



Jammu and Kashmir State Information Commission

جموں اینڈ کشمیر اسٹیٹ انفارمیشن کمیشن

(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/K/SA/101/2017

Decision No. SIC/ K/SA/101/2017/**112**

Appellant: Sh. Sami Ullah S/o Muhammad Ashraf
Shah R/o Largam Shopian

Respondents: 1. FAA/ Deputy Commissioner,
Shopian
2. Public Information Officer
(PIO)/Assistant Commissioner, Shopian

Date of Registration : 13-12-2017

Date of Decision : 15-03-2018

Final Order

This second appeal came up for hearing today on 15-03-2018. The appeal has arisen from the RTI application filed by one Sh. Sami Ullah S/o Muhammad Ashraf Shah R/o Largam Shopian on 19-05-2017 before Assistant Commissioner, Shopian (PIO under the J&K RTI Act, 2009) asking for the following information:-

1. *List of illegal occupants with their proprietary/milkiyat land along with the respective area under illegal occupation.*
2. *Absolute possession of 226 min in terms of their occupation like walnut plantation/apple plantation/structures erected if any and others.*
3. *Copies of the notice(s) if any served to illegal occupants for the removal of illegal possession.*
4. *Steps initiated for the eviction of illegal occupation of such land under the provisions of the Jammu & Kashmir Land Revenue Act, Samvat 1996, the Jammu & Kashmir Common Lands (Regulation) Act, 1956 and notifications issued from time to time on the subject.*

The appeal was listed for hearing first time on 18-01-2018, during which Naib Tehsildar, who attended on behalf of the PIO, stated that information has already been provided to the appellant vide letter No. DCS/RTI/17/20 dated 22-08-2017. Since the appellant was not present during the hearing on the said date, the hearing was adjourned with directions to the appellant to file the rejoinder to the information reportedly provided by the ACR/PIO.

Subsequently, the appellant has filed a rejoinder dated 06-03-2018 in which he has stated that the matter of eviction from the Kahcharai is still pending although the same has been dealt

with earlier by the revenue department who have come to the conclusion that an area of 18 kanals and 19 marlas under survey No. 226 Kahcharai/Shmilat gairmumkin Kul is under encroachment. The counter statement is in detail and makes a reference to the working of BDO Shopian, R&B Division Shopian and non implementation of orders of D. C. Shopian etc.

The appeal was again listed today on 15-03-2018. The appellant's representative Sh. Aabid Hussain Shah S/o Muhammad Ashraf Shah R/o Largam, Shopian and Dr. Majad Jehangir, Assistant Commissioner (Revenue) Shopian (PIO) attended the hearing.

On perusal of the records, it is clear that the PIO has not provided a proper reply to the appellant in terms of section 5 (3) and various provisions of Section 7 of the Act. Therefore, the PIO is directed to provide the reply parawise in terms of the RTI application and the provisions of the Act within a period of 21 days from the date of receipt of this order. As regards eviction of the land, the revenue department is bound to follow the procedure prescribed under law and no direction can be given by

the State Information Commission for removal of encroachments or eviction of illegal occupation.

With these directions, the 2nd appeal filed before the Commission is disposed of.

(Khurshid A. Ganai) *IAS Retd*
Chief Information Commissioner

Copy to the:-

1. FAA/Deputy Commissioner, Shopian
2. Public Information Officer (PIO)/Assistant Commission, Shopian
3. Mr. Sami Ullah S/o Muhammad Ashraf Shah R/o Largam Shopian

(M. S. BHAT)
Deputy Registrar,
J&K State Information Commission, Sgr