



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

File No. SIC/J/A/59/2018

Decision No. SIC/J/A/59/2018/321

Final Order

(Second Appeal)

Appellant : Sh. Sunny Sadhotra.

Respondents : First Appellate Authority (FAA)/
Sub-Divisional Magistrate (SDM), Jammu
North and
Public Information Officer (PIO)/
Tehsildar, Jammu (North).

Date of Registration : 07.06.2018.

Date of Decision : 24.09.2018.

Brief Facts:

The appellant Mr. Sunny Sadhotra filed the present second appeal before the State Information Commission (SIC) on 25.05.2018 (admitted on 07.06.2018) submitting there under that he had sought information with regard to mutation No. 203/Zeem in respect of Khasra No. 377 measuring 30 Kanals situated at lower Muthi and executed on 26.04.2004 with details of land and the name of actual owners with share in the said land from PIO/Tehsildar, Jammu (North) vide his application dated: 09.01.2018. On failure of the PIO to furnish the information, he filed First appeal with the SDM North, Janipur, Jammu on 14.02.2018 which was

disposed of by the FAA on 16.03.2018, with a direction to Tehsildar, Jammu (North) to direct the concerned Patwari to provide the information to the appellant within five days. In the second appeal, the appellant submitted that the PIO failed to provide the information even after the direction from FAA and accordingly prayed that the PIO be directed to provide the required information to the appellant in the interest of justice.

Proceedings:

The appeal came up for hearing before the Commission on 31.08.2018. FAA/SDM, Jammu (North) and PIO/Tehsildar, Jammu (North) were present during the hearing besides the appellant Sh. Sunny Sadhotra. Tehsildar, Jammu (North) submitted that the appellant had sought details about the mutation No.203/Jeem. He further submitted that Tehsil Jammu (North) was carved out of Tehsil Jammu (Khas) in the year 2014. Therefore, no details were available with respect to mutation No. 203 which has been attested in the year 2004. The hearing was adjourned with a direction to Tehsildar, Jammu (Khas) to provide necessary assistance in terms of section 5(5) of the J&K RTI Act, 2009 to Tehsildar, Jammu (North) in respect of information sought by the appellant so that the PIO is enabled to furnish information to the appellant.

The appeal again came up for hearing before the Commission on 24.09.2018. The appellant as well as Tehsildar, Jammu (Khas) were present during the hearing. However, Tehsildar, Jammu (North) was not present. He filed a written statement dated: 14.09.2018 informing thereby that Tehsildar, Jammu (Khas) has furnished the information with respect to

mutation No. 203/Jeem and the same has been provided to the appellant. Tehsildar, Jammu (Khas) Mr. Shabir Ahmed submitted that he has already furnished the information to Tehsildar, Jammu (North) with a certified copy of mutation No. 203/Jeem in respect of Khasra No. 377, Khewat No. 48 and Khata No. 376 whereunder mutation has been attested on the basis of relinquishment deed executed by Girdhari Lal adopted son of Shree Ram, Jaggadutt, S/o. Sh. Parmanand, Girdhari Lal, S/o. Sh. Jagan Nath, Bablu Kumar and Ramesh Kumar sons of Isher Dass in favour of Mukesh Kumar son of Isher Dass.

The appellant submitted that through point (b) of his RTI request he had sought details about the names of the actual owners along with their share in respect of the said land. He submitted that the information provided does not indicate the said details. Tehsildar, Jammu (Khas) submitted that such information can be provided by the PIO/Tehsildar, Jammu (North) as such information is available in Tehsil, Jammu (North).

The information provided by the PIO in respect of mutation No. 203 satisfies point (a) of the RTI request. However, point (b) of the RTI request has not been replied by the PIO.

Decision:

The PIO/Tehsildar, Jammu (North) is directed to provide information to the appellant, indicating the details about the Khewat No. 48, Khata No. 376 and the exact share held by different shareholders particularly the share held by Kuldeep Raj, S/o. Isher Dass who has not relinquished his share as per

mutation No. 203/Jeem, within a period of 02 weeks from the date of receipt of this order.

With the above directions, the appeal is disposed of. In case the PIO fails to provide the requisite information to the appellant within the aforesaid period, the appellant is at liberty to file a complaint against him before the SIC.

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

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

No: SIC/J/A/59/2018_____

Dated:

Copy to:

1. FAA/SDM, Jammu (North) for information.
2. PIO/Tehsildar, Jammu (North) for information and necessary action.
3. Private Secretary to SIC for information of the HSIC.
4. Appellant/Sh. Sunny Sadhotra, S/o. Sh. Kuldeep Raj Sharma, R/o. Near Ram Mandir Upper Muthi, Jammu for information.
5. Office file.

(Zaheer Abbas)
Assistant Registrar
J&K State Information Commission