



**Jammu and Kashmir State Information Commission**

شہنیشن کمیٹی انفارمیری اسٹیٹسٹ 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**

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File No. SIC/J/A/51/2017

Decision No. SIC/J/A/51/2017/73

**Final Order**

(Second Appeal)

Appellant : Sh. Madan Lal.  
Respondents : First Appellate Authority (FAA)/  
Public Information Officer (PIO), O/O Deputy  
Commissioner, Kathua.  
Date of Registration : 25.07.2017  
Date of Decision : 23.11.2017

**Brief Facts:**

The appellant Sh. Madan Lal, S/o. Late Sh. Durga Chand, R/o. Basohli, A/P 51/3, Nanak Nagar, Jammu while exercising his right to information filed an RTI application dated: 16.03.2017 (through registered post) under section 6 of the J&K Right to Information Act, 2009 (hereinafter Act for short) with the PIO/Additional Deputy Commissioner, Kathua seeking information on four points relating to action taken on an application filed under section 133 of the Land Revenue Act and information connected thereto.

Aggrieved by the response of the PIO, the appellant filed First Appeal with the FAA/Deputy Commissioner, Kathua on 22.04.2017, which as per record available on file remained undisposed. At last, the appellant approached the State Information Commission (SIC) by filing 2<sup>nd</sup> appeal which was admitted on 25.07.2017 after completion of deficiencies.

**Proceedings:**

The appeal was listed for hearing for the first time before the SIC on 05.09.2017. Additional Deputy Commissioner (ADC), Kathua was heard through Video Conferencing from NIC office, Kathua. The appellant personally attended the hearing at Jammu office of the Commission. The hearing was adjourned with the following directions:

- “1. The FAA O/O Deputy Commissioner, Kathua and the PIO/Sub Divisional Magistrate, Basohli are directed to file reply/counter statement to this 2<sup>nd</sup> appeal within 15 days from the date of receipt of this order.***
- 2. The FAA and the PIO are further directed to appear in person before the State Information Commission (SIC) alongwith relevant records on the next date of hearing.”***

This 2<sup>nd</sup> appeal was admitted in the SIC on 25.07.2017 but owing to the need for conduct of adequate number of hearings for appropriate and final disposal of the appeal, the time period for the disposal was 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 appeal was again listed for hearing on 23.11.2017. The hearing was attended by FAA/Sh. Sanjay Gupta, Additional Deputy Commissioner, Basohli, PIO/Sh. Jai Singh, Tehsildar, Basohli and the appellant.

During the hearing the appellant reiterated that he is not satisfied with the reply of the PIO which he has received from the PIO/SDM, Basohli dated: 18.04.2017. He also pointed out that the Executive Officer, Municipal Committee, Basohli vide his No. MC/B/2017/29 dated: 12.04.2017 (part of reply) has intimated that Sh. Raj Kumar Singh S/o. Sh. Nikku Ram, R/o. Village Plahi has been given permission for construction of shops which is not understood as to how such permission was granted over state land.

Both the parties were heard at length.

**Decision:**

**It is observed that the reply of PIO/SDM, Basohli is ambiguous particularly with respect to Building Permission. The reply is also not clear regarding the outcome of the enquiry ordered by the State Information Commission vide decision dated: 13.06.2016. Keeping in view all these, the PIO is directed to prepare a fresh reply based on record and send the same to the appellant within thirty days from the date of receipt of this order. A direction is also issued to the PIO/FAA that the details of building permission be also reported after enquiry to the Deputy Commissioner, Kathua and Director, Urban Local Bodies for further action. A copy of the PIO's reply be sent to this Commission for record and reference.**

*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  
Dated: . . .2017

No: SIC/J/A/51/2017\_\_\_\_

Copy to:

1. Registrar, J&KSIC for information and necessary action.

2. FAA/Additional Deputy Commissioner, Basohli for information and necessary action.
3. PIO/Tehsildar, Basohli for information and necessary action.
4. Private Secretary to CIC for information of the HCIC.
5. Appellant/Sh. Madan Lal, S/o. Late Sh. Durga Chand, R/o. Basohli, A/P 51/3, Nanak Nagar, Jammu.
6. Office file.

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