



Jammu and Kashmir State Information Commission
(Constituted under the Right to Information Act, 2009)
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Old Assembly Complex, Srinagar, 0194-2506660, 2506661
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File No. SIC/K/SA/58/2017
Decision No. SIC/K/SA/58/2017/**59**

FINAL ORDER

Appellant : Mr. Veer Krishan Bhat

Respondent : First Appellate Authority (FAA)/Dy.
Commissioner, Shopian , Public
Information Officer (PIO)/ Tehsildar
Keegam, Shopian

Date of Registration : 01.08.2017

Date of Decision : 31.10.2017

Brief Facts:

The brief facts of this 2nd appeal are that the appellant Shri Veer Krishan Bhat S/o Late Kashi Nath Bhat R/o Rajpura Pulwama A/P R/o H No.479, Sec-2, Vinayak Nagar Muthi, Jammu filed the 2nd appeal against the FAA/Dy. Commissioner Shopian and PIO/Tehsildar Keegam Shopian on 12.07.2017. The appellant has filed the 2nd appeal on the grounds that neither the PIO nor the FAA have provided him the information despite lapse of stipulated period provided under the Act. The appellant has requested the State Information Commission (SIC) to direct the PIO to provide him the information and take action against the respondents.

As per the records enclosed with the 2nd appeal, the appellant vide RTI application dated 25.03.2017 has sought information viz-a-viz the action taken report on a legal notice dated 31.01.2017 from the PIO/Tehsildar Keegam, Shopian reportedly served upon him/Tehsildar. On 26.04.2017, the appellant filed the First appeal before the FAA/Dy. Commissioner Shopian against the inaction of the PIO. Thereafter, the appellant has approached the SIC with the instant 2nd appeal. On scrutiny of documents some deficiencies were found which the appellant got completed on 01.08.2017 and accordingly, the 2nd appeal was admitted.

Proceedings before the Commission:

The second appeal came up for hearing for the first time on 21-09-2017. Mr Shabir Ahmad Darzi PIO/Tehsildar Keegam attended the hearing. The appellant did not attend the hearing; however, he was heard telephonically from Jammu. The appellant stated that he has not received any information till date.

The PIO submitted the counter statement to the 2nd appeal and stated that he has also sent a copy of the same to the appellant through registered post. The PIO further submitted that he did not receive the basic/original RTI application directly from the RTI applicant and that he received a copy of the RTI application from the Office of FAA/Deputy Commissioner, Shopian.

The hearing in the 2nd appeal was adjourned with directions to the PIO to furnish the requisite information to the appellant as per his RTI application within 15 days from the date of receipt of this order.

The Second appeal again came up for hearing today at Srinagar on 31.10.2017. Mr. Shabir Ahmad Darzi PIO/Tehsildar Keegam and appellant Sh. Veer Krishan Bhat attended the hearing.

During the proceedings, the PIO/Tehsildar Keegam submitted that in compliance to the directions of the SIC, the requisite information has been provided to the appellant. The PIO further assured that if the appellant will require any additional information, he is free to ask for the same under the J&K RTI Act and obtain the same.

Decision

It transpires that the information sought by the appellant has been provided to him and he is admitting to have received the same. The appellant, however, submitted that the Revenue Department has denied to him the share of the rent from the proprietary land of the late father and has incorrectly favoured his brother who has clandestinely entered into an agreement with the tenants and has taken away a part of the rent which should have otherwise been distributed among all the legal heirs which includes him and his mother.

This grievance highlighted by the appellant is hereby referred to the Dy. Commissioner, Shopian for having the matter enquired into and for redressal of the grievance. It was reported by the PIO/Tehsildar, Keegam that an appeal in this regard filed by the wife of Late Kashi Nath Bhat, (M/o appellant Shri Veer Krishen Bhat) is pending adjudication before the Addl. Dy. Commissioner, Shopian under the Agrarian Reforms Act. The Dy. Commissioner, Shopian is further advised to ask the Addl. Dy.

Commissioner to expedite the disposal of the appeal filed by the wife of late Kashi Nath Bhat on priority at the earliest.

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

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

(S. Sajad Ahmad)

Copy to:

1. FAA/ Dy. Commissioner, Shopian
2. PIO /Tehsildar Keegam, Shopian
3. Appellant-Sh. Veer Krishan Bhat S/o Late Kashi Nath Bhat
Originally R/o Rajpura Pulwama A/P R/o H No. 479, Sec-2,
Vinayak Nagar Muthi, Jammu
4. Office file

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