



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
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File No. SIC/J/A/50/2018
Decision No. SIC/J/A/50/2018/293

Final Order

Appellant : Shri Syed Shabir Shah
S/o Syed Mohammad Abdullah
R/o House No. 256, Dalpatian Mohalla,
Jammu
9419141493

Respondent : FAA Vice Chairman, JDA Jammu
PIO Secretary, JDA Jammu

D . O . R : 29-05-2018
Date of decision : **30-08-2018**
Decision : Disposed of

The present appeal has originated from the RTI application dated 03.02.2018 filed by Shri Syed Shabir Shah with the PIO, Secretary Jammu Development Authority, Jammu seeking information on the following points:

- i) *Please provide detailed information regarding land situated at Kalka Colony Gorkha Nagar Jammu falling under Khasra Nos. whether after notification / Government Order by virtue of which the said land*

was transferred from Revenue Department to JDA Department, also the certified copy of Roznamcha showing handing over and taking over possession of said land

- ii) Please mention categorically that total land transferred to the JDA by Revenue Department by virtue of said notification and the actual land taken over by the JDA with details of measurement viz-a-viz number Khasra*
- iii) Please mention the list of name of un-authorized occupants on the said land whether the allotment / permission / regularization was made to them and also number of un-authorized occupants on the said land with list of their names and addresses and action taken against these unauthorized occupants by JDA Department*
- iv) Please provide information and status report alongwith certified copies regarding land situated behind the Wave Mall at Channi Rama Jammu land measuring 45 kanals falling under Khasra No. 328 Min.*
- v) Please provide information regarding the pendency of post of Law Officer in JDA Department and also requisition to the Government for filing the same if yes, certified copy of official letter. If not, who is holding the charge law Officer, what provisions of law / rules.*

In response to the RTI application filed by the applicant, the PIO, Secretary JDA Jammu vide his communication dated 03.03.2018 provided the required information to the applicant. Not satisfied with the information provided by the PIO, the appellant filed First

Appeal before the First Appellate Authority – Vice Chairman, Jammu Development Authority, Jammu on 07.03.2018. Finally, the appellant filed 2nd appeal before the State Information Commission on 22.05.2018 praying therein that directions be given to the concerned PIO to provide complete information parawise as per the RTI application.

The appeal came up for hearing before the Commission today on 30th August 2018. The appellant Shri Syed Shabir Ahmad was present during the hearing. However, nobody appeared on behalf of the Jammu Development Authority. The appellant submitted that the information provided by the PIO, Secretary Jammu Development Authority, Jammu is incomplete and inspite of first appeal filed by him with the First Appellate Authority – Vice Chairman, Jammu Development Authority, Jammu, complete information has not been provided to him. After going through the records, it has been observed that the PIO, Secretary, Jammu Development Department, Jammu has submitted parawise reply as under:

- i) *As per the information received from the DLM section, only 242 Kanal 18 Marlas and 90 sft has been transferred to JDA vide Government Order No. 48 of 1973 dated 28.01.1973.*

- ii) As per record total land 242 kanals, 18 Marlas and 90 sft has been transferred to JDA*
- iii) Moreover, the colony is unauthorized and in Kalka colony all the occupants are unauthorized. List of unauthorized occupants is enclosed herewith.*
- iv) As per record total land 234 kanals and 13 marlas under Khasra No. 328 Min has been transferred to Wave Mall.*
- v) As per the information received from the concerned section, Shri Avinash Gupta, Legal Assistant has got stay order against the post of Law Officer and at present he is holding the charge of Law Officer.*

Perusal of records reveals that most of the information as sought by the appellant in his basic RTI application dated 03.02.2018 has been furnished to him by the PIO. Details of Government Order whereunder land has been transferred to JDA, quantum of land transferred by the Revenue Department to JDA, list of unauthorized occupants of Kalka Colony etc. has been provided to the appellant by the PIO. However, action taken against the unauthorized occupants in response to point No. 3 of RTI request and status of land situated behind Wave Mall falling under Khasra No. 328 Min as sought in point No. 4 has not been furnished by the PIO. The PIO, Secretary, Jammu Development Authority is accordingly directed to provide

information in respect of action taken by the JDA against un-authorized occupants and also information relating to point No. 4 of the RTI application to the appellant within 15 days from the date of receipt of this order.

With the above directions, the 2nd appeal filed by the appellant is disposed of.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

No. SIC/J/A/50/2018

Dated. .09.2018

Copy to the:

1. First Appellate Authority/Vice Chairman, JDA, Jammu for information
2. PIO/Secretary, Jammu Development Authority, Jammu for information and compliance.
3. Shri Syed Shabir Shah, S/o Syed Mohammad Abdullah R/o House No. 256, Dalpatian Mohalla, Jammu
4. Office file

(Zaheer Abbas)
Assistant Registrar
State Information Commission