ى انفارم ٹى اسٹ رى كشم نڈى ا جموں

(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/65/2016

Decision No. SIC/K/SA/65/2016/**49**

Appellant : Mr. Mohammad Kazim
Respondents : Tehsildar Kargil
Date of Registration : 03.06.2016
Date of Decision : 02.08.2016

Brief facts of this case are that Mr. Mohammad Kazim filed an application under J&K RTI Act, 2009 addressed to Tehsildar Kargil (PIO) dated 04.03.2016 seeking information on 7 points regarding allotment of land at Khurbathang plateau in favour of villagers Cheskore. As Tehsildar Kargil (PIO) did not furnish any information, the appellant filed First Appeal before FAA/Deputy Commissioner Kargil dated 04.04.2016. The Deputy Commissioner/FAA vide letter dated 29.04.2016 informed the appellant that it is not possible to issue copies of record from S. No. 1 to 6, as the record has been completed after spot verification in presence of each individual allottees. However, in case the villagers as a whole or any individual has any doubt, same can be demarcated.

The appellant has filed Second Appeal before the Commission on 26.05.2016 on the ground that Tehsildar Kargil has not been provided the information and FAA has refused to provide information. It is alleged that the refusal to provide information support doubt that there is some

large scale scam at Khurbathang. So the appellant has requested the Commission to provide information.

In response to the notice of the Commission, Deputy Commissioner Kargil/FAA has filed counter statement dated 20.06.2016 interalia submitting that formal allotment in favour of the allottees were not issue for the last 28 years. The measurement of the land through ETS was started in the year 2013 and was completed in the year 2015. The land of village Choskore i.e. appellant was also measured. The spot measurement and completion of "Khasra Paymaish" and other details were completed in presence of each individual allottees, Lambardars of the village, prominent members of the village and accordingly the land was allotted in favour of the people of 8 villages and the allotment case of 3 villages is under process. That appellant requested for issue of copy of all records and his office vide letter dated 29.04.2016 informed the appellant that in case they have any doubt, complaint etc. that can be removed by demarcating the land on spot in presence of each individual.

Mr. Ghulam Hassan Khan, Deputy Commissioner Kargil/FAA, Mr. Mohammad Saleem Tehsildar Kargil/PIO and Mr. Mohammad Kazim (appellant) attended hearing at Circuit House Kargil on 25.07.2016.

Heard parties and perused records. Deputy Commissioner Kargil/FAA submitted that list of proposed allottees in command area of Khurbathang for allotment to Cheskore village has been prepared. Deputy Commissioner clarified that proposed land has now been allotted to village Cheskore in the command area of Khurbathang and list of allottee is available in the said documents produced before the Commission. The Commission is of the opinion that information sought by the appellant is with regard to allotment of Govt. land in command area of Khurbathang. Therefore, the information seeker has right to access such information as per RTI Act. The documents also include the

details of Govt. land which information has been sought by the appellant at para-5 of the RTI application. Therefore, this document provides information in respect of S. No. 2 and 5.

In respect of S. No. 3, PIO submitted that the computerized copy of plots cannot be provided due to limitation of copying facility, as the map is of very large size. However, Tehsildar Kargil agreed to show the map to the appellant in his office. Accordingly, appellant may inspect the map/Latha of plot allotted to village Cheskore on any working in the office of Tehsildar within 2 weeks of receipt of this order.

With regard to information sought at Point NO. 4, Tehsildar submitted that this information has already been provided to appellant.

Regarding information at Point-7, Tehsildar Kargil submitted that this information is on computer, which can be opened only with "Hesab Key" available with Revenue Department. Tehsildar Kargil however, submitted that the appellant can inspect this document in his office on any working day.

The appellant submitted that as per list of allottees 1200 kanals of land have been allotted to village Cheskore, while as earlier it was given to understand that land @ 6 ½ kanals per house-hold for 303 house-holds/families shall be provided, which works out to around 2100 kanals of land. However, appellant could not substantiate this argument with any documentary evidence. On this issue, Commission is of the view that as per provisions of the RTI Act, the appellant can access information which is not exempted under the Act. Deputy Commissioner Kargil/Tehsildar Kargil has been directed to provide information regarding list of allottees as referred to above. As regards commitment made by the Govt. for allotment of land in excess of what is shown in the allotment order, the same is outside the purview of the RTI Act and appellant is advised to approach appropriate authorities for redressal of

The appeal filed before the Commission is disposed of with directions to Tehsildar Kargil to provide attested copies of list of allottees of village Cheskore and intimate date of inspection of the records in respect of information sought at Points 3 & 7 within 2 weeks of receipt of this order.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Deputy Commissioner Kargil.
2. Tehsildar Kargil.
3. Pvt. Secretary to Hon'ble State Information Commissioner.
4. Mr. Mohammad Kazim (Ex. Councilor Choskore) s/o Ghulam Mehdi r/o Stargea Choskore Kargil.

(A.K. Kotwal)KAS
Joint Registrar,
State Information Commission