



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/16/2017

Decision No. SIC/J/A/16/2017/**120**

Final Order:

Appellant : Sh. S.C Gupta, S/O Lt. Sh. Munshi Ram Gupta,
R/O Ext-44, Mohinder Nagar, Jammu.
Respondent : FAA/PIO, Jammu Development Authority (JDA).
Date of Registration : 20.10.2017
Date of decision : **15-01-2018.**
Decision : Appeal disposed of.

Facts:

The appellant has filed an RTI application before the PIO, JDA, Jammu on 09-04-2016 requesting for the information with regard to the issuance of NOC in his favour. The PIO/secretary JDA, Jammu provided reply to RTI application on 11-05-2016 stating that *as per available record, Khasra No-225 is State land transferred to JDA vide Government Order No. NDJ (46) of 1973 dated 28-01-1973. The applicant is unauthorized occupant of 10 marlas and the matter of demarcation has been taken up with the revenue department vide No-JDA/The/A/598-99 dated 07-08-2015 (Copy enclosed) but demarcation is till awaited so that NOC could not issued.*

Being not satisfied with the reply of the PIO, the appellant filed 1st appeal on 04-06-2016. On not receiving any order of the FAA in the 1st appeal within the prescribed time period, the appellant filed 2nd appeal before the State Information Commission (SIC).

Proceedings before the State Information Commission(SIC):

The 2nd appeal was taken up for hearing on 13-12-2017. During the course of hearing, the representative of the PIO said that said appellant had sought information regarding his request for issuance of NOC regarding building permission. Since the land on which the proposed construction was sought to be undertaken by the appellant was State Land under Khasra No. 225 which was duly transferred by the State to JDA vide Government Order Dated 28-01-1973, the appellant, was as such, an unauthorized occupant and no NOC could be given to the appellant. Since the appellant was not present on that date, another opportunity was given to him, to present his case before the Commission on next date of hearing.

On 15-01-2018, the hearing was attended by the appellant as well as representative of the PIO. The appellant admitted to have received the reply provided by the PIO but failed to explain in what respect the reply of the PIO is incomplete or not satisfactory. The representative of the PIO submitted that whatever information was available with him was provided to the appellant. In case the appellant wants to challenge the contents of information, he has the right to do so before an appropriate forum.

Decision:

The Commission after hearing the parties observed that since the PIO has provided the information available with him within the stipulated time period to the appellant, nothing was left in the 2nd appeal to be adjudicated upon.

The 2nd appeal is accordingly, disposed of.

-sd-

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

No. SIC/J/A/16/2017

Dated: / /2018.

Copy to the:

- 1 First Appellate Authority (FAA)/Vice Chairman Jammu Development Authority, Jammu for information.
- 2 Public Information Officer (PIO)/Secretary, Jammu Development Authority, Jammu for information.
- 3 PS to SIC for information of HSIC.
- 4 S.C Gupta, S/O Lt. Munshi Ram Gupta R/o Ext-44, Mohinder Nagar, Jammu.
- 5 Guard file.

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