



Jammu and Kashmir State Information Commission

(Constituted under the Right to Information Act, 2009)

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File No. SIC/J/SA/06/2018

Decision No. SIC/J/SA/06/2018/**296**

Final Order

Appellant : Sh. Sarfraz Ahmad Jahangir

Respondents : FAA/Addl. Dy. Commissioner, Jammu
PIO/Tehsildar Jammu West

Date of Registration : 24.04.2018

Date of Decision : 27.08.2018

The present appeal has arisen out of an RTI application filed by Sh. Sarfraz Ahmad Jahangir on 02.12.2017 seeking a report from PIO O/O Dy. Commissioner, Jammu with regard to the judgment of the Financial Commissioner (Revenue) about re-verification of land measuring 35 kanals falling in villages Gujral, Tophsherkhania and Dhamwal. As the information was not provided by the PIO to the appellant, he filed First Appeal with Dy.

Commissioner, Jammu on 16.01.2018 praying for supply of information as sought by him through his RTI request. During the hearing of First Appeal on 17.02.108, the PIO provided the requisite information to the appellant. The FAA accordingly disposed of the appeal vide order dated 17.02.2018 as the purpose of the appeal had been accomplished. However, the applicant filed 2nd appeal before the State Information Commission (SIC) contending thereunder that the information provided by the PIO was insufficient.

The appeal came up for hearing before the SIC on 31.05.2018. After hearing the parties, the PIO was directed to re-visit the reply already provided to the appellant and provide the balance information, if any, to him before the next date of hearing. The PIO was also directed to explain the reasons for causing delay between the period 10.12.2017 (i.e., the date of transfer of RTI application) and 09.02.2018 (i.e., the date of reply to the appellant).

The appeal again came up for hearing before the Commission today on 27.08.2018. Dr. Riyaz Ahmad Tehsildar (Hqrs) Jammu represented the FAA/ADC (Jammu), while as Mr. Kamalpreet Singh, PIO/Tehsildar (West) Jammu, the appellant Mr. Sarfaraz Ahamd Jehangir and Advocate Mohammad Adnan Malik, counsel

for the appellant were present during the hearing. The counsel for the appellant submitted that though the PIO has furnished a copy of the report prepared in pursuance to the directions of the Financial Commissioner (Revenue) dated 22.03.2017 in case of Smt. Sheikh Haseena Tabassum V/S Sh. Sarfaraz Ahamd Jehangir and others but the said report is incomplete as far as it does not indicate the share of Smt. Sheikh Haseena Tabassum in the land measuring 35 kanals falling under three revenue villages namely Gujral, Tophsherkhania and Dhamwal. The PIO submitted that in pursuance to the directions given by Financial Commissioner (Revenue) on 22.03.2017, re-verification of the entire land was done by the Revenue authorities and a report was submitted to the Court of Financial Commissioner (Revenue). A copy of the said report was also furnished to the appellant in response to his RTI application. After verifying the entire land, no share of Smt. Sheikh Haseena Tabassum was found to exist in the said land. As regards the delay caused in furnishing the information between 10.12.2017 and 09.02.2018, the PIO submitted that re-verification of the entire land took a lot of time. Besides during settlement of village Dhamwal, the Khasra Nos had undergone lot of changes and each khasra No had to be identified by spot verification. This spot verification took a

considerable time and that is why the delay was caused in finalizing and furnishing the report to the appellant. The PIO submitted that there was no deliberate or intentional attempt on behalf of the PIO to delay the information to the appellant.

After hearing the counsel for the appellant, the Commission felt that he has some grievances with regard to the share of Mst. Sheikh Haseena Tabassum in the landed property situated at village Tophsherkhania (khewatr No.19), Dhamwal (Khewat no.6, 17, and 18) and Gujral (Khewat No. 13, 36 and 49). The said Mst. Sheikh Hassenna Tabassum had filed a suit in the court of Financial Commissioner (Revenue) J&K on 07.04.2015. The Revenue authorities had filed a report in the said court indicating that there was no area left in the name of Smt. Sheikh Haseena Tabassum in either of the three villages. The court of Financial Commissioner (Revenue) disposed of the suit vide order dated 22.03.2017 directing Tehsildar concerned to re-verify the title of the land measung 35 kanals situated in three villages referred to above and ensure that no share of the applicant, if any, in these village is interfered with in any manner.

As per the records made available by the respondents, the Revenue authorities accordingly re-verified the entire landed property

in the concerned three villages by reference to the revenue records and after having spot verification and accordingly submitted a report about the said re-verification to the Financial Commissioner (Revenue), J&K, Jammu. The copy of the same has already been furnished to the appellant. In the said report, the Revenue authorities have come to the conclusion that no share in the sad landed property exists in the name of Mst. Haseena Tabassum,. The appellant is aggrieved with the said report. The report prepared and furnished by Revenue authorities is in accordance with the stand taken by the Revenue Department in the suit filed by Mst. Sheikh Haseean Tabassum before the court of Financial Commissioner (Revenue). In case the appellant is not satisfied with the correctness of the findings of the Revenue authorities in the report furnished by them to the Financial Commissioner (Revenue) J&K, he can challenge the said report in the court of Financial Commissioner (Revenue) or in any other appropriate forum. Right to Information Act cannot be invoked to seek redressal of grievances or correction of revenue records. Under the Act, the information seeker can only seek access to information. The appellant in this appeal had sought a copy of the report prepared in pursuance of the order of the Financial Commissioner (Revenue) dated 22.03.2017. The same has been

provided to the appellant by the PIO The purpose of RTI request has thus been accomplished and achieved. Nothing further survives for adjudication by the SIC in this appeal.

The PIO has also sufficiently explained the cause of delay in furnishing the information to the appellant. The Commission is satisfied with the explanation submitted by the PIO.

The appeal is accordingly disposed of without any further order or direction.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

(Ahmad Sajad, PA)

Copy to the:

1. FAA/Adl. Dy. Commissioner, Jammu
2. PIO/Tehsildar, Jammu (West)
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