



Jammu and Kashmir State Information Commission

شہن یشن کمیت انفارمیر اسٹیٹنڈ 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**

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File No. SIC/J/A/33/2018

Decision No. SIC/J/A/33/2018/299

Final Order

(Second Appeal)

- Appellant : Sh. Karan Singh.
- Respondents : First Appellate Authority (FAA)/
Superintending Engineer, Hydraulic Circle,
Jammu and
Public Information Officer (PIO)/
Executive Engineer, PHE Rural Division,
Jammu.
- Date of Registration : 03.05.2018.
- Date of Decision : 28.08.2018.

Brief Facts:

The present appeal has arisen out of RTI application dated: 03.01.2018 filed by the applicant Sh. Karan Singh, S/o. S. Harnam Singh, R/o. H. No. 108-A, Subash Street, New Plot, Jammu with the PIO, PHE Department, Jammu seeking information whether the department has constructed a water tank in Khasra No. 831, in village Chowadhi and if so how much land has been used to construct the water tank and from whom the land was acquired. The applicant also sought details about compensation paid to the owners of the land and also names of persons to whom compensation was given for acquisition of the land. The PIO vide

his communication dated: 10.02.2018 informed the applicant that the water tank in village Chowadhi adjoining Masjid has been constructed by the department on Government land and as such no acquisition was made and no compensation was paid.

Not satisfied with the information, the applicant filed First Appeal on 13.02.2018 before FAA/Chief Engineer, PHE Department, Jammu requesting for providing of complete information. The First Appeal was disposed of by the FAA vide his order dated: 20.03.2018 directing the PIO to seek information from Revenue Department regarding title, quantum and Khasra No. of the land on which water tank has been constructed in village Chowadhi and furnish the same to the appellant with details about the year of construction and the completion cost of water tank.

Not satisfied with the disposal of the First Appeal, the applicant filed second appeal before the State Information Commission on 24.04.2018 (admitted on 03.05.2018) with the prayer that complete information be provided to the appellant and penal action be taken against the erring PIO.

Proceedings:

The appeal came up for hearing before the State Information Commission on 26.07.2018. Mr. A. K. Bhardwaj, Technical Officer to SE, Hydraulic Circle, Jammu and Mr. Brij Mohan, Technical Officer to Executive Engineer, PHE, Rural Division, Jammu appeared on behalf of FAA and the PIO respectively. The appellant was also present during the hearing. The representative on behalf of the respondents informed the Commission that the information sought by the appellant through his RTI application dated:

03.01.2018 has been furnished to him on 10.02.2018 and, therefore, there was no substance in the allegation of appellant that information has not been provided to him within the stipulated period. The appellant while endorsing the receipt of reply on 10.02.2018 submitted that the PIO has not indicated the exact Khasra No. of the land on which the water tank has been constructed. He has simply submitted that the water tank has been constructed on Government land. He, therefore, expressed his dissatisfaction with the information supplied to him on 10.02.2018. The hearing was accordingly adjourned with the direction to the respondents to take up the matter with the Revenue Department and seek information with regard to the title and Khasra No. of the land on which the water tank has been constructed and in particular inform the appellant if the water tank has been constructed in Khasra No. 831, as claimed by the appellant in his RTI request.

The appeal again came up for hearing before the Commission today on 28.08.2018. The appellant did not attend the hearing. On behalf of respondents, Sh. Rajesh Gupta, PIO/Executive Engineer and Sh. Balbir Singh, Assistant Director (Planning) attended the hearing. The PIO submitted that pursuant to the directions of the Commission given on 26.07.2018, the matter was taken up with the Revenue Department in order to ascertain the title and Khasra No. of land on which the water tank has been constructed. The concerned Tehsildar has communicated that water tank stands constructed on Khasra No. 832 which is a Government Land. No such construction has been made on Khasra No. 831 as claimed by the appellant. Since the land was the Government land, no acquisition

proceedings were undertaken and no compensation was paid by the PHE Department. The said information has been communicated to the appellant on 03.08.2018 through registered post.

Decision:

Since the entire information, as sought by the appellant, has been furnished to him by the PIO and also the title and Khasra No. of land on which the water tank has been constructed has also been communicated to the appellant, nothing further survives for adjudication in this appeal. The non-appearance of the appellant during the hearing also indicates that he has received the information and is satisfied with the same. The appeal is accordingly dismissed.

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

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

Copy to the:

1. FAA/Superintending Engineer, Hydraulic Circle, Jammu
2. PIO/Executive Engineer, PHE Rural Division, Jammu.
3. Appellant—Sh. Karan Singh S/o Harnam Singh R/o H. No. 108-A Subash Street, New Plot, Jammu.
4. Office File

(Zaheer Abbas)
Assistant Registrar
State Information Commission