



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/14/2013
Decision No. SIC-K/SA/14/2013/**38**

Title: Sh. Ab. Rehman Sofi **v/s** ADC Pulwama
 r/o Kadlabal, Pampore Tehsildar Pampore
 (Appellant) **(Respondents)**

Present:

1. Shri Muneer-ul-Islam, ADC Pulwama.
2. Shri Abdul Rehman Dar, Tehsildar Pampore.
3. Shri Abdul Rehman Sofi, Appellant.

Srinagar

25.03.2014

Brief background of the case is that an RTI application has been filed by Shri Ab. Rehman Sofi s/o Mohammad Kamal Sofi r/o Kadlabal, Pampore before PIO/Additional DC Pulwama on 04.07.2013 seeking following information: -

1. "Report regarding demarcation conducted for 1 kanal and 17 marlas of decree land following under Survey No. 773 and 774 min.
2. Copy of Shajra and Khasra of the demarcated land of 1 kanal and 17 marlas falling under survey No. 773 and 774 min".

This RTI application has been disposed of by PIO/Tehsildar Pampore vide letter dated 05.08.2013 as under: -

01. "It is fact that you approached this office with the plea for demarcation on 09.11.2012 and deposited demarcation fee U/R. The same application was forwarded to N.T. concerned for accord of job, after perusal of demarcation of said land measuring 01 kanals 17 marlas have already been conducted.
02. Shajar and Khasra will be provided to you after depositing of fee u/r. You are required to attend this office for collection of same within three days positively".

Aggrieved by the information provided by the PIO, the applicant filed First Appeal before FAA/Deputy Commissioner Pulwama on 21.08.2013. This appeal has been disposed of by FAA vide dated 16.11.2013, directing Tehsildar Pampore to provide information to the appellant within 3 days. The Commission has noted that information sought was already provided by Tehsildar Pampore and First Appeal was filed as he was aggrieved by the information provided by the Tehsildar. The FAA ought to have adjudicated the appeal under Section 16(1) of the Act. Instead, the FAA has directed Tehsildar to provide information which has already been provided by Tehsildar and on the basis of which information appeal has been filed.

Since the issue related to this appeal is essentially a revenue matter, the Commission deemed it proper to remit back the appeal to FAA/DC Pulwama with the directions to pass a speaking order after giving an opportunity of being heard to both Tehsildar Pampore as well as the appellant. ADC Pulwama submitted that Deputy Commission and entire administration is busy with elections and

requested to grant one weeks' time after conclusion of election in Pulwama district, which is granted. A compliance report in this regard be submitted to the Commission.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Deputy Commissioner, Pulwama.
2. Additional Deputy Commissioner, Pulwama.
3. Tehsildar Pampore.
4. Shri Ab. Rehman Sofi s/o Mohammad Kamal Sofi r/o Kadlabal, Pampore

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