



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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File No: SIC-K/SA/19/2013
Decision No: SIC-K/SA/19/2013/71

Title: Sh. Bashir Ahmad Dar, v/s Tehsildar (Settlement)
S/o Abdul Azizi Dar Sopore,
(Appellant) (Respondent)

Present: 1. Sh. Abdul Rashid Parray, Tehsildar (Settlement) Sopore/PIO,
2. Shri Bashir Ahmad Dar, Appellant.

Srinagar
27.08.2013

This second appeal has been filed by Sh. Bashir Ahmad Dar S/o Ab. Aziz Dar R/o Nigeen Bagh Sopore regarding information sought from Tehsildar (Settlement) Sopore District Baramulla and First Appellate Authority/ADC Baramulla on following grounds:-

“I wanted current revenue record with Khasra Paimaish of land together with Shamlat falling under old Survey Nos. 1304, 1309, 520, 818, 1299, 523, 519, 518, 909, 1305 and 22 including Khols, vans, roads and surrounding neighboring current Khasra No's situated at Amargarh Sopore. But I was provided old revenue records (Jamabandi, Girdawari) Khasra Paimaish under current survey Nos. provided is also incomplete as it does not specify paimaish of survey Nos. 519 and 520. Besides no details have been given with regard to khols, vans and roads in the same. It is interesting that survey Nos. 519, 520 (old) has been merged with current survey No. 184. Khasra Paimaish also does not give information with regard to paimaish of (old) survey No. 523.”

Accordingly the particulars of information sought and nature and subject matter of information required is as under:-

“Current/latest Revenue record after settlement with Khasra paimaish with all aforementioned survey Nos. together with Shamlat, vans roads etc. In addition to that I may be provided Khasra Paimaish of surrounding neighboring survey Nos. the extract of ROR be also provided as indicated in the order of dated 22.4.2013 of the Ist Appellate Authority.”

This appeal was received in the Commission on 24.05.2013. Upon scrutiny it was observed that the fee has been deposited in the shape of treasury receipt which is not the prescribed mode of payment as per RTI rules 2012. He was accordingly directed to file fresh application alongwith fee in a prescribed mode of payment. In response to the said notice, the appellant enclosed postal order of Rs.10/- on 18.06.2013 and submitted that the FAA has provided him misleading and incorrect information.

Keeping the spirit of the RTI Act in view, the fee now paid by the appellant is accepted as the RTI application has already been responded by PIO and also adjudicated by the FAA. Accordingly the appeal was registered in the Commission on 03.07.2013.

Records attached with the appeal reveal that the appellant Sh. Bashir Ahmad Dar has filed an RTI application before Revenue Department Sopore on 29.01.2013 seeking following information:-

“For issuance of certified latest revenue records i.e. Aksi Shajra Jamabandi and Girdawari Extracts together with Khasra Pamish after settlement operation of the land comprising old survey Nos. (1304, 1309, 520, 818, 1299, 523, 519, 518, 909, 1305 and 22). Besides details of land situated around all these survey Nos. may also be provided duly certified.”

This RTI application has been marked by Tehsildar on 30.01.2012 to the Patwari Halqa Amargarh. It has also been recorded on the copy of the RTI application that the required information has been provided to the applicant on 28.02.2013 based on 11 pages.

Aggrieved with the order of the PIO, the information seeker has filed FA before FAA/ADC Baramulla stating that the PIO has provided old information about Khasra Nos. 1304, 1309, 5620, 818, 1299, 523, 519, 518, 909, 1305 and 22 situated at village Nigeen Bagh Amargarh Sopore. The Akshi Shajra has also not been provided to the appellant by the concerned officer. The information seeker has requested FAA to provide the latest information about these khasra Nos.

First Appeal has been adjudicated by FAA/ADC Baramulla on 22.04.2013 and the order passed by him is as under:-

“The instant appeal has been preferred by Bashir Ahmad Dar S/o Ab Aziz Dar R/o Naseem Bagh Sopore with a prayer that he had sought information under RTI Act in respect of land under khasra Nos. 1304, 1305, 520, 818, 1299, 523, 519, 518, 909, 1305 and 22 but the Tehsildar Settlement Sopore has provided him the records pertaining to Khasra Paimaish and Girdawari prepared during the erstwhile settlement. He pleaded that the Tehsildar Settlement Sopore has not provided the extract of ROR and Girdawari as has been prepared during the fresh settlement. Tehsildar Settlement Sopore was called and he appeared in person on 16.04.2013. He rebutted the pleading of the appellant with a statement that the ROR has not received from Settlement Officer Kashmir as yet as the preparation of the said record is under way.

The appeal is disposed of with the direction to Tehsildar Settlement Sopore that he shall provide extract of ROR in respect of Khasra Nos as requested by the appellant immediately after receipt of ROR from Settlement Officer Kashmir. The extract of the Girdawari be also provided to the appellant after preparation of the said record is completed.”

During hearing on 24.07.2013 Naib Tehsildar appeared before the Commission and submitted that in compliance to order passed by FAA they obtained latest records from Revenue Training Institute Srinagar on 11.07.2013 and on the basis of same ROR in respect of Khasra Nos. sought by the appellant in his RTI application have been prepared and this was shown to the Commission. He was accordingly directed to provide the same to the appellant against fee admissible under relevant rules. As the PIO/Tehsildar Settlement Sopore did not appear before the Commission, he was directed for personal appearance of Tehsildar Settlement on the next date of hearing alongwith reply/counter statement and also explain reasons for non appearance.

In his reply/counter statement dt. 08.05.2013, Tehsildar Settlement Sopore submitted that he could not attend the Commission owing to exigency at his residence to be negotiated by none other than him and therefore, he could not appear before the Commission. Besides, he has responded to all the queries/grounds given in the second appeal.

On the next date of hearing on 08.08.2013 Tehsildar Settlement, Sh. A.R. Parray appeared before the Commission and submitted that latest ROR has been obtained from Settlement Officer Kashmir in pursuance of the order of FAA and the same was handed over to the appellant. On the basis of new ROR referred to above, Girdawari has been prepared and sent to the information seeker on 31.07.2013. The appellant admitted to have received this document.

Copy of the rejoinder submitted by Tehsildar Settlement on 05.08.2013 was not sent to the information seeker and accordingly he was directed to send a copy of the same to the appellant. Further, Tehsildar was directed to provide a concise and specific response summarizing the information already provided within 10 days from issuance of this order and also response to the second limb of query in the RTI application seeking details of adjoining land which as per records has not been responded to.

In compliance to the directions of the Commission Tehsildar Sopore submitted his response dated 13.08.2013 with copy to the information seeker. Upon scrutiny of the reply/counter statement of Tehsildar (Settlement) Sopore dated 05.08.2013 and 13.08.2013 the Commission has observed as under:-

That information sought as per the new survey Nos have been provided to the information seeker except jamabandi. With regard to jamabandi as per the new survey Nos, Tehsildar has submitted that such records have not been prepared as yet and therefore after proper preparation of records on the basis of ROR, the said requisite information will be provided to the applicant as and when the same is authenticated by the competent authority as per the laid down procedure as per Land Revenue Act (Para 3 of the reply dated 13.08.2013).

On the allegation made in 2nd appeal that khasra paimaish under current survey Nos. provided is incomplete as it does not specify paimaish of survey Nos. 519 and 520, Tehsildar Settlement in his reply dated 05.08.2012 has admitted that survey Nos. 519 and 520 (old) has been merged and gave rise to survey No. 184(new).. He has further admitted to the fact that khasra Nos. 519 and 520 (old) being shamilat (mehfooz Kahcharie) got merged in the settlement operation as the title of survey Nos. is same. So there is no hindrance in merging the survey Nos of the same title whether it be shamilat or otherwise. Regarding details of khuls, vans and roads Tehsildar Settlement has stated that this information is not included in the RTI application. The Commission is convinced that this query is outside the purview of the RTI application. Therefore, this plea is rejected. With regard to second query Tehsildar Settlement Sopore has submitted as under:-

“Regarding query No. 2nd the appellant does not mention the specific survey Nos pertaining surrounding neighboring land details which includes kouls, roads, vans etc. in this respect the applicant if so chooses or otherwise advised may furnish specific survey numbers so that the follow of action is taken in the matter under rules”.

As the information sought is not specific and vague, hence above reply of Tehsildar is accepted. It is therefore, held that PIO has provided information of all the queries raised in RTI application except jamabandi as per new survey Nos, for which cogent reasons have been given. Besides, clarifications sought in 2nd appeal have also been responded to.

The information seeker Sh. Bashir Ahmad Dar appeared before the Commission today and stated that he is not satisfied with the information. However, even after giving him two opportunities to respond to the reply/counter statement of respondent Tehsildar Settlement, he could not substantiate as to in which respect he is not satisfied with information provided other than what has already been submitted in 2nd appeal and which stands responded to by the PIO. It appears that information seeker has some grievance with respect to his land etc. which he intends to settle through the medium of RTI Act. It was clarified to him that the RTI Act envisages providing information as held by Public Authorities only and not to fulfill the satisfaction of an appellant. With regard to redressal of grievance for land dispute, he is advised to approach appropriate authority with the information provided to satisfy his demand.

The appeal is disposed of accordingly.

Announced in open court.

Sd/-

(Nazir Ahmed)
State Information Commissioner

Copy to :-

1. Tehsildar (Settlement) Sopore District Baramulla.
2. Bashir Ahmad Dar S/o Ab. Aziz Dar R/o Nigeen Bagh Sopore .
3. Guard file.

(G.Q. Bhat)
Registrar,
J&K State Information Commission