



Jammu and Kashmir State Information Commission

شہنیشن کمیٹی انفارمیری اسٹیٹنڈ 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

File No. SIC/J/A/90/2017

Decision No. SIC/J/A/90/2017/46

Final Order

(Second Appeal)

Appellant : Sh. Madan Lal Toofan

Respondents : First Appellate Authority (FAA)/
Deputy Commissioner, Kathua
and Public Information Officer (PIO), O/o Deputy
Commissioner, Kathua

Date of Registration : 31.08.2017

Date of Decision : 09.10.2017

Brief Facts:

The appellant Sh. Madan Lal Toofan, President, Bhagwan Shree Parshuram Dham Management Committee, Gurah Mundian, Tehsil Hiranagar, R/o. Ward No. 15, House No. 151, Patel Nagar, Kathua while exercising his right to information filed RTI application with PIO, O/O Deputy Commissioner, Kathua on 27.03.2017 seeking information on five points regarding his communication dated: 17.01.2017 as under:

- (i) *Reasons for withholding compensation in respect of the land of Bhagwan Shree Parshuram Dham, Gurah Mundian acquired by NHAI.*

- (ii) *Alleged stay order on the basis of which compensation has been reported to be withheld was not against Bhagwan Shree Parshuram Dham, Gurah Mundian but was against some persons of the village stands vacated/dismissed by the Court in 2015 and the same does not stand revived till date. Reasons for relying upon vacated stay order which has no link with Mandir premises be intimated.*
- (iii) *Has any order passed by Munsiff Court, Hiranagar vacating the stay order has been filed in the said file or not. Is any order passed by Munsiff Court, Hiranagar reviving the stay order vacated is lying in the file.*
- (iv) *Why the payment of compensation of land of the same Khasra No. (Alleged in the vacated/dismissed stay order) has been made to other parties i.e. Shree Ram Mandir, Gurah Mundian and Baldev Raj S/o Sh. Kainthu Ram by pick & choose policy and denying it to Bhagwan Shree Parshuram Dham Mandir Committee, Gurah Mundian.*
- (v) *How compensation in respect of the land acquired by NHAI can be denied when payment of compensation amounting to Rs. 3.88 lacs in respect of the structures constructed on the same piece of land has already been made on 25/06/2016 i.e. 9 months ago.*

Aggrieved by the non-response of the PIO within the stipulated time, he filed First Appeal on 11.05.2017 with the FAA/Deputy Commissioner, Kathua. The First Appellate Authority also did not provide the requisite information to him. At last, he approached the Commission by filing the 2nd appeal against the above mentioned respondents which was finally admitted in the Commission on 31.08.2017.

Proceedings:

In compliance to the notice of the Commission dated: 09.10.2017, the FAA/Deputy Commissioner, Kathua attended the hearing through Video Conferencing from NIC, Kathua. The PIO and the appellant did not attend.

The FAA submitted that the information sought by the appellant was related to the matter which was then subjudice, and as such, was not

provided within the stipulated time as provided in the Act. He also submitted that the delay has occurred unintentionally and now the information has been collected and will be provided within a few days.

Directions:

In view of submission of the FAA, the PIO/Additional Deputy Commissioner, Kathua is now directed to provide the requisite information within 03 weeks from the date of receipt of this order strictly in terms of the provisions of the J&K RTI Act, 2009. It is for the PIO to ensure that court orders on the subject, if any, are not violated.

With these directions 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/90/2017

Dated: . . .2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.
2. FAA/Deputy Commissioner, Kathua for information and necessary action.
3. PIO/Additional Deputy Commissioner, Kathua for information and necessary action.
4. Private Secretary to HCIC for information of the HCIC.
5. Appellant/Sh. Madan Lal Toofan, President, Bhagwan Shree Parshuram Dham Management Committee, Gurah Mundian, Tehsil Hiranagar, R/o. Ward No. 15, House No. 151, Patel Nagar, Kathua for information.
6. Office file.

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