



## **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/195/2017

Decision No. SIC/J/A/195/2017/210

### **Final Order:**

Appellant : Sh. Syed Shabir Shah, S/o Syed Mohammad  
Abdullah, R/o H.No-256, Dalapatain Mohalla  
Jammu.

Respondent : FAA/PIO, Jammu Development Authority.

Date of Registration : 18-12-2017.

Date of decision : **12-04-2018.**

Decision : Appeal disposed of.

### **Brief Facts:**

The present appeal has arisen out of RTI request filed by Mr. Syed Shabir Shah on 20-09-2017 with Public Information Officer (PIO) VC JDA seeking following information:

- 1 Provide certified copy of order showing how much JDA land falls under Khasra No-224 Min in Jammu Khas.

- 2 Provide certified copy of the order by virtue of which the above mentioned land was transferred to JDA Jammu.
- 3 Has the JDA ever been party to any litigation regarding land under Khasra No-224 Min of Jammu Khas. A copy of the petition and writted statements and reply filed by JDA in these cases/matters pertaining to be Khasra Nos 224 Min may be kindly be provided.

The PIO O/O Vice Chairman, Jammu Development Authority, provided the information to the appellant on 20-10-2017. Not satisfied with the information so provided by the PIO, the applicant filed a 1<sup>st</sup> appeal before the First Appellate Authority (FAA) on 01-11-2017. As no order was passed by the FAA on the appeal filed by the applicant, he filed a 2<sup>nd</sup> appeal before the State Information Commission (SIC) on 15-12-2017 on following grounds:

- a) That the information provided by the PIO on 20-10-2017 was incomplete;
- b) That FAA summoned the applicant on 25-11-2017 and instead of providing any information he threatened the applicant of serious consequences for seeking such information and humiliated the applicant before JDA staff and security guards.

The applicant accordingly requested the SIC for issuance of directions to the concerned PIO to provide the requisite information to the applicant in accordance with the contents of the RTI application and take further legal action against the FAA for harassing and humiliating the applicant publically.

**Proceeding/Decision:**

The appeal came up for hearing before the State Information Commission (SIC) on 08-02-2018. The hearing was attended by Legal Assistant, JDA on behalf of

FAA, standing counsel, JDA on behalf of the PIO and the appellant in person. The representative for the PIO submitted that the information has been provided to the appellant on 20-10-2017. The appellant expressed his dissatisfaction with the said reply as the same did not provide any specific information to the appellant. After hearing the parties and going through the reply provided by the PIO, the SIC felt that specific information asked for by the appellant was not been provided to him through the reply dated 20-10-2017. The SIC accordingly directed the PIO to specifically provide the details and present status of JDA land falling under khasra No- 224 Min situated at Jammu Khas and also provide the details of litigation cases pertaining to this piece of land which have been finally disposed of by the courts of competent jurisdiction.

The appeal again came for hearing before the SIC on 15-03-2018. The representative on behalf of the PIO submitted during the hearing that in pursuance to the Interim Order of the SIC dated 08-02-2018, a revised reply was formulated and same was furnished to the SIC for being handed over to the appellant during the hearing. However, the SIC was not satisfied with the said reply and the PIO was directed to reframe the same keeping in view the records maintained by the JDA in respect of the property falling under Khasra No-224 and also furnish the relevant revenue records of the same to the appellant within a period of 7 days from that date.

The appeal again came for hearing before the SIC on 12-04-2018. The appellant as well as the respondents were present. The respondents furnished a copy of revised information supposed to have been sent to the appellant on 20-03-2018 through ordinary post. In the said reply the respondents have stated that vide Government Order No- 46-Revnuue (NDJ) 46 of 1973 dated 28-01-1973, all vacant and

leased out Nazool lands situated in and around the cities of Jammu and Srinagar were transferred to respective Development Authorities. However, this Government Order did not give the exact khasra numbers of the land which was vacant and transferred to the respective Development Authorities of Jammu and Srinagar. As per the registry of the properties maintained by the JDA, there are 4 entries in respect of Khasra No-224 in the said register. On page 13 of the said register, the area against 224 Min has been reflected as 3 kanals 16 marlas and 107 sqft at B.C Road. On page 14, there are two entries with respect to 224 Min, one showing the area 3 kanals, 15 marlas and 148 sqft at Bhagwati Nagar and also a joint entry in respect of khasra 224, 225 and 226 of land measuring 54 kanals 9 marlas. Again at page 16 of the register there is an entry in respect of khasra No-224 showing an area of 2 kanal, 8 marlas and 263 sqft near Dogra Hall. The PIO also informed that demarcation has not been made by the Revenue Department so far in respect of the properties held by the JDA, which could have specifically bifurcated the areas of different khasra nos under occupation of the JDA. Apart from the area jointly shown to fall in khasra no-224, 225 and 226, the total area of these khasra nos as per the records is 10 kanal and 246 sqft. The PIO also submitted that a report was also sought from Tehsildar, JDA who has also reported that as per revenue records, the total area of 224 Min is 10 kanals and 246 sqft besides un-demarcated area in 54 kanals 9 marlas jointly shown to figure in khasra no-224, 225 and 226 Min. The respondents also submitted that out of identified 10 kanals and 246 sqft falling in khasra no-224 Min, an area of 3 kanal, 5 marlas are vacant, while as the rest is being used by vegetables vendors to sell their merchandise. As regards, the information sought by the appellant about writ petition pending in relation to khasra no-224 Min, the PIO submitted that the writ petition

bearing OWP No-762/07 titled Gulzar Chand Vs State and ors is pending disposal before the Hon'ble High Court. The respondents also submitted that the process of demarcation of the land transferred to JDA and held by it is under process and is being done by the Revenue Department and the JDA jointly in pursuant to the directions to that effect issued by the Hon'ble High Court in PIL filed by S.C Bhalla titled S.C Bhalla Vs State and ors.

The SIC, after going through the reply framed by the PIO and furnished to the appellant, is satisfied that all the queries raised by the appellant in his RTI application have been satisfactorily replied. However, the appellant submitted that he has not received the information supposed to have been sent by the PIO on 20-03-2018. The PIO was accordingly directed to send another copy of the information to the appellant through registered post within a week's time.

The appeal is accordingly disposed of with the directions to the PIO to resend the information to the appellant through registered post within the above mentioned period. However, before parting with this appeal, the SIC would like to advise the FAA to discharge the duties and responsibilities cast on him under the J&K RTI Act, 2009 properly. The 1<sup>st</sup> appeal in the present case was not disposed of by the FAA as per the records made available. The appellant has also leveled serious allegation of intimidation and harassment at the hands of FAA during the hearing of the 1<sup>st</sup> appeal. However, the representative of the FAA denied all such allegations and

submitted that in fact the appellant has used abusive language and his attitude was harsh during the proceedings of 1<sup>st</sup> appeal. Be that it as it may, the SIC has no means to verify the correctness of the allegations and counter allegations leveled by the parties against each other. However, it would suffice on the part of the SIC to say that the proceedings of the 1<sup>st</sup> appeals should be conducted by the FAA in a conducive and fair manner, without treating the RTI applicant as an adversary and no occasion should be given by the FAA, who is a quasi judicial authority, to the appellant to complaints about his behavior.

**-sd-**

(Mohammad Ashraf Mir),  
State Information Commissioner,  
J&K State Information Commission.  
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No. SIC/J/A/195/2017

Dated:        /        /2018.

Copy to the:

- 1 First Appellate Authority (FAA) Vice Chairman, Jammu Development Authority Jammu for information for compliance.
- 2 Public Information Officer (PIO), Secretary, Jammu Development Authority Jammu for information.
- 3 PS to SIC for information of HSIC.
- 4 Sh. Syed Shabir Ahmad Shah, S/o Syed Mohammad Abdullah R/o H.No-256, Dalpatian Mohalla, Jammu.
- 5 Guard file.

(Sheikh Fayaz Ahamd)  
Registrar,  
J&K State Information Commission.