



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

File No. SIC-K/SA/51/2013
Decision No. SIC-K/SA/51/2013/**23**

Title: Shri Imtiyaz Ahmad Mir **v/s** Revenue Department

Present:

1. Tehsildar South, Srinagar (PIO)- Absent.
2. Shri Imtiyaz Ahmad Mir, Appellant. Present.

Srinagar

07.03.2014

Brief facts of the case are that an RTI application has been filed by Shri Imtiyaz Ahmad Mir s/o Late Gh. Mohammad Mir r/o Sonwar, Srinagar through Registered Post on 03.07.2013 addressed to Tehsildar South Srinagar seeking following information: -

- (a) Copy of last four demarcation reports made for plot bearing Khasra No. 218 situated at Indira Nagar Sonwar, Srinagar.**
- (b) Need for making these demarcations.**
- (c) Why were not nearby land/house owners informed before the demarcation was made”.**

RTI application has been responded to by the Tehsildar South (PIO) vide letter No. 202-3/RTI dated 16.08.2013 as under: -

“The copies of demarcation/reports can be sought by you in terms of Land Revenue Act.

The information item No. 2 & 3 cannot be furnished as this is a hypothetical question”.

Aggrieved with the order of the PIO, the applicant filed First Appeal on 02.09.2013 with the request that RTI Act does not prevent him to obtain information under RTI Act if it can be obtained under other Acts also. As the First Appeal remained unadjudicated, the appellant filed Second Appeal before the Commission on 21.10.2013 on the same grounds as in the First Appeal; further stating that appeal has not been disposed of by the FAA.

In reply to the notice of the Commission, ACR (FAA) Srinagar produced order passed by him on 10.01.2014 in the First Appeal filed before him, operative part of which is as under: -

“The case was examined by the undersigned and it transpires that the applicant is merely seeking the copy of demarcation report under the RTI Act which has nothing to do with the Land Revenue Act under which an applicant could ask for fresh demarcation for which the fee was payable by the applicant. In view of the records available and the discussion was held, it is clear that the application has not disposed of in a rightful way, the Tehsildar is accordingly directed to provide the said information to the applicant within one week under an intimation to this office as well as the RTI Commission”.

Accordingly following interim order was issued: -

“Since FAA has now passed an order with directions to Tehsildar to provide information to the applicant within one week, the Commission observes that a compliance report in

this regard be submitted within two weeks from issue of this order”.

In compliance to above directions, ACR Srinagar under letter dated 02.02.2014 has enclosed order of Tehsildar South dated 28.02.2014 whereunder information has been provided to the information seeker. The information seeker, during hearing admitted to have received the information provided by the PIO and expressed his satisfaction.

The Commission appreciates the order passed by FAA/ACR Srinagar with due application of mind, instead of endorsing order of PIO which facilitated dissemination of information related to demarcation of land.

The appeal is accordingly disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Deputy Commissioner Srinagar.
2. Assistant Commissioner Revenue Srinagar.
3. Tehsildar South Srinagar.
4. Shri Imtiyaz Ahmad Mir s/o Late Gh. Mohammad Mir r/o Sonwar, Srinagar

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