



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

(I) File No. SIC/J/SA/43/2018
Decision File No. SIC/J/SA/43/2018/295

Final Order

Appellant : Smt. Ramesh Kumari

Respondents : First Appellate Authority (FAA)/
Commissioner, Jammu Municipal
Corporation/Public Information
Officer/O/o Commissioner, Jammu
Municipal Corporation

Date of Receipt : 18.05.2018

Date of Decision : 29.08.2018

(II) File No. SIC/J/SA/44/2018
Decision File No. SIC/J/SA/44/2018/295

Appellant : Smt. Ramesh Kumari

Respondents : First Appellate Authority (FAA)/
Commissioner, Jammu Municipal
Corporation/Public Information
Officer/O/o Commissioner, Jammu
Municipal Corporation

Date of Receipt : 18.05.2018

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Brief facts:

Appeal No. **SIC/J/SA/43/2018** has arisen out of an RTI application dated 27.02.2018 filed by Smt. Ramesh kumari with PIO O/o Municipal Corporation, Jammu seeking information with respect to Rent Arrears with reference to Flat No.2 up to 31.12.2017, Grant of Permission to deposit usual rent from 01.01.2018, Execution of Rent Agreement which is due from 2007 and Repair Work of Flat No.2, Meat Market, Sabzi Mandi, Parade, Jammu.

Appeal **No.SIC/J/A/44/2018** has arisen out of an RTI application dated 27.02.2018 filed by Smt. Ramesh Kumari with PIO, Jammu Municipal Corporation (JMC), seeking information regarding clearance of Rent Arrears up to 30.12.2107, No Dues Certificate, Repair Work of said Flat No.2 and Permission to deposit usual rent at Rs 1000/- as fixed by the Department.

The PIO of the JMC replied to both these RTI requests on 26.03.2018 informing the applicant that the information sought was not available. The appellant filed First Appeal in both the RTI matters with FAA/Commissioner, JMC on 28.03.2018. The FAA

disposed of both the appeals on 11.08.2018 informing the appellant that since the matter was sub-judice in the Hon'ble High Court in the Civil Appeal filed by the appellant, hence, no fresh agreement can be executed by the JMC with the appellant and no repair work can be done in respect of Flat No.2 as the suit property is sub-judice before the Hon'ble High Court. Aggrieved by the order of the FAA, the appellant filed the instant two 2nd appeals, which were clubbed by the State Information Commission (SIC) for hearing together.

The two appeals came up for hearing before the Commission today on 29.08.2018. Mr. Rajesh Gupta, PIO/Chief Enforcement Officer, JMC, Jammu attended the hearing. The appellant did not attend. The PIO submitted that Flat No.2 at Meat market, Sabzi Mandi, Jammu had been allotted by JMC to the appellant Smt. Ramesh kumara. However, the appellant has sub-let the said flat to one Sh. Vijay Kumar S/o Thakur Suraj Jamwal unauthorizedly who is now occupying the said flat. Subsequently, the appellant Smt. Ramesh Kumari W/o Sh. J. P. S. Jamwal filed a Civil suit in respect of this flat, which was dismissed by the Learned Court on 31.03.2006. Against the said judgment, she

filed a Civil Appeal before the Court of Principal Sessions Judge, Jammu, which too was dismissed on 24.11.2011. Against the dismissal of her appeal, the appellant has filed another appeal before the Hon'ble high Court, which is pending adjudication.

While going through the two similar RTI applications filed by the appellant, it has been noticed that the appellant has not actually sought any information from the PIO. She in-fact has demanded grant of permission to deposit the Rent Arrears, Execution of a Fresh Agreement with effect from the expiry of the last agreement and Repair Work of the said Flat by the JMC. These are simply grievances/demands made by the appellant. Such type of a request does not come up within the purview of **“information”** as defined in Section-2 (d) of the J&K RTI Act, 2009. It appears that since the appellant has failed in her attempt to get a suitable verdict from different courts of law, she is now invoking the RTI Act to get a fresh Rent Agreement executed and Repair Work done in the flat which was originally allotted to her. Since the grievances projected and demands made by the appellant in her two RTI applications both dated 27.02.2018 do not fall within the purview of **“information”** as defined in Section

2(d) of the J&K RTI Act, 2009, the instant two appeals filed by the appellant are dismissed.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

(Ahmad Sajad, PA)

Copy to:

1. *FAA/Commissioner, JMC, Jammu*
2. *PIO/Chief Enforcement Officer, JMC, Jammu*
3. *Appellant—Smt. Romesh Kumari, R/o Municipality Flats First Floor Meat market, Sabzi Mandi, Parade, Jammu*
4. *Office file.*

(Zaheer Abbas)
Assistant Registrar
State Information Commission.