



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

File No. SIC/J/A/39/2016  
Decision No. SIC/J/A/39/2016/350

Appellant : Col. Vijay Singh  
Respondent: FAA/PIO, Jammu Municipal Corporation.  
Date of Institution: 25-05-2016  
Date of Decision: 27-06-2016  
Decision: Appeal disposed of.

1. Brief facts of the case are that appellant filed 2<sup>nd</sup> appeal under Section 16 of the J&K RTI Act, 2009 before the Commission on 17-05-2016, stating that he had filed an application dated: 21-08-2015 to Municipal Commissioner, Jammu Municipal Corporation regarding stopping of construction over the land situated at Amphalla Jammu known as "Durga Niwas". Since, Jammu Municipal Corporation has not taken any action on the application, appellant exercising his right to seek information, filed an application under RTI Act, before PIO, Jammu Municipal Corporation through post on 10-03-2016 seeking following information;

- (i) *Has any permission been obtained from your department for raising fresh construction in the premises of Durga Niwas, Opposite Aishi Batra Petrol, Pump, Amphalla, Jammu.*
- (ii) *If answer query (i) is in affirmative, then provide the copy of the permission so obtained.*
- (iii) *If the answer to query (ii) is in negative, then what action has been taken by you till date despite a complaint in this respect on 21-08-2015, copy of the complaint is attached.*

2. PIO, Jammu Municipal Corporation has responded to the RTI application vide letter dated: 16-03-2016, informing the information seeker, Col. Vijay Singh that as per Section 3 of the J&K RTI Act, 2009, persons residing in the State shall only have the right to information. Since, appellant is not resident of the State, hence information cannot be provided under rules.

3. Appellant preferred first appeal before FAA, Jammu Municipal Corporation on 25-03-2016 on the ground that he is aggrieved of the response of PIO dated: 16-03-2016.

4. Mr. Ranjit Singh, KAS, Secretary/PIO, Jammu Municipal Corporation and representative of appellant, Col. Rajinder Singh heard via video conferencing from Jammu office of the Commission.

5. The communication of PIO dated: 16-03-2016 has been received by the appellant as is evident from para 6 of the 2<sup>nd</sup> appeal, which has been filed by appellant being aggrieved by the response received within prescribed period vide letter dated: 16-03-2016, whereas, appellant is a state subject and stays out of Jammu due to unavoidable compulsion.

6. Commission has observed that address given by the appellant in his RTI application is H. No. 627/C, Royal, Shipra Sun City, Indrapuram, Ghaziabad, U.P-201014.

7. As per section 3 of the J&K RTI Act, 2009, *subject to the provisions of the Act, every person residing in the State shall have the right to information.* Since the address given by the appellant is that of Ghaziabad, U.P.; therefore, order passed by the PIO dated: 16-03-2016 is in accordance with the provisions of section 3 of the Act.

8. PIO submitted that he received copy of State Subject Certificate of the appellant, enclosed with 2<sup>nd</sup> appeal dispatched by the Commission and on receipt of copy of PRC

as proof of residence, reply has been dispatched to the appellant vide letter dated: 24-06-2016.

9. Reply given by the PIO was read to the appellant, wherein, in response to point I & II, on the basis of report of Senior Town Planner, appellant has been informed that no building permission has been granted. In response to point III, on the basis of report of Chief Enforcement Officer, appellant has been informed that no new construction is found on the site and one Smt. Purinima Pathania has repaired an existing bathroom.

10. The representative of the appellant, overwhelmingly contested the plea of the PIO and submitted that new construction has indeed taken place.

11. In view of the above, Commission directs Commissioner, Jammu Municipal Corporation to enquire into the matter, in view of the fact that appellant has contested the report of the Chief Enforcement Officer and outcome of the enquiry be communicated to the Commission within month with copy to the appellant. Appellant is advised to approach Commissioner, Jammu Municipal Corporation within one week with documentary proof with regard to assertions made by him before the Commission.

12. Appeal disposed of with above directions.

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

State Information Commissioner

Dated: -06-2016

No. SIC/J/A/39/2016

Copy to the:-

1. First Appellate Authority, Jammu Municipal Corporation.
2. Public Information Officer, Jammu Municipal Corporation.
3. Pvt. Secretary to HSIC.
4. Col. Vijay Singh S/o Arjan Singh R/o Flora Tehsil R.S.Pura District Jammu (Appellant).
5. Guard file.

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