



## **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](http://www.jksic.nic.in)

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File No. SIC/J/A/149/2017

Decision No. SIC/J/A/149/2017/**162**

### **Final Order:**

Appellant : Sh. Krishen Gopal Pandoh, S/o Sh. Amar Nath,  
R/o H. No-109, Mast Garh, Jammu.

Respondent : FAA/PIO, Revenue Department.

Date of Registration : 07.11.2017

Date of decision : **02-03-2018.**

Decision : Appeal disposed of.

### **Brief Facts:**

The present appeal has arisen out of RTI application filed by Sh. Krishen Gopal Pandoh with PIO (Tehsildar Marh), Jammu on 23-03-2017. Through the said RTI request, the applicant sought information on 27 points from the PIO. On failure of the PIO to provide the requisite information, the applicant filed 1<sup>st</sup> appeal on 11-05-2017 with Deputy Commissioner (DC), Jammu. The said appeal was transferred by DC, Jammu to SDM, Marh, being First Appellate Authority (FAA). However, the said appeal was not disposed of by the FAA within the statutory period. In the meantime the PIO furnished reply to the applicant on 13-06-2017. Feeling aggrieved for non disposal of appeal by FAA within statutory period and also incomplete information provided by the PIO, the applicant filed 2<sup>nd</sup> appeal before the State Information Commission (SIC) on 03-11-2017 which was received in the SIC on 07-11-2017.

### **Proceedings before the State Information Commission (SIC):**

The appeal came up for hearing before the SIC on 10-01-2018. The FAA, PIO and the appellant were present during the hearing. After hearing the parties and

going through the queries raised by the appellant in his RTI application, the SIC felt that various queries were in the nature of asking questions and seeking views of the PIO including legal opinion. The SIC accordingly pointed out to the appellant that under the RTI Act, he can only seek information that is available with the Public Authority and is held by it but he cannot seek answers to hypothetical questions, views, opinions or clarifications/justification from the Public Authority. The appellant fairly conceded that the information sought by him was voluminous and therefore, he is not now keen on seeking the whole information but only wants to know from the PIO the name and designation of the officers of Revenue Department who had changed the entries in the revenue records and included Ms. Anuradha D/o Hans Raj as a Co-Sharer in response to query No. xv, xvi and xvii of his RTI application. The SIC accordingly vide interim direction dated 10-01-2018 directed the PIO to offer inspection of relevant records to the appellant and specifically provide information to him about names of officials who had allegedly included Ms. Anuradha as Co-Sharer.

The appeal again came up for hearing before the SIC on 15-02-2018. In pursuance of the directions of the SIC, the PIO submitted copies of information which was dispatched/sent to the appellant. A copy of said compiled information was handed over to the counsel of the appellant during the hearing. The counsel for the appellant requested that he be given some more time to go through the information so as to file his response on next date of hearing. Accordingly the hearing was adjourned.

The case again came up for hearing before the SIC today on 02-03-2018. FAA/SDM Marh, and PIO/Tehsildar Marh were present. Neither the appellant nor his counsel caused their appearance in-spite of notice issued to them. They have also not filed any rejoinder in response to the information handed over to counsel of the appellant during the last hearing. The respondents submitted that appellant did not choose to have inspection of records though the same was offered by the respondents in the light of the previous directions of the SIC.

**Decision:**

*The failure to avail the opportunity of inspection and also the failure on the part of the appellant to file his rejoinder to the information furnished to him by the PIO coupled with his non appearance before the SIC during today's hearing indicates that the appellant is satisfied with the information handed over to him by the PIO during last hearing of the appeal and that he does not want to pursue the appeal any further.*

*The appeal is accordingly disposed of without any further order/directions.*

**-sd-**

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

\*/imi/\*

No. SIC/J/A/149/2017

Dated:        /        /2018.

Copy to the:

- 7 Registrar, JKSIC for information.
- 8 First Appellate Authority (FAA) Sub Divisional Magistrate, Marh for information.
- 9 Public Information Officer (PIO), Tehsildar, Marh for information.
- 10 PS to SIC for information of HSIC.
- 11 Sh. Krishen Gopal Pandoh, S/o Sh. Amar Nath R/o H.No-109, Mast Garh, Jammu.
- 12 Guard file.

(Baldev Raj)  
Joint Registrar,  
J&K State Information Commission.