



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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File No: SIC/K/SA/34/2013

Decision No: SIC/K/SA/34/2013/99

Title: Shri Irshad Ahmad Malik
s/o Ali Mohammad Malik,
r/o Hamdania Colony, Bemina Srinagar
(Appellant)

v/s 1. Deputy Commissioner.
Anantnag
2. PIO/Revenue Department,
Tehsil Pahalgam,
District Anantnag
(Respondents)

Present: 1. Sh. Mohammad Yousuf Bhat, Addl. DC Anantnag.
2. Shri Shoaib Mohammad, Tehsildar Pahalgam.
3. Sh. Irshad Ahmad Malik, Appellant

Srinagar
04.12.2013

The Commission received Second Appeal on 14.10.2013 from Shri Irshad Ahmad Malik s/o Ali Mohammad Malik r/o Hamdania Colony against PIO/Tehsildar Pahalgam for not providing information in response to RTI application dated 06.07.2013 within the specified period.

Documents brought on record reveal that an application under RTI Act has been filed by the appellant before Tehsildar Pahalgam dated 06.07.2013 seeking following information: -

“Sought earlier Revenue Extracts, Mutation, Jamabandi from said officer, but iwas told that records got all burnt. But on what basis the records framed with regard to Mutation 504 & 505 partitioning piece of land measuring 3 (three) kanals & 14 (fourteen) Marlas of land located at Laripora Pahalgam Kashmir Khasra No. 345. If record is burnt whereform the Subhana Malik s/o Gaffar Malik has come and inicorporated for Mutation on what basis and on which document and when and how on whose authority. All such details may be furnished to the applicant instantly”.

Thereafter First Appeal has been filed before First Appellate Authority (FAA) before Deputy Commission Anantnag on 19.08.2013 alleging non receipt of information from PIO and requesting for providing access to the information sought.

During proceedings Shri Mohammad Yousuf Bhat, Addl. DC Anantnag submitted reply to 2nd appeal and also produced copy of order passed by him as FAA on 30.09.2013. However, the Commission noted that copy of this order has neither been marked to the information seeker nor has he reportedly been called for hearing. There is a serious lapse in deciding appeal by FAA as opportunity was not given to the appellant to put forth his arguments.

With regard to disposal of the RTI application, Tehsildar Pahalgam has responded to the queries in his submission to the FAA as under: -

“As the appellant has requested for ‘revenue extracts, mutation, Jamabandi with regard mutation no. 504 and 505 pertaining to land measuring 3 Kanals and 14 Marlas as detailed out in Annexure A’. Regarding the information sought it is to submit that the records prior to 1985 have been destroyed in an accidental fire in 1985. The record was copied from the records available at Tehsil Revenue Record Room Pahalgam from Jamabandi of 1967-68 and same is in vogue. But the Jamabandi of the year i.e., 1967-68 has been confiscated by the State Vigilance Department in the year 2009 and is still in its custody. The appellant shall apply for earlier records at Central Record Room Bemina wherein he can obtain the information as desired before the year 1960 as this Tehsil has been established after the year. As of now the official records available the office has provided and is providing the appellant the revenue extracts of the Jamabandi of the year 1998-99 and Girdawari extracts of Kharif 2013 the Mutation no. 504 and 505 are present in the records available with this office, has been already issued to the appellant and is being provided again”.

Since this information has not been sent to the information seeker, the same was given to him and read out/explained to the appellant in the language he understands. It is therefore, held that the queries raised in the application have been responded to within the scope of J&K RTI Act.

Tehsildar Pahalgam produced earlier order of the Commission dated 30.04.2013 wherein statement of the Tehsildar regarding records pertaining to the mutation of Khasra No. of the present RTI application has been answered as under:

“As reported by the Patwari concerned, the record stand gutted of 1937 to 1985. So that record is not available with the Patwari. Copy of the current record i.e., abstracts of jamabandi and girdawari and map is hereby submitted as desired”.

From above it is obvious that the information seeker has reproduced part of this information only and therefore there is no contradiction in information provided earlier. However, the appellant seems to have grievance with regard to entries in the mutation, for which he may approach appropriate/competent authority for the redressal. This has also been stated by the PIO in his response, copy of which is given to the appellant.

However, First Appellate Authority/ADC Anantnag is directed to follow the procedure laid down in Section 16 of the RTI Act 2009 while deciding appeals in future.

The appeal is accordingly disposed of.

Sd/-
(Nazir Ahmed)
(State Information Commissioner)

Copy to the:-

1. Addl. Deputy Commissioner Anantnag (First Appellate Authority).
2. Public Information Officer/Tehsildar Pahalgam, Revenue Department, Tehsil Pahalgam, District Anantnag.
3. Sh. Irshad Ahmad Malik S/o Ali Mohammad Malik R/o Hamdania Colony, Bemina, Srinagar.

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