



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

www.jksic.nic.in

File No: SIC/J/A/74/2013
Decision SIC/J/A/74/2013/224

Sh. Chanchal Yogi Through Sh. Vilakashana Singh Advocate	Appellant	Present Present
Sh. Ghulam Nabi Mir Dy.Custodian Evacuee Property, Jammu.		Present
Sh. Ram Lal Sharma Tehsildar / Assistant, Custodian Evacuee Property, Samba		Absent

**Jammu
31-07-2013**

Briefly the facts in this appeal are that Sh. Chanchal Yogi S/o Sh. Jaimal Singh R/o Vill. Smailpur, Tehsil and District Samba moved an application dated 26-11-2012 under J&K RTI Act, 2009 before the PIO O/o Custodian Evacuee Property, Jammu seeking the following information:-

1. *Kindly state the Khasra Nos, the respective area and the name of the allottee and the provision of law under which allotment is made, of the Evacuee Property/land in village Meen Charkan, Tehsil Samba in the following format:-*

<i>Name of the village</i>	<i>Khasra No.</i>	<i>Area</i>	<i>Name of the allottee</i>	<i>Provision of law under which allotment is made</i>

- ii. *Kindly state the Khasra no., respective area, Total rental Compensation and total final payment made in respect of the Evacuee land (whether allotted*

or not) in Village Meen Charkan, Tehsil Samba which has been acquired by Indian Army or other defence forces since, 1977 till date, in the following format:

Name of the village	Khasra No.	Area	Total Rental Compensation	Total final Payment

- iii. Kindly state the Khasra no., respective area, total rental compensation and total final payment of the Evacuee land acquired by Indian Army or other defence forces, in the Village Meen Charkan, Tehsil Samba in respect of which, Rental Compensation and final payment was received by the Office of the Custodian, Evacuee Property, Jammu since 1977 till date in the following format.

Name of the village	Khasra No.	Area	Total Rental Compensation received by Custodian office	Total final Payment received by Custodian office

- iv. Kindly state the Khasra nos, the respective area and the name of the allottee and the provision of law under which allotment is made, of the Evacuee land in village Smailpur, Tehsil Samba in the following format.

Name of the village	Khasra No.	Area	Name of the allottee	Provision of law under which allotment is made

- v. Kindly state the Khasra no., respective area, total rental Compensation and total final payment made in respect of the Evacuee land (whether allotted or not) in Village Smailpur, Tehsil Samba which has been acquired by Indian Army or other defence forces, in the following format

Name of the village	Khasra No.	Area	Total Rental Compensation	Total final Payment

- vi. Kindly state the Khasra no., respective area, Total rental compensation and total final payment of the Evacuee land acquired by Indian Army or other defence forces, in the Village Smailpur, Tehsil Samba in respect of which, Total rental Compensation and total Final payment was received by the Office of the Custodian, Evacuee Property, Jammu in the following format.

Name of the village	Khasra No.	Area	Total Rental Compensation received by Custodian office	Total final Payment received by Custodian office

Vii *Kindly state the Khasra nos., the respective area and the name of the allottee and the provision of law under which allotment is made, of the Evacuee land in village Meen Sarkar, Tehsil Samba in the following format:*

<i>Name of the village</i>	<i>Khasra No.</i>	<i>Area</i>	<i>Name of the allottee</i>	<i>Provision of law under which allotment is made</i>

vii. *Kindly state the Khasra no., respective area, total rental Compensation and total Final payment made in respect of the Evacuee land (whether allotted or not) in Village Meen Sarkar, Tehsil Samba which has been acquired by Indian Army or other defence forces, in the following format.*

<i>Name of the village</i>	<i>Khasra No.</i>	<i>Area</i>	<i>Total Rental Compensation</i>	<i>Total final Payment</i>

ix. *Kindly state the Khasra no., respective area, Total rental Compensation and total Final payment of the Evacuee land acquired by Indian Army or other defence forces in the Village meen Sarkar, Tehsil Samba in respect of which, Total rental Compensation and total Final payment was received by the office of the Custodian, Evacuee Property, Jammu in the following format.*

<i>Name of the village</i>	<i>Khasra No.</i>	<i>Area</i>	<i>Total Rental Compensation received by Custodian office</i>	<i>Total final Payment received by Custodian office</i>

Having received no response from the PIO within the statutory period, the applicant preferred 1st Appeal dated 21-01-2013 before the FAA O/o Custodian Evacuee Property, Jammu. The FAA did not adjudicate and dispose of the appeal. Being aggrieved of inaction on the part of PIO and FAA the appellant filed second appeal before the Commission on 04-04-2013. The Commission after perusal of the contents of the appeal directed the PIO O/o Custodian Evacuee Property vide notice No: SIC/J/A/74/2013/2121-22 dated 15-05-2013 to appear before the Commission with counter statement and relevant documents on 27-05-2013 at Jammu office. The PIO filed counter reply vide office letter no. 175/AP dated 29-05-2013 before the Commission and submitted that the information sought by the information seeker has not preferred the khasra numbers of the particular area and authority of allotment of the said area, so that information with regard to the same would have been communicated to him as the particular khasra no. of the land allotted have not been mentioned. Therefore, the same

could not be got supplied to him as the E.P land have been allotted by the concerned Asstt. Custodian, Custodians, Deputy Custodians. However, in the instant case Assistant Custodian (Tehsildar) concerned was asked to provide necessary information to the information seeker. The PIO also submitted in the counter statement that the department receives amount of compensation of land from the concerned collectorate who only pays cheques to the department and details of khasra nos can only be had from the concerned collectorate. Besides, no details thereof have also been provided by the information seeker which he may kindly be asked to provide. The Commission directed the Registry of the Commission to send notice to Tehsildar / Assistant Custodian Evacuee Property, Samba and PIO O/o Custodian Evacuee Property, Jammu to remain present on the next date of hearing and the matter was listed on 31-07-2013.

The stand taken by the PIO O/o Custodian Evacuee Property, Jammu that he does not have the Khasra numbers of acquired land by the army authorities cannot be upheld as being the Custodian of the Evacuee Properties, he is duty bound to have the record in his possession and cannot shift the responsibility on the information seeker and deny him the right to have information which solely is the duty of the office of the custodian to preserve and maintain. In view of the aforesaid observations the PIO is directed to provide the information in respect of land acquired by army authorities in Villages Meen Charkan, Meen Sarkar and Smailpur of Tehsil and District Samba and rental and final compensation paid thereof within 15 days from the date of receipt of this order under an intimation to the Commission.

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:

1. 1st Appellate Authority O/o Custodian, Evacuee Property, Jammu.
2. The Public Information Officer/ Sh. A.M. Wani Custodian, Evacuee Property, Jammu.
3. Sh. Chanchal Yogi S/o Sh. Jaimal Singh R/o Vill. Smailpur, Tehsil and District Samba.

4. Sh. Vilakshana Singh (Advocate) S/o Lt. Sh. Jagdish Singh Dogra R/o Sidhra By pass, Opposite Eicher Workshop, Sidhra Tehsil & District Jammu.

Khalid-A-Shah
Deputy Registrar
State Information Commission