



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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Old Assembly Complex, Srinagar. 0194-2484269, 2484262
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File No. SIC-K/comp/41/2013
Decision No SIC-K/comp/41/2013/36

Title: Shri Gh. Rasool Najar v/s Addl. Dy. Commissioner
 S/o Mohd Jamal Bandipora
 R/o Chanapora Nadihal,
 Bandipora
 (Appellant) (Respondent)

Present:

1. Shri Nazir Ahmad Baba, Addl. Dy. Commissioner, Bandipora.
2. Sh. Gh. Rasool Najar, appellant

Srinagar
20.03.2014

The brief background of this appeal is that a complaint was filed by Sh. Gh. Rasool Najar on 19.06.2013 stating that he requested many time to DC Bandipora to provide the original records of Girdawari/Jamabandi for the Survey No. 180-207. The complainant has further stated that DC Bandipora is not able to provide him the satisfying record.

Records enclosed with complaint reveal that an RTI application has been filed by the complainant on 06.11.2012 before Assistant Commissioner Revenue Bandipora seeking copies of entries under Khasra No. 180-207 under village Gundpora Rampora. Subsequently First Appeal has been filed by the complainant before First Appellate Authority office of Deputy Commissioner Bandipora on 10.04.2013 stating that Tehsildar Bandipora has provided him Photostat copies of Jamabandi which cannot be read and the Girdawari is not as per original records of that register and fake record has been provided to him and that he is not satisfied with the record.

In response to the notice of the Commission, FAA/ADC Bandipora vide letter No. DCB/SQ/2013/04-06 dated 22.07.2013 submitted that requisite information with regard to Survey Nos 180-207 of village Gundpora Rampora Tehsil Bandipora had been provided to the complainant in the shape of Photostat copies of Tehsildar vide No. 1435/OQ dated 09.02.2013. Information seeker admitted to have received this information but again expressed his dissatisfaction.

2. The Commission received an appeal from Sh. Gh. Rasool Najar S/o Mohd Jamal R/o Chanapora (Nadihal) Tehsil and District Bandipora on 06.11.2013 submitting that he appealed to Dy. Commissioner Bandipora under RTI Act on 10.04.2013 to provide him the original record of Girdawari/Jamabandi for survey No. 180 to 207 of Estates Gundpora Rampora. He has alleged that till date Dy. Commissioner Bandipora is not able to provide him the records in the office of Dy. Commissioner Bandipora. It is further stated that he approached Addl. DC Bandipora Sh. Nazir Ahmad Baba with appeal “survey No. 993/190 how can this number in between them the survey No. 186-188, they can show that Survey No. 993/190 as original record of the one encroachers how can this possible survey No. 793 can show his own land of one encroachers also. They cannot match with each other date is totally fake.”

Copy of the said appeal was forwarded to Addl. Dy. Commissioner Bandipora /FAA and PIO/Assistant Commissioner Revenue Bandipora to file their reply. In response to the notice of the Commission First Appellate Authority informed vide No. DCB/SQ/2013/149 dated 21.11.2013 that as per directions of the Commission, First Appeal has been disposed of vide order No. DCB/RTI/2013/07-09 dated 24.10.2013. Accordingly appeal was admitted on 26.11.2013..

3. In his order dated 24.10.2013, the FAA has stated that the case was heard on 21.10.2013 at 11.30 am wherein all the officers/officials alongwith information seeker was present. The information seeker was asked in writing to submit his grievances against the information already provided to him by Tehsildar Bandipora. In his application dated 21.10.2013 he reiterated his version for providing of revenue records viz Jammabandi and Girdawari from khasra Nos 180 to 207 without further elaborating any grievance against the information already provided to him. The original records i.e. Jamabandi and Girdawari was called and shown to him as far as his khasra numbers are concerned and entries recorded in original records was tallied between the lines in front of the information seeker and he was satisfied that the information thus provided in respect of khasra numbers pertaining to him are correct. Photostat of the original record was done on spot in presence of information seeker and he refused to receive the same without assigning any formidable reason.

Accordingly, FAA has disposed of the appeal with following conclusion:-

”Ample opportunity has been provided to the complainant (information seeker) to place his concrete objection in respect of information provided to him but he failed to give any cogent reason, the appeal is accordingly disposed off with the order that whatever information, the complainant has sought was provided to him by registered post vide this office letter No. DCB/SQ/2013/04-06 dated 22.07.2013 which he declined to receive and was returned. Again the relevant records pertaining to his landed property

under khasra Nos 186 & 187, shown to him in original and photocopy of the same has been done on spot but he refused to receive the same during the proceedings in front of Tehsildar Bandipora and Patwari Halqa concerned. Therefore, there seems no plausible reason for him to keep Govt. functionaries engaged unnecessarily by seeking same information repeatedly. The appeal is accordingly disposed off.”

4. During proceedings in the Commission today, Addl. DC Bandipora drew the attention of the Commission towards his letter dated 22.07.2013 whereunder it is stated that complainant was called on 18.07.2013 and revenue records already provided to the complainant duly attested by Tehsildar have been compared with original records in presence of complainant. However, no discrepancy was found and entries in the copy of extracts matched with the original records. Addl. DC Bandipora further submitted that the revenue extracts are being issued in the shape of authentic/certified copies by the Patwaries under rules to General Public, however, on the insistence of the applicant the requisite information with regard to survey Nos. 180-207 of village Gundpora Rampora Tehsil Bandipora had been provided to the complainant in the shape of Photostat copies of the Tehsildar vide No. 1435/OQ dated 09.02.2013. However, the copies of the requisite information duly certified by Tehsildar Bandipora have been obtained and has been delivered to complainant through post. Xerox copy of the same was enclosed for perusal of the Commission. Copy of this is marked to information seeker also.

5. In appeal filed before FAA on 10.04.2013, the appellant has admitted that Tehsildar Bandipora has provided him Photostat copies of Jamabandi, which cannot be read and Girdawari is not the original record of Register. It is therefore evident that he received the information provided by PIO. So far as allegation of wrong/fake information is concerned, the Commission noted that information seeker had not enclosed any documents with the appeal to substantiate his allegation. Therefore, he was again asked

to produce documentary evidence to substantiate his allegation. However, he could not produce any documents before the Commission.

In the 2nd appeal the appellant has questioned certain entries in between survey Nos. The Commission on perusal of the records found that Tehsildar has provided the attested copies of the documents as sought in RTI application. The information seeker has questioned certain entries in the records without any documentary evidence. It is clarified that RTI Act provides right to information as per records held by Public Authority and answer to unsubstantiated question and opinions do not fall within the ambit of Right to Information Act. The information seeker has sought attested documents/records, which have been provided to him.

In view of the above the orders passed by Public Information Officer and First Appellate Authority in this case are upheld and appeal is dismissed.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Additional Deputy Commissioner, Bandipora(First Appellate Authority).
2. Assistant Commissioner Revenue, Bandipora (Public Information Officer).
3. Sh. Gh. Rasool Najar S/o Mohd Jamal R/o Chanapora Nadihal, Bandipora.

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