



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
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File No. SIC/J/A/24/2014
Decision No. SIC/J/A/24/2014/52

Title

Shri Virender Sudan

(Appellant)

V/S

1. PIO/Dy. SP (Hqr), Jammu.
2. First Appellate Authority / SSP, Jammu.

(Respondents)

**18th February, 2014
Jammu.**

The Commission received a 2nd Appeal under J&K RTI Act, 2009 on 03-02-2014 from Shri Virender Sudan S/o Late Shri Charanjit Lal Sudan R/o Patoli, Mangotrain, Jammu on the grounds of alleged unsatisfactory reply of Dy. SP (Hqr), Jammu (PIO).

Background of the case are that an RTI application has been filed before the PIO, O/o SSP, Jammu on the subject “ selling of Leased Government Land on Agreement to sell & Power Attorney on 04-09-2013,” seeking following information;

1. **The applicant wants to know, what action has been taken on my complaint, after lapse of 92 days.**
2. **Whether the F.I.R. has been lodged are not.**
3. **If lodged, please provide the copy of the F.I.R.**
4. **The applicant wants to know why it has been delayed for 92 days.**
5. **The applicant wants to know, whether, purchasing / selling of Government Land amounts to any crime.**

Also enclosed with RTI application is an application, addressed to Senior Superintendent of Police, Jammu on the same subject.

This RTI application has been responded to by Dy. Superintendent of Police (Hqr), Jammu (PIO) vide letter No. RTI/2013/150/3039-40 dated: 20-09-2013, enclosing the report obtained from Superintendent of Police, City North, Jammu. The enclosed letter of SP, City North, Jammu referred to in the communication of Dy. SP (Hqr), Jammu (PIO) is dated: 19-09-2013 on the subject " information sought under RTI Act, 2009" by the appellant, wherein, the 05 points raised in the RTI application has been responded to as under;

1. During posting tenure of l/c PP, Sarwal, Shri Sachinder Paul Singh, SI, One Letter No. 89/5-1 dated: 06-09-2013 has been written to Executive Magistrate 1st Class, Jammu and sought information / demarcation of land falls under Khasra No. 98 situated at Patoli Mangotrian, Jammu that whether the land in question is State land or otherwise. Whether the said land leased to complainant Virender Sudan or otherwise. The reply into the matter is still awaited. The statement of complainant was recorded on 12-09-2013. Matter pertains to Revenue Department.
2. No case has been registered in this regard so far as the enquiry into the matter is going on.
3. No case has been registered in this regard so far as the enquiry into the matter is going on.
4. The preliminary enquiry into the matter is going on as the report from concerend Revenue Department is still awaited.
5. Pertains to Revenue Department.

Aggrieved by the order of PIO (Dy. SP (Hqr), Jammu), the appellant filed an appeal before First Appellate Authority, O/o SSP, Jammu on 15-10-2013, however, the first appeal was not disposed of by the First Appellate Authority.

The appellant filed his 2nd Appeal before the Commission on 03-02-2014 on the grounds of unsatisfactory reply provided by SP, City North, Jammu vide letter No. 12272/SPCN dated: 19-09-2013.

Heard both the parties and perused records. The contention of the appellant is that Tehsildar concerned has denied to have received letter No. 89/5-1 dated: 06-09-2013 as referred in para-A of communication dated: 19-09-2013 of SP, City North, Jammu.

The Commission is of the considered view that this letter should have been a part of the information provided to the information seeker.

In view of the above, designated PIO, Dy. Superintendent of Police (Hqr), Jammu is directed to provide copy of the Letter No. 89/5-1 dated: 06-09-2013, addressed to Executive Magistrate 1st Class, Jammu within 01 week from the receipt of this order, under intimation to the Commission.

The Commission has taken a serious note of the fact that First Appellate Authority, O/o SSP, Jammu has failed to adjudicate first appeal as provided under section 16(1) of J&K RTI Act, 2009, filed before him by the appellant on 15-10-2013. Had the First Appellate Authority adjudicated the appeal by providing an opportunity of being heard to the appellant, the issue could have been resolved at his level to avoid any inconvenience to the information seeker to approach the Commission. The First Appellate Authority O/o SSP, Jammu is directed to ensure that appeals filed before him are disposed of in the manner as provided under the section 16 of the Act within prescribed period.

Registry to mark a copy of the order to SSP, Jammu (FAA) for compliance in future.

The appeal filed before the Commission is disposed of with above directions.

Sd/-

(Er. Nazir Ahmad)

State Information Commissioner

Dated: -02-2014

No. SIC/J/A/24/2014

Copy to the:

1. First Appellate Authority O/o SSP, Jammu.
2. Public Information Officer / Dy. SP (Hqr), Jammu.
3. Shri Virender Sudan S/o Late Shri Charanjit Lal Sudan R/o Patoli, Mangotrain, Jammu (Appellant).

(Khalid Abdullah)

Deputy Registrar

J&K State Information Commission