



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیر اسٹیٹسٹ کشمیر 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/93/2017

Decision No. SIC/J/A/93/2017/78

Final Order

(Second Appeal)

Appellant : Sh. Umesh Gupta.

Respondents : First Appellate Authority (FAA)/
Sub-Divisional Magistrate (SDM), Katra and
Public Information Officer (PIO)/
Tehsildar, Katra.

Date of Registration : 29.08.2017

Date of Decision : 29.11.2017

Brief Facts:

The appellant Sh. Umesh Gupta, S/o. Late Subash Gupta, R/o. House No. 271, Resham Ghar Colony (Near Shiv Durga Temple) Jammu while exercising his right to information filed an RTI application dated: 30.07.2016 under section 6 of the J&K Right to Information Act, 2009 (hereinafter Act for short) with the PIO/Tehsildar, Katra seeking information on five points relating to land comprising Khasra No. 482/374/125/1 situated at Village Katra.

Aggrieved by the response of the PIO, the appellant filed First Appeal with the FAA/SDM, Katra on 17.10.2016 which as per record available on file was disposed of vide order NO. SDM/K/2017-18/237-40 dated: 24.05.2017 (after the stipulated period as prescribed under the Act). At last, the appellant approached the State Information Commission (SIC) by filing 2nd appeal which was admitted on 29.08.2017.

Proceedings:

The appeal was listed for the first time before the SIC on 16.10.2017. Neither the FAA/SDM, Katra nor the PIO/Tehsildar, Katra attended the hearing. The appellant was heard through Video Conferencing from Jammu office of the J&KSIC.

During the course of hearing the appellant alleged that despite orders of the FAA, the PIO/Tehsildar, Katra did not provide the requisite information and did not cooperate in providing information on the ground that he had filed the RTI. The hearing was adjourned with directions to the FAA and PIO to explain reasons for absence/non attendance during the hearing on 16.10.2017.

This 2nd appeal was admitted in the SIC on 29.08.2017 and first sixty days expired on 28.10.2017 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 today on 29.11.2017. The hearing was attended by FAA/Ms. Neelam Khajuria, SDM, Katra, PIO/Sh. Mohit Raina, Tehsildar, Katra and the appellant.

During the hearing, the appellant submitted that he has sought information about the land which originally belonged to his family/forefathers. That there is some dispute over the said land with other co-sharers. Further, the appellant alleged that the PIO has not provided the complete & satisfactory reply to his RTI application.

The PIO submitted that the grievance of the appellant more or less falls within the jurisdiction of the Civil Court. That as regards the RTI application of the applicant (now appellant) is concerned, the reply has already been provided to him on 08.09.2016.

The FAA and the PIO also filed their counter replies dated: 28.11.2017 to the 2nd appeal with copy to the appellant which were taken on record.

Decision:

In view of the submissions of both the parties and perusal of records, the State Information Commission (SIC) directs the

PIO/Tehsildar, Katra to prepare a fresh reply to the RTI application of the applicant (now appellant) based on available records and provide the same to the appellant within 15 days from the date of receipt of this order under an intimation to this Commission. The appellant is free to file a complaint under section 15 of the Act, for the reasons that fall within the purview of section 15 (1) of the Act.

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/93/2017_____

Dated: . .2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.
2. FAA/Sub-Divisional Magistrate (SDM), Katra for information and necessary action.
3. PIO/Tehsildar, Katra for information and necessary action.
4. Private Secretary to CIC for information of the HCIC.
5. Appellant/Sh. Umesh Gupta, S/o. Late Subash Gupta, R/o. House No. 271, Resham Ghar Colony (Near Shiv Durga Temple), Jammu.
6. Office file.

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