



**Jammu and Kashmir State Information Commission**

شہنیشن کمیٹی انفارمیری اسٹینیٹ کشمیری جموں ا

(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)

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File No. SIC/J/A/26/2017

Decision No. SIC/J/A/26/2017/51

**Final Order**

(Second Appeal)

- Appellant : Sh. Kiker Singh
- Respondents : First Appellate Authority (FAA)/  
Assistant Commissioner (Revenue), Udhampur and  
Public Information Officer (PIO)/Tehsildar, Udhampur
- Date of Registration : 17.06.2017
- Date of Decision : 10.10.2017

**Brief Facts:**

The appellant Sh. Kiker Singh, Office Superintendent (Retd.), Secretary, Suddar Sabha Committee, Hartaryan while exercising his right to information filed RTI application with PIO, O/O Assistant Commissioner (Revenue), Udhampur on 20.10.2016 seeking information on 10 points in respect of lands with Gujjar Bakerwal community in villages Hartaryan and Sonari.

This RTI application was responded by Dr. Javed Iqbal Rather, Tehsildar, Udhampur-cum-Public Information Officer vide his letter dated:

25.11.2016. Aggrieved by the response of the PIO, he filed First Appeal on 09.12.2016 with the FAA/Assistant Commissioner (Revenue), Udhampur. The First Appellate Authority disposed of the First Appeal vide his order dated: 09.02.2017. Aggrieved by the disposal of the FAA, he approached the State Information Commission (SIC) by filing the 2<sup>nd</sup> appeal against the above mentioned respondents which was finally admitted in the Commission after completion of deficiencies on 17.06.2017.

### **Proceedings:**

This 2<sup>nd</sup> appeal was admitted in the SIC on 17.06.2017 but owing to the need for conduct of more hearings for appropriate and final disposal of the appeal, the time period for disposal was accordingly extended by another 60 days up to a maximum of 120 days from the date of admission of the appeal in terms of Section 16 (11) of the J&K RTI Act, 2009.

This 2<sup>nd</sup> appeal for the first time was listed before the SIC for hearing on 02.08.2017 and was adjourned with the following directions:

***“Since the appellant submitted that he has not received the full information, the PIO/Tehsildar is directed to provide whatever balance information is available on records as per the RTI application of the appellant. As regards para 5 of the original RTI application regarding encroachment of State Land, the PIO is directed to prepare a list of the encroachers of the State Land along with the areas encroached in the villages Hartaryan and Sonari and provide a copy of the same to the applicant alongwith a brief on the action been taken by the revenue department. This has to be done within 15 days from the date of receipt of this order.*”**

In compliance to the notice of the Commission dated: 05.10.2017 Sh. Javed Iqbal Rather, Tehsildar, Udhampur-cum-PIO attended the hearing today on 10.10.2017 at Jammu. The appellant did not attend.

PIO/Tehsildar, Udhampur submitted that whatever information was available on record of his office has already been provided to the appellant. He further submitted that he is not bound to create information as per the wishes of the appellant as the same would disproportionately divert the resources of the public authority.

**Decision:**

**The PIO/Tehsildar, Udhampur has stated that he has already provided the requisite information to the appellant. The appellant did not attend the hearing. Therefore, in view of the above, it is observed that since the requisite information has already been provided to the appellant by the PIO/Tehsildar, Udhampur, there is nothing left to be decided further.**

With these observations the second appeal is disposed of.

Copy of this decision be given free of cost to the parties.

Sd/-  
(**Khurshid A. Ganai**) *IAS Retd.*  
Chief Information Commissioner  
J&K State Information Commission

No: SIC/J/A/26/2017

Dated: . . .2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.
2. FAA/Assistant Commissioner (Revenue), Udhampur for information and necessary action.
3. PIO/Tehsildar, Udhampur for information and necessary action.
4. Private Secretary to HCIC for information of the HCIC.

5. Appellant/ Sh. Kiker Singh, Office Superintendent (Retd.), Secretary, Suddar Sabha Committee, Hartaryan, Udhampur.
6. Office file.

(Rita Koul)  
Deputy Registrar  
J&K State Information Commission