



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/12/2014
Decision No. SIC-K/SA/12/2014/**33**

Title: Shri Farooq Ahmad Ganai **v/s** Srinagar Municipal Corpn.

Present:

1. Sh. Farooq Ahmad Ganai - Appellant.
2. Sh. Hilal Ahmad Deewani - Respondent (PIO)
3. Sh. Mudasir Hussain - APIO

Srinagar

18.03.2014

Brief background of the case is that an RTI application has been filed by Shri Farooq Ahmad Ganai r/o Gulab Bagh, through Registered Post on 16.12.2013 Srinagar addressed to PIO SMC seeking following information: -

“An order for demolition was issued by the Chief Enforcement Officer of SMC for demolition of illegal structure under order No. SMC/Eng/18912-24 dated 03.12.2013, S. No. 5 – Hanifa w/o

Abdul Majid. No action was taken by the concerned official pursuant to the above settlement order. Please inform the applicant what action has been taken by the SM in pursuance of above order”.

This RTI application has been disposed of by the PIO vide letter dated 04.01.2014 informing that the information sought does not fall within Section 2(h) “record” and queries/question cannot be replied under RTI Act, 2009.

Thereafter the applicant has filed First Appeal dated 20.01.2014 before FAA SMC alleging that PIO has not provided the said information to him. This Appeal has been replied by the PIO giving reference of the information already provided dated 04.01.2014 through Ward Officer concerned.

Aggrieved by the order of the PIO/FAA, the information seeker filed Second Appeal before the Commission on 24.02.2014.

During proceedings in the Commission, appellant produced reference given in the RTI application dated 03.12.2013 on the subject ‘Meet of 04 delegations to the Commissioner SMC on 03.12.2013 and orders passed thereof’ para 5 of which pertains to Hanifa w/o Ab. Majid Mir r/o Syedpora s/a Gulab Bagh which is concluded as under: -

“Now, the Addl. EO South, North & West Ward Officers Ward No. 16,14 & 33 are hereby directed to rush on spot by today and

demolish the illegal construction/redress the grievances of the above refereed person and submit ART upto 3.00 pm”.

The information seeker wanted to get action taken report sought by the Chief Enforcement Officer SMC referred to above. Therefore information seeker is entitled to know this action taken report.

The appeal is allowed. PIO SMC is directed to furnish action taken report on para 5 of minutes of the meeting dated 03.12.2013 as sought by the Chief Enforcement Officer within one week from issue of this order.

The appeal is disposed of with the above directions.

Sd/-
(Nazir Ahmad)
State Information Commission

Copy to the: -

1. Secretary, Srinagar Municipal Corporation, Srinagar.
2. Shri Farooq Ahmad Ganai s/o Able Ganai r/o Gulab Bagh, Srinagar.

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