



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیر اسٹیٹسٹ کشمیر جموں ا
(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/32/2018

Decision No. SIC/J/A/32/2018/253

Final Order

(Second Appeal)

Appellant : Sh. Rakesh Singh Jamwal.
Respondents : First Appellate Authority (FAA)/
Deputy Commissioner, Jammu and
Public Information Officer (PIO)/
Assistant Commissioner (R), Jammu.
Date of Registration : 03.05.2018.
Date of Decision : 11.06.2018.

Brief Facts:

The appellant Sh. Rakesh Singh Jamwal, S/o. Sh. Jogishwar Singh, R/o. Near IIT Jagti, Nagrota, Jammu, J&K Pin-181221 filed the RTI application before the Public Information Officer (PIO)/Assistant Commissioner (Recovery), Jammu on 30.01.2018 seeking the following information:-

- 1. Total land in revenue village Jagti patwar halqa Jagti transfer to Jammu Development Authority (JDA).*
- 2. Provide all Khasra number of the same.*
- 3. Provide map of the same along with measurement land and in English language if possible.*

The PIO on finding the fee enclosed with the RTI applicant not in accordance with the Rule 3 of the J&K RTI Rules, 2012 returned the RTI application to the appellant in original vide No. ACR/PIO/RTI/2017-18/462 dated: 02.02.2018. On receiving the response of the PIO, the appellant approached the FAA/DC, Jammu on 20.02.2018 by filing First Appeal. The FAA disposed of the First Appeal on 31.03.2018 vide No. DCJ/FAA/RTI/2017-18/343-44. Not satisfied with the disposal of the FAA, the appellant came before the State Information Commission by way of 2nd appeal on 24.04.2018.

Proceedings:

The 2nd appeal was taken up for hearing today on 11.06.2018. The appellant Sh. Rakesh Singh Jamwal, the PIO/AC (R), Jammu Sh. Nisar Ahmed Shad and representative of the FAA/Sh. Riaz Ahmed, Tehsildar, Hqr were present for hearing.

The appellant submitted that after return of his RTI application by the PIO, he approached the FAA for providing information which was supposed to have been with the Revenue Department i.e. O/O Deputy Commissioner, Jammu. However, the FAA without making any efforts for providing information, advised the appellant to approach the Jammu Development Authority for the requisite information as sought under RTI application.

The PIO submitted that large chunk of vacant state land was handed over to the JDA way back in 1979 for development purposes under the Master Plan. Since, JDA is in possession of the land, the accurate & precise

information can only be had from the JDA. As such, the appellant was advised by the FAA to approach the JDA.

On the other hand, the appellant brought the fact to the knowledge of the Commission that he had filed a similar RTI application with the JDA and the PIO of the JDA vide reply dated: 28.02.2018 No. Secy/JDA/RTI/627/518 has provided reply to the queries No. 1 & 2. In respect of query No. 3 i.e. map of the land transferred, the PIO of JDA informed that the same may be obtained from the Revenue Department.

Decision:

The Commission after hearing the parties and going through record on file viewed that since the appellant by filing similar RTI application with the JDA obtained the information regarding query No. 1 & 2 and is satisfied with the same; the PIO/AC (R), Jammu is directed to go through the available record and provide the map of land transferred to JDA at village Jagti to the appellant within 15 days from the date of receipt of this order.

With these observations/directions, this second appeal is disposed of.

Copy of the decision be given free of cost to the parties.

Sd/-

(Khurshid A. Ganai)

Chief Information Commissioner

(P.A. Ajay)

No: SIC/J/A/32/2018_____

Dated:

Copy to:

1. FAA/Deputy Commissioner, Jammu for information.
2. PIO/Assistant Commissioner (Revenue), Jammu for information and necessary action.

3. Private Secretary to CIC for information of the HCIC.
4. Appellant/Sh. Rakesh Singh Jamwal, S/o. Sh. Jogishwar Singh, R/o. Near IIT Jagti, Nagrota, Jammu, J&K Pin-181221 for information.
5. Office file.

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