



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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File No: SIC/J/A/312/2013
Decision SIC/J/A/312/2013/48

Sh. Sanjeev Sharma	Appellant	Absent
Smt. Sapna Kotwal Tehsildar, Udhampur.	APIO	Present
Sh. Om Parkash Tehsildar, Chenani.	APIO	Present

**Jammu
17.02.2014**

Briefly the facts in this appeal are that Sh. Sanjeev Sharma S/o Sh. B.L. Sharma R/o 336 Canal Road Shakti Nagar, Jammu moved an application dated 21-08-2013 under J&K RTI Act, 2009 before the PIO O/o Deputy Commissioner, Udhampur wherein he sought the following information:-

- 1. Provide me year wise details of the names and residential particulars of persons who have purchased land or acquired land by various modes including purchase, gift relinquishment; will, Roshni, Govt. allotments etc. in villages Kawa, Jaganoo, Battal, Ballian, Jakheni, Rathian, Garnai, Bararian, Malad, Roun Domel, Kud, Samroli, Mada and Karlah of District Udhampur from April, 2003 to December, 2012 indicating clearly and unambiguously the following details:-*
 - a. Nature and type of land purchased/acquired mutated.*
 - b. Area/Quantum of land purchased/acquired/mutated.*
 - c. Rates at which land was purchased.*
 - d. Rates fixed for the said land under stamp duty rules.*
 - e. Village/ward/Patwar Halqa alongwith Khasra no./Khata no. and Khewat no.*
 - f. Year in which land is purchased/acquired/mutated.*

- g. Name and residential address of the person from whom said land is purchased/acquired.*
- h. In case the land is acquired by gift, the name of the person who gifted the said land, the cost at which donor purchased the land along with year of such purchase.*

The APIO/Tehsildar, Udhampur informed the applicant vide letter no. 602/OQ dated 30-08-2013 that information sought is very very voluminous and need to be created/gathered from the field which ultimately hinders the routine business and hence cannot be provided U/s 7 (9) of the J&K RTI Act, 2009 as it would disproportionately divert the resources of a public authority. The PIO also quoted the judgment of Hon'ble Supreme Court in Civil appeal no. 6454 of 2011 titled Central Board of Secondary Education and Ors. V/s Aditya Bandopadhyay & Ors. wherein the Hon'ble Supreme Court has observed that RTI provides access to all information that is available and existing and the Act does not cast an obligation upon the public authority to collect or collate such non-available information. The APIO/Tehsildar, Chenani vide office letter no. 758-60/OQ dated 06-11-2013 furnished the information in respect of villages Kud, Mala and Karlah of district Udhampur. The information seeker was not satisfied with the information provided to him, preferred 1st appeal dated 28-09-2013 before the Deputy Commissioner, Udhampur which was disposed of vide no. 1892-94/Adm dated 09-11-2013. The information seeker challenged the order of the FAA by way of 2nd appeal dated 10-12-2013 before the Commission alleging therein that the information provided to him by Tehsildar, Chenani was incomplete and also alleged that Tehsildar, Udhampur has provided no information with respect of villages Kawa, Jaganoo, Battal, Ballian, Jakheni, Rathian, Garnai, Bararian, Malad, Roun Domel and Sarmoli of District Udhampur.

The Commission after receiving the 2nd appeal listed the matter for hearing on 17-02-2014 at Jammu office of the Commission. The appellant was absent, Tehsildar, Udhampur & Tehsildar, Chenani were present in person and apprised the Commission that the information sought by the information seeker is voluminous in nature and any exercise to collect and collate this information would not only disproportionately divert the resources of the public authority but also paralyze the normal functioning of a public authority and submitted that it is not possible to manually prepare this information.

Keeping in view the aforesaid facts & observations it would be pertinent in the given circumstances, if the appellant is provided an opportunity to access the information from the office record as it will serve the interest of the information seeker. The Tehsildar, Udhampur as well as Tehsildar, Chenani are directed to provide an opportunity to the information seeker to access the record in their office on a working day and in case he requires photocopies of the relevant documents that may be provided to him on payment of requisite fee. The parties are at liberty to settle the date and time for inspection of record which may be convenient to them.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

Sd/-
Dr. S.K. Sharma
State Information Commissioner

Copy to the:

4. Assistant Public Information Officer / Smt. Sapna Kotwal, Tehsildar, Udhampur.
5. Assistant Public Information Officer / Sh. Om Parkash, Tehsildar, Chenani.
6. Sh. Sanjeev Sharma S/o Sh. B.L. Sharma R/o 336 Canal Road Shakti Nagar, Jammu.

(Khalid. A. Shah)
Dy. Registrar
State Information Commission