



Jammu and Kashmir State Information Commission

جموں اینڈ کشمیر اسٹیٹ انفارمیشن کمیشن

(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

(Final Order)

File No. SIC/K/SA/33/2017

Decision No. No. SIC/K/SA/33/2017/**40**

Appellant : Shri Manzoor Ahmad Bawani

Respondent : First Appellate Authority (FAA)/ Assistant
Commissioner Nazool Srinagar/
Public Information Officer (PIO)/Tehsildar
South Srinagar

Date of Registration : 12.06.2017

Date of Decision : 14.09.2017

Brief Facts:

The brief facts of the case are that the appellant Shri Manzoor Ahmad Bawani filed the 2nd appeal before the Commission on 26.04.2017 against the FAA/Assistant Commissioner Nazool and PIO/Tehsildar (South) Srinagar. The appellant in this appeal has submitted that the PIO/Tehsildar (South) Srinagar has failed to provide him the sufficient information sought vide RTI application dated

04.02.2017. Thereafter, in response to the First Appeal filed before the FAA on 14.03.2017, the PIO vide order dated 25.03.2017 was directed to provide the adequate information but the PIO furnished the same reply again that was provided to him previously. The appellant has requested the Commission to direct the concerned authorities to provide him the requisite information in full as per the contents of the RTI application. On scrutiny of the documents of the 2nd appeal some deficiencies were found which the appellant completed on 12.06.2017 and accordingly the 2nd appeal was admitted for hearing in the SIC.

As per the records of the 2nd appeal, the appellant through his RTI application dated 04.02.2017 sought information on eight points/queries regarding land bearing survey No.482 min, Khewat No. 304 Khata No. 688 in estates Chhattabla at Baghe Sunder Payeen Mardanpora. The PIO/Tehsildar (South) Srinagar vide letter dated 13.03.2017 has provided point wise response to all the queries of the appellant's RTI application. Not satisfied with the reply of the PIO, the appellant filed the First Appeal before the FAA/Assistant Commissioner Nazool on 14.03.2017. The FAA/Assistant Commissioner Nazool has disposed of the First Appeal vide order dated 25.03.2017 whereby Tehsildar (South) Srinagar was directed to provide the detailed/complete information available in his office to the RTI applicant. In pursuance to the directions of the FAA, the PIO vide letter dated 12.04.2017 provided additional information to the appellant. Not convinced with the reply of the PIO, the appellant filed the instant 2nd appeal before the Commission.

Proceedings before the Commission:

In response to the notice of the Commission, Syed Sajjad Qadri, Assistant Commissioner Nazool / FAA filed reply/counter statement dated 03.07.2017, submitting therein that the First Appeal filed before him by the appellant stands disposed of vide order dated 25.03.2017 with directions to the Tehsildar (South) Srinagar/PIO to provide complete information to the appellant. Ms Sanam Mansoor, Tehsildar (South)/PIO in her reply/counter statement dated 01.07.2017 has stated that the available information sought by the appellant has been provided to him vide letter dated 13.03.2017 followed by letter dated 12.04.2017.

The 2nd appeal was partly heard by the Commission on 11.08.2017. Ms Sanam Mansoor, PIO/Tehsildar (South) Srinagar, appellant Sh. Manzoor Ahmad Bawani and Advocate Rafia counsel for the appellant attended the hearing.

The PIO submitted before the Commission that the information sought by the appellant has been provided to him vide letter dated 13-03-2017 followed by another letter dated 12-04-2017. However, the appellant submitted that full information has not been provided to him but could not substantiate as to what information has not been provided to him. The counsel for the appellant also could not specifically indicate what part of information sought had not been provided. The counsel for the appellant sought more time to enable her to verify as to what part of information has not been provided to the appellant so far.

The counsel for the appellant was then asked to intimate to the PIO within a weeks' time as to what information as sought in RTI application dated 04.02.2017 has not been provided to the appellant under an intimation to the State Information Commission (SIC). The PIO was directed to file rejoinder thereafter to the SIC with a copy to the appellant.

The 2nd appeal was filed in the SIC on 12.06.2017 but owing to the need for conduct of more hearings for appropriate and final disposal of the appeal, the time period for the disposal was accordingly extended by another 60 days upto a maximum of 120 days from the date of filing the appeal in terms of Section 16(11) of the J&K RTI Act, 2009.

The 2nd appeal again came up for hearing today on 14.09.2017. Shri Syed Sajjad Qadri, Assistant Commissioner (Nazool) Srinagar/FAA, Ms Sanam Mansoor, Tehsildar (South) Srinagar/PIO and the appellant along with his counsel Ms Rafia attended the hearing. During the hearing, it transpired that in terms of the previous interim order of the SIC, the counsel for the appellant had not informed the PIO about the remaining information that was to be provided by the PIO. The PIO again submitted that all the information available in her office has been provided to the appellant. The counsel for the appellant stated that in letter dated 18.12.2015, Tehsildar (South) Srinagar has informed the Assistant Commissioner (Revenue) Srinagar that the property in question is disputed and the case is sub-judice in the Civil Court. The appellant desired to know as to in which court the case is pending and the present status of the court case. Secondly, the appellant has not been provided the list of the flood affected residential houses of Bagh-e-Sunder Payeen Maidanpora

and the details of disbursement of the flood relief cheques for the said area. During the proceedings, the PIO agreed that she will make all out efforts to find out details about the court case and provide the same to the appellant as requested by the counsel for the appellant.

Decision:-

There is a reference to a court case in letter dated 18.12.2015 addressed to the Assistant Commissioner (Revenue) Srinagar by the Tehsildar (South) Srinagar/PIO. The details of that court case need to be located by Tehsildar (South) Srinagar/PIO and thereafter, the said details be provided to the appellant. The appellant be also facilitated to have an inspection of the records pertaining to disbursement of flood relief to the flood victims of Baghi Sunder Payeen Maidanpora Chattabal, Srinagar.

With these directions, the 2nd appeal filed before the Commission is disposed of.

Sd/-
(Khurshid A. Ganai) IAS Retd
Chief Information Commissioner

Copy to the:-

1. FAA/Assistant Commissioner Nazool Srinagar
2. PIO/Tehsildar (South) Srinagar
3. Appellant- Shri Manzoor Ahmad Bawani S/o Gh. Rasool Bawani R/o Baghi Sunder Payeen Maidanpora Chattabal, Srinagar
4. Office File

(Sheikh Fayaz Ahmad)
Registrar
J&K State Information Commission