



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

File No. SIC/K/SA/12/2017
Case No. SIC/K/SA/12/2017/**03**

Appellant : Sh. Altaf Ali Lone.
Respondent : PIO Tehsildar, Kupwara.
Date of decision : 17-04-2017
Decision : Appeal disposed of.

I. Brief facts of the case.

This is a 2nd appeal filed by Sh. Altaf Ali Lone on 06-01-2017 submitting therein that in response to his RTI application dated 03-05-2016, PIO vide letter dated 08-10-2016 provided him incomplete and misleading information and with respect to certain points of his RTI application the information was refused by PIO. Thereafter, he filed 1st appeal before Additional Deputy Commissioner, Kupwara who also did not provide him the information sought for.

The appellant in his appeal has also submitted that the eviction of Kahcharie land under survey No. 607 was partly carried out however, the proprietary land of poor farmers was included within the Kahcharie land and some part of the land under aforesaid survey number is still encroached.

As per the records of the case appellant has filed an application under J&K RTI Act, 2009 before Tehsildar, Kupwara on 03-05-2016 seeking information on 16 queries with respect to encroachment of Kacharie land.

On scrutiny of documents of the appeal it was found that the 2nd appeal is barred by limitation in terms of Section 16(4) of J&K RTI Act, 2009. The appellant has also enclosed an application dated 02-01-2017 with 2nd appeal for seeking Condonation of delay. The Commission was pleased to condone the delay and 2nd appeal was admitted on 16-03-2017

II. Proceedings before the Commission.

In response to the Notice of Commission Tehsildar Kupwara, has submitted reply/counter-statement dated 27-03-2017.

The Tehsildar concerned attended the hearing and stated that he has already initiated proceedings for removal of encroachment of Kahcharie land. The appellant also admitted that proceedings for removal of encroachment of Kacharie land have been initiated.

From facts of the case it transpired that some part of information has been provided to the appellant and that he is asking for the balance information but essentially his interest lies in removal of entire encroachment of the Kahcharie land of survey No. 607.

The Tehsildar Kupwara agreed to provide balance information to the appellant and also stated that the encroachment proceeding will be taken to a logical conclusion under Law.

III. **Decision:**

It is therefore directed, that the 2nd appeal be closed with the direction to Tehsildar, Kupwara PIO to provide balance information to the appellant and bring the matter of removal of encroachment to the notice of Deputy Commissioner, Kupwara, so that all efforts are made to remove illegal encroachment on the afore said Kahcharieland. If that is done, the objective of the RTI application filed by Sh. Altaf Ali Lone will be served. That however, is best left to the wisdom of the Revenue authorities and officers as they have the powers to enforce the Law.

No. SIC/K/SA/12/2017/

Dated:

-04-2017

Copy to the:-

1. Dy. Commissioner Kupwara
2. PIO Tehsildar Kupwara
3. Pvt. Secretary to HCIC.
4. Sh. Altaf Ali Lone S/o Ab. Satar Lone R/o Batpora Hyhama Kupwara
5. Guard File.

(M. S. Bhat)
Dy. Registrar,
J&K, State Information Commission