

Records enclosed with the appeal reveal that the appellant filed an RTI application before ADC Srinagar (PIO) on 30.07.2013 seeking following information:-

1. Copies of Mutations executed in revenue village Ganghbugh Halqua Barzulla, Tehsil South Srinagar during the year 2008, 2009, 2010, 2011, 2012 and upto 6/2013 as under:
 - i) Mutations executed on the basis of Sale Depots executed in Civil Courts at Srinagar.
 - ii) Mutations executed based on Attorneys executed in civil courts at Srinagar.
 - iii) Mutations executed based on gift deeds both oral and written and on the basis of wills executed in the Civil Courts at Srinagar.
 - iv) Mutations executed by revenue officers at their own level through different modes without seeking authority from respective civil courts at Srinagar.

This RTI application has been responded to by Tehsildar South Srinagar under letter dated 12.08.2013 as under: -

“.....you are hereby informed that your application does not fall within the ambit of the RTI Act. However, you are informed to take recourse of law for obtaining the copies of mutation”.

Aggrieved by the order of the PIO/Tehsildar, the appellant filed an appeal before FAA/ACR Srinagar dated 26.08.2013 requesting him to provide information sought by him.

FAA/ACR vide order dated 13.09.2013 directed Tehsildar South Srinagar to provide the detailed and complete information sought by the applicant/appellant within 3 days positively.

During hearing in the Commission today on 21st December, 2013, Additional Deputy Commissioner Srinagar, ACR Srinagar and PIO submitted that under query (1) appellant has sought copies of mutations of revenue village Ganghbugh since 2008, which is voluminous. ACR further submitted that a set procedure is laid under Land Revenue Act for

seeking revenue extracts etc. The appellant submitted that he is seeking the information in the public interest to expose alleged wrong doings committed in these mutations. ADC Srinagar submitted that they have no objection to provide access of record to the appellant. The appellant agreed for such inspection and requested that he may be intimated about the date and time of inspection. Tehsildar South Srinagar, who is custodian of the record submitted that appellant can inspect relevant record on any working day the next week

In view of above the appeal is disposed of. The Commission has however observed that response of the then Tehsildar South that the information does not fall within the RTI Act is erroneous as he has not explained reasons for passing such an order, which is denial of information without valid ground. Therefore, Mr. Bashir Ahmad the then Tehsildar is directed to explain as to on which grounds such an order has been passed by him.

Sd/-

(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Assistant Commissioner (Revenue) Srinagar (FAA).
2. Tehsildar South Srinagar.
3. Sh. Gh. Qadir Wani S/o Ab. Gaffar Wani R/o Gangbugh Srinagar.

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