



Jammu and Kashmir State Information Commission
(Constituted under the Right to Information Act, 2009)
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Old Assembly Complex, Srinagar, 0194-2506660, 2506661
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File No. SIC/K/SA/45/2018

Decision No. SIC/K/SA/82/2017/**61**

Appellant : Sh. Rafiq Ahmad Shah S/o Hilal
Ahmad Punjra R/o Near Police Station
Nowhatta, Srinagar

Respondents : First Appellate Authority (FAA)/Sub
Divisional Magistrate (E), Srinagar/
Public Information Officer/Tehsildar,
Khanyar, Srinagar

Date of Registration : 27-03-2018

Date of Decision : 16-07-2018

Brief Facts:

The brief facts of the case are that Sh. Rafiq Ahmad Shah filed the 2nd appeal against the First Appellate Authority (FAA)/Sub Divisional Magistrate (E), Srinagar and Public Information Officer (PIO)/Tehsildar, Khanyar, Srinagar on the ground that the PIO has failed to respond to his RTI application dated 28-12-2017. The appellant had filed the First Appeal

before the FAA on 24-02-2018. The FAA vide its order dated 12-03-2018 directed the Tehsidlar, Khanyar (PIO) to provide the information to the appellant within one day as per the basic RTI application, but the PIO failed to provide the information to the appellant. The appellant has contended in the 2nd appeal that even after the order of FAA, the PIO failed to provide any information to him. The appellant has requested the Commission to direct the PIO to provide him the information sought vide RTI application dated 28-12-2017 and to penalize the PIO as per the provisions of the RTI Act.

Proceedings before the Commission:

The 2nd appeal came up for hearing before the Commission on 19-06-2018. The PIO was present during the hearing, while the appellant did not attend. During the hearing, the PIO submitted that the entire information has been provided to the appellant. Moreover, the appellant was asked to approach him in his office so as to clarify what else is required by him. The appellant visited his office. However, he had some grievance with regard to the entry made in respect of Khasra No. 955 and 957 in the revenue records and wanted the said entry to be corrected/rectified. The PIO accordingly advised the appellant to

apply in a proper manner for rectification of revenue entry as per the procedure under law. Since the appellant was not present during the hearing, his views could not be ascertained.

The 2nd appeal was again listed on 10-07-2018. Both the parties were present. After hearing the parties, the appeal was adjourned with the following directions:-

1. PIO is directed to go through the two RTI applications both filed by the appellant on 28-12-2017 (Annexure B & C) and provide fresh reply/information to the appellant within five days from today.
2. The PIO shall furnish an affidavit from Patwari Halqa Nowhatta with regard to information sought at Point-f of RTI application dated 28-12-2017 (Annexure-C).
3. The PIO shall also furnish Postal receipts of the information already provided to the appellant from time to time right from the date of filing of RTI application in question.

The 2nd appeal was again listed for final hearing today on 16-07-2018. Sh. Rafiq Ahmad Shah, appellant and Sh. Abdul Majeed Dar, PIO/Tehsildar, Khanyar attended the hearing. The PIO submitted that he has already sent the information as directed by this Commission vide order dated 10-07-2018 to the appellant. However, the appellant denied to have received the same. During the proceedings today, the PIO furnished another copy of the said information to the appellant. The appellant,

after going through the information provided by the PIO, submitted that he is satisfied with the information so provided to him by the PIO.

Since the information sought by the appellant has been provided to him and the appellant expressed his satisfaction with the said information, nothing further remains to be adjudicated upon in the instant 2nd appeal.

The 2nd appeal is accordingly disposed of.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

Typed by:
Altaf Zullah, PS

Copy to:

1. First Appellate Authority (FAA)/Sub Divisional Magistrate (E), Srinagar
2. Public Information Officer (PIO)/Tehsildar, Khanyar Srinagar
3. Shri Rafiq Ahmad Shah S/o Hilal Ahmad Punjra R/o Near Police Station Nowhatta, Srinagar

(Sheikh Fayaz Ahmad)
Registrar,
State Information Commission, Srinagar