



**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. 0194-2484269, 2484262**  
[www.jksic.nic.in](http://www.jksic.nic.in)  
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File No. SIC-K/SA/42/2013  
Decision No. SIC-K/Comp/42/2013/13

Title: Mrs. Phoola Devi **v/s** Deputy Commr. Baramulla.  
w/o Late Bal Krishan Bhat **(Respondent)**  
**(Appellant)**

Present:

1. Shri F.A. Shah, ACR Baramulla.
2. Shri Bashir Ahmad, Tehsildar Baramulla.

**Srinagar**

**22.01.2014**

This is a Second Appeal filed before Jammu wing of the Commission on 23.10.2013 and received/admitted in the Kashmir wing on 27.11.2013 by Mrs. Phoola Devi w/o Late Bal Krishan Bhat r/o Village Mangam, Tehsil & Distt. Baramulla a/p H. No. 14, Lane No. 2, Sharda Colony, Patoli Brahama, Jammu. The appeal has been filed against the decision of FAA dated 07.10.2013 passed on First Appeal filed by appellant before Respondent No. 1 i.e., Deputy Commissioner

Baramulla against the failure of Respondent No. 2 i.e., ACR Baramulla (PIO) to provide requisite information to the appellant and for providing the information to appellant asked by him in terms of his RTI application dated 06.05.2013.

As per the RTI application enclosed with the appeal, the appellant, has given a back ground of the case, and has sought following information from PIO Office of Deputy Commissioner Baramulla:

- a) What steps have been taken in response to Notice No. 2793/ABAH CJ/02/13 dated 11.02.2013.**
- b) Whether the cost of apple crop illegally taken by Mohd. Ramzan Bhat s/o Ismal Bhat r/o Village Mangam, Tehsil & Distt. Baramulla for the year 2012 has been recovered from him and if not what are the reasons for the same?**
- c) Whether the share of applicant i.e., half of land measuring 12k -11M falling under Khasra No. 1727/932 situated at village Mangam Tehsil & Distt. Baramulla has been taken into custody so that this year's apple crop of the share of applicant is saved from being thrashed by any unauthorized person. If it has not been done so far, why?**

The mode of payment of fee is non-judicial stamp of Rs. 10/-.

During proceedings in the Commission on 26.12.2013 it was observed that 'First Appeal has been adjudicated by the Deputy

Commissioner Baramulla vide order dated 23.01.2013 stating that the information asked for has already sent by the Tehsildar Baramulla through Registered Post dated 23.01.2013. However, perusal of the contents of the appeal reveal that the RTI application dated 06.05.2013 has been filed on the basis of information provided to him on 23.01.2013. Therefore even if some part of the information is included in the communication dated 23.01.2013, the queries in the present RTI application dated 06.05.2013 have not been responded to. This aspect has been overlooked by the Deputy Commissioner Baramulla in his order. ACR Baramulla submitted that copy of order of the appeal adjudicated by FAA/DC Baramulla has been sent to the information seeker through Registered Post'.

ACR Baramulla accordingly sought 10 days time for filing response to the queries of the present RTI application dated 06.05.2013 which was granted with the direction that copy of the response be sent to the appellant through proper mode of service.

In compliance to above direction, Tehsildar Baramulla vide letter dated 20.12.2013 has informed appellant action taken on the contents of RTI application, which essentially is redressal of grievances and has given specific response to 3 queries of the RTI application: -

- 1. "The legal notice was received by this office at its due time, but the copy of the same was received along with the appeal, wherein the information seeker stated that unauthorized encroachment upon extent to her husband's share be evicted. The eviction proceeding is under way.**
- 2. The amount of produce for the year 2012-2013 has been deposited by the caretaker into the bank account of the information seeker.**
- 3. The eviction proceeding is underway and concerned quarter will be apprised accordingly once the said process is completed".**

Tehsildar Baramulla further submitted that information seeker has subsequently been informed vide letter dated 08.01.2014 regarding removal of encroachment on land referred to in RTI application and the said land has been handed over to the Patwari concerned on supardnama.

In view of response of PIO/Tehsildar Baramulla dated 30.12.2013 and subsequent communication dated 08.01.2014, the

Commission is satisfied that not only the queries of the RTI application have been responded to but also her grievance has been addressed.

The Commission is also in agreement with the PIO that information seeker has preferred an application under RTI on non-judicial paper, which is not the prescribed mode of fee as per Rules 2012; despite that action has been taken into the matter and grievances of information seeker.

In view of above the appeal filed before the Commission is disposed of.

**Sd/-**  
**(Nazir Ahmed)**  
**State Information Commissioner**

Copy to the: -

1. Deputy Commissioner Baramulla.
2. Assistant Commissioner Baramulla.
3. Tehsildar Baramulla.
4. Mrs. Phoola Devi w/o Late Bal Krishan Bhat r/o Village Mangam, Tehsil & Distt. Baramulla a/p H. No. 14, Lane No. 2, Sharda Colony, Patoli Brahama, Jammu.

(M.S. Bhat)  
Deputy Registrar,  
J&K State Information Commission