



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/J/A/100/2017

Decision No. SIC/J/A/100/2017/**108**

Final Order:

Appellant : Sh. Jagdeep Singh, S/o Late Ram Dayal
R/O Village Purku, P.O Domana, Tehsil & Distt.
Jammu.
Respondent : FAA/PIO, Irrigation & Flood Control, Jammu.
Date of decision : **04-01-2018**
Decision : Appeal disposed of.

Brief Facts:

In the present case, the appellant has sought information from the PIO, Irrigation & Flood Control, Jammu with regard to the ownership of the land under khasra No. 1178 situated at Bazegir Colony, the allotment of the said land to Jatt families with the name of the allottees and also whether a rain water drain existed on the said land, along with the length and breadth of the drain. The PIO in his reply informed the applicant that the land under reference belongs to irrigation Department. However, the information sought about the allotment made in favour of Jatt families and also the existence of a drain on the said land is not available with the Department.

Proceedings before the State Information Commission(SIC):

The State Information Commission (SIC) vide its Interim Order dated 17-11-2017 had directed the PIO to seek assistance from the concerned quarters in terms of section 5(4) of the J&K RTI Act, collect the information sought and provide the same to the appellant. The First Appellate Authority (FAA) had also assured the SIC during the last hearing that he will

re-examine the 1st appeal in its proper perspective as he had not examined the same due to misdisction of the appeal.

Decision:

The PIO and the FAA did not attend the hearing today despite due notice, nor have they furnished any response in compliance of the interim directions issued by the SIC on 17-11-2017.

The statutory period for disposal of the 2nd appeal is about to expire and therefore, the appeal has to be disposed of by the Commission.

Accordingly this appeal is disposed of with the directions to the PIO and the FAA to collect the information with respect to the allotments made to the Jatt families on the land owned by the Irrigation Department, Jammu and also with respect to the existence of drain on the said land by seeking assistance in terms of section 5(4) and provide the same to the appellatant within a period of 15 days from the date of receipt of this order and under intimation to the Commission. Should the PIO fail to collect the information and provide the same to the appellatant within the 15 days period, the appellatant shall be at liberty to file a complaint in terms of section 15 of the J&K RTI Act, 2009. Worth to remind the PIO here that the decision of the State Information Commission in the appeal is binding in terms of sub-section (8) of section 16 of the J&K RTI Act, 2009 and the non-compliance of the order of the Commission would make the PIO liable to penalty under the Act.

The 2nd appeal is accordingly disposed of subject to the above directions.

-sd-

(Mohammad Ashraf Mir),
State Information Commissioner,
J&K State Information Commission.
/imi/

No. SIC/J/A/100/2017

Dated: / /2018.

Copy to the:

- 1 First Appellate Authority (FAA) Superintending Engineer, Hydraulic Circle, Jammu for information and compliance.
- 2 Public Information Officer (PIO), Executive Engineer, Irrigation Division No.01, Jammu for information and compliance.
- 3 PS to SIC for information of HSIC.
- 4 Sh. Jagdeep Singh S/o Lt. Sh. Ram dayal R/o Village Purkhu, P/O Dumana, Tehsil Bhalwal, Div.No.1 District Jammu.
- 5 Guard file.

(Reeta kaul)
Dy. Registrar,
J&K State Information Commission.