



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/Comp/40/2013
Decision No. SIC/K/Comp/40/2013/75

Title:- Shri Mushtaq Ahmad Naika V/s 1. ACR Revenue Srinagar
S/o Mohammad Abdullah 2. Tehsildar South Srinagar
R/o Shori Mohalla Gagribal Sgr.
(Complainant) (Respondents)

Present:- 1. Sh. Riyaz Ahmad Shah, Tehsildar South Srinagar.
3. Sh. Mushtaq Ahmad Naika, Complainant..

Srinagar
26.09.2013

The Commission has received a complaint on 25.07.2013 from Sh. Mushtaq Ahmad Naika S/o Mohammad Abdullah R/o Shori Mohalla Gagribal, Srinagar stating that he has sought information under J&K RTI Act, 2009 regarding the land under khasra No. 697 min khewat No. 108 and khata No. 381 situated at Mouza Khonmoh on 18th April 2013 from concerned PIO Srinagar. The complainant has further stated that after the lapse of stipulated time of 30 days, no information has been provided and on 27th May 2013 he made First Appeal before the concerned Ist Appellate officer but the information is still pending from the concerned quarter. The complainant has accordingly requested the Commission to look into the matter so that requisite information sought is provided to him and strict action is taken against erring officials.

Records enclosed with the complaint reveals that an RTI application filed by Sh. Mushtaq Ahmad Naika addressed to PIO Office of the Deputy Commissioner Srinagar has been transferred to Tehsildar South/North Srinagar (PIOs) on 24.04.2013 under section 6(3) of the J&K RTI Act 2009 directing them to provide requisite information to the information seeker directly. Copy of this letter has been marked to the information seeker also. Tehsildar North has responded vide letter dated 29.04.2013 informing ADC Srinagar (PIO) that village Khonmoh falls within the jurisdiction of Tehsil South, Srinagar as such no

information can be furnished to the applicant from that office. Copy of this letter has been marked to information seeker also.

In his reply/counter statement ACR Srinagar (FAA) has submitted that complainant has filed appeal before DDC Srinagar which has been disposed of vide No. 952-53/DCS/SQ/Misc dated 16.08.2013 advising the appellant to approach proper forum, besides reports sought from Tehsildar was also provided to the complainant enclosed as Annexures A & B. ACR Srinagar has also referred to a representation made by the complainant regarding demarcation of land enclosed as Annexure C & D.

Perusal of Annexure D reveals that it is in reply to an application addressed to DDC Srinagar placed at Annexure C and therefore it is not disposal of the RTI application under reference.

During hearing the complainant invited attention of the Commission to letter from ACR/FAA dated 27.06.2013 enclosed with the complaint filed in the Commission, wherein FAA has given reference of appeal of the information seeker and directed Tehsildar South to file his reply within two days. It is therefore evident that First Appeal filed before DC Srinagar has been entertained and accepted by the FAA (ACR Srinagar) and therefore plea of the ACR Srinagar that the appeal has not been filed before him is devoid of any merit. Prima facie ACR Srinagar/FAA has failed to discharge his obligations to dispose of the appeal as required under Section 16(1) of J&K RTI Act, 2009.

Sh. Riyaz Ahmad Shah, Tehsildar South Srinagar appeared and submitted that he has joined a week ago and requested for grant of 15 days time to dispose of the RTI application. Accordingly 15 days time is granted to Tehsildar South to dispose of the RTI application pending before him. Since First Appeal has remained pending before ACR Srinagar, complainant shall be at liberty to file First Appeal afresh against the order of the PIO if he is not satisfied with the order of the PIO.

Tehsildar South shall provide particulars of posting details of Tehsildar South posted at the time of receipt of RTI application to enable the Commission to initiate penalty proceedings for delay in disposing of the RTI application.

Registry to issue directions to ACR Srinagar (FAA) to ensure disposal of appeals within prescribed period as provided in Section 16 of the Act. He should be informed that appropriate action shall be taken if any lapse on this account comes to the notice of the Commission in future.

The complaint is disposed of with the above directions.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Deputy Commissioner, Srinagar.
2. Asstt. Commissioner Revenue Srinagar.
3. Tehsildar South Srinagar.
4. Sh. Mushtaq Ahmad Naika S/o Sh. Mohammad Abdullah R/o Shori Mohalla
Gagribal, Srinagar.

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