



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
www.jksic.nic.in

File No: SIC-K/SA/17/2013

Decision No: File No: SIC-K/SA/17/2013/62

Title: Sh. Mohammad Sharief, v/s 1. FAA/Administrator MC Pampore
S/o Gh. Mohammad Mir 2. PIO/Executive Officer MC Pampore
(Appellant) **(Respondents)**

Present: 1. Shri Mushtaq Ahmad, Administrator MC Pampore
2. Shri Mohd. Ismayeel, Executive Officer MC Pampore.
3. Shri Mohammad Sharief Mir, Appellant.

Srinagar
17.07.2013

This is a Second Appeal filed by Shri Mohammad Sharief Mir on 24.04.2013 against PIO/Executive Officer Municipal Committee Pampore and FAA/Administrator Municipal Committee Pampore stating that he submitted an RTI application before PIO on 07.01.2013 which was responded to by the PIO under letter dated 28.01.2013 which is not the response of his RTI application. Appellant has further submitted that he accordingly preferred an appeal before FAA on 02.02.2013 which was dismissed by the FAA on 19.03.2013. The appellant has accordingly requested the Commission to intervene and informed as sought by him be provided to him.

Records enclosed with the appeal reveal that under RTI application dated 01.01.2013 information seeker has invited attention of PIO towards illegal construction on Khasra NO. 705 under Mutation No. 2704 situated at Kadlbal Pampore. In this connection he has referred to a report of EO MC Pampore vide No. MC/P/410 dated 09.08.2011 wherein EO is reported to have stated that dispute regarding the said construction is under trial under civil & revenue courts. The appellant has accordingly sought copy of court orders in this regard.

RTI application has been responded to by the PIO by informing the applicant as under: -

“.....that reference to the court cases has been made in general with regard to different issues which have been raised by you in this office and other forums as is evident from the relevant portion of the letter No. MCP/2011-12/410 dated 06.08.2011.

However, the applicant has approached this office with series of representations on different issues mainly based on land disputes and therefore the information already given to him on the subject may be treated as final.

“In case you are not satisfied with the above information, you may approach 1st appellate authority under rules”.

Subsequently the appellant has filed first appeal with Administrator Municipal Committee Pampore on 02.02.2013. This has been adjudicated by the FAA under order No. MCP/12-13/389 dated 19.03.0013 by passing order as under: -

“The information sought by you under 1st appeal has been provided to you by the undersigned in the capacity of Tehsildar Pampore. The copies of which are enclosed as annexure “A” and “B”. Now therefore it is concluded that the PIO has not withheld any information and the appeal is accordingly dismissed”.

Upon perusal of order of FAA it is apparent that he has not passed a reasoned order while dismissing the appeal. Besides, the appellant has not been given an opportunity of being heard to the appellant in person which is the basic requirement of natural justice.

FAA, who is also Tehsildar Pampore, ought to have provided an opportunity to the appellant to put forth his point of view before dismissing the appeal. The Commission therefore feels that FAA has not passed a reasoned order and also denied opportunity of being heard to the appellant.

In view of above, second appeal filed before the Commission is remitted back to the FAA with directions to adjudicate the First appeal afresh by passing a speaking and reasoned order after giving an opportunity of being heard to the appellant, within two weeks from issue of this order.

The appeal is disposed of accordingly.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Administrator Municipal Committee Pampore.
2. Executive Officer Municipal Committee Pampore.
3. Shri Mohammad Sharief Mir s/o Gh. Mohammad Mir r/o Kadlabel Pampore.

(Mohammad Sayed Shah)
Registrar,
J&K State Information Commission