



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/Comp/03/2017
Decision No. SIC/K/Comp/03/2017/ **55**

FINAL ORDER

Complainant : Sh. Gokal Koul S/o Late Radha
Krishan Koul R/o (A/P) H. No. 5 Hill Palace,
Karan Nagar, Jammu

Respondent : Public Information Officer (PIO)/
Tehsildar, (South) Srinagar

Date of Decision : 26.10.2017

Brief facts:

The brief facts of this case are that Sh. Gokal Koul S/o Late Radha Krishan Koul R/o Sathoo Payeen, *Syed* Zoda Kocha Darmiani Bagwanpora, Habba Kadal, Srinagar A/p H. No.5 Hill Palace, karan Nagar, Jammu filed the 2nd appeal before the State Information Commission (SIC) on 28.11.2016 against the PIO/Tehsildar (South) Srinagar and FAA/Assistant Commissioner Nazool Srinagar. The appellant has alleged that in response to his RTI application, the PIO provided him incomplete information. Further, he has not received any response from the FAA/Assistant Commissioner Nazool to the First Appeal filed on 10.08.2016.

As per records of the case the appellant vide RTI application dated 08.10.2015 has sought information on four queries pertaining to a patch of land bearing Khasra No. 1336 situated at Sathu Payeen Barbar Shah, Habba Kadal Srinagar from the PIO/Addl. Dy. Commissioner Srinagar. The PIO O/o Dy. Commissioner Srinagar vide letter dated 28.10.2015 transferred the application under Section 6(3) of the J&K RTI Act, 2009 to the Tehsildar (South) Srinagar. The PIO/Tehsildar (South) Srinagar vide letter dated 11.03.2016 has provided the information to the applicant. Not satisfied with the reply of the PIO, the appellant filed the First Appeal before the FAA on 10.08.2016. The FAA/ AC (Nazool) vide order dated 09.05.2016 directed the PIO/Tehsildar (South) Srinagar to provide complete information to the information seeker. In pursuance to the directions of the FAA, the PIO vide letter dated 16.06.2016 provided the remaining information to the appellant. Not satisfied with the information received, the appellant filed the 2nd appeal before the SIC on 28.11.2016. On perusal of the papers on record, it was found that the appellant's 2nd appeal was not maintainable as he had filed more than one First appeal and accordingly there were more than one order in the First appeal and it was not clear which order/orders the appellant was challenging. In view of this lacuna, it was decided to treat the second appeal of the appellant dated 28.11.2016 as a complaint under Section-15 and deal with it accordingly and also to see if the grievance of the appellant who is a migrant from Kashmir and living in Jammu can be got redressed.

Proceedings before the Commission:

In response to the notice of the SIC, the PIO/Tehsildar (South) Srinagar filed reply/counter statement to the complaint vide letter dated 22.08.2017. The PIO in her reply has submitted that all the information

sought by the complainant as per available records has been provided to the complainant. The complaint came up for hearing on 03. 10.2017. Ms Sanam Mansoor, PIO/Tehsildar (South) Srinagar attended the hearing. The complainant did not attend.

The PIO/Tehsildar (South) Srinagar submitted a copy of the counter statement dated 22.08.2017. However, the Copy of the same had not been sent to the complainant.

During the proceedings, the PIO requested for some more time to enable her to again go through the counter statement dated 22.08.2017 and also prepare a fresh statement, if needed. Accordingly, following interim order was passed on 03.10.2017:

"The hearing in the complaint was adjourned with directions to the PIO to prepare a fresh statement in the complaint and have the same delivered by post to the complainant before the next date of hearing with a copy to the Commission. Registry to list the complaint on a date before Annual Darbar Move to Jammu. The complainant be informed to attend the next hearing via video conferencing from Jammu Office of the Commission".

The complaint came up for hearing again today on 26.10.2016. Ms Sanam Mansoor, PIO/Tehsildar (South) Srinagar attended the hearing. During the proceedings, the PIO submitted that in compliance to the directions of the Commission, she has perused all the records pertaining to the matter in her office and has found that the information whatever was available in her office has been provided to the complainant. She has submitted that the land in question is Abadi Deh and that there is no

recorded entry in the name of the applicant's father Late Sh. Radha Krishan Koul. The PIO has further submitted that the complainant can attend her office with documentary evidence to enable her to identify the land in question.

In the light of the proceedings held so far and the clarifications provided by the Tehsildar (South), Srinagar, the complaint filed before the Commission is disposed of with the following directions:-

1. A copy of the latest report of Tehsildar (South) Srinagar submitted to the State Information Commission vide No.98-99/RTI/M dated 25.10.2017 be sent to the complainant for his information.

*2. From the papers on file submitted by the complainant, it appears that the complainant suspects that his father's property as mentioned in the RTI application, has either been un-authorizedly occupied or alienated and that is why the applicant has filed the RTI application and the instant complaint under the J&K RTI Act, 2009. Therefore, by way of direction to the Public Authority, the DC, Srinagar, the custodian of the Migrant Property under **the J&K Migrant Immovable Property Preservation, Protection and Restraint on Distress Sales Act 1997**, is asked to have the matter enquired through a senior officer of the level of an AC or above to ascertain whether any part of the land of Sh. Gokal Koul's father namely Sh. Radha Krishen Koul's share of the property at Sathoo Payeen, Syed Zada Kocha, Darmiani Bhagwanpora, Habba Kadal, Srinagar has been un-authorizedly occupied or alienated and take further necessary action under the said law and the rules. The complainant Sh. Gokal*

Koul is advised to submit a fresh application as prescribed under the relevant rules to DC, Srinagar in this regard to enable the said officer to have the matter enquired into it under the J&K Migrant Immovable Property Preservation, Protection and Restraint on Distress Sales Act 1997.

With these directions, the instant complaint filed by the Sh. Gokal Koul S/o Late Radha Krishan Koul is disposed of. Registry to endorse copies of this order to all concerned.

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

Copy to:

1. Dy. Commissioner, Srinagar
2. FAA/ACR Srinagar
3. PIO O/o Dy. Commissioner Srinagar
4. PIO/Tehsildar (South) Srinagar
5. Pvt. Secretary to HSIC
6. Sh. Gokal Koul S/o Late Radha Krishan Koul R/o Sathoo Payeen Syed Zoda Kocha Darmiani Bagwanpora, Habba Kadal, Srinagar A/p H. No.5 Hill Palace, Karan Nagar, Jammu
7. Guard File

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