



**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  
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**File No:** SIC-J-A-173/2013  
**Decision No:** SIC-J-A/173/2013/242

Sh. Fakar Zaman Khan Through S. Lokinder Singh, Advocate	Appellant	Present
Sh.A.M. Wani Custodian Evacuee Property, Jammu.	PIO	Present

**Jammu**  
**26-08-2013**

Briefly the facts in this appeal are that Sh. Fakar Zaman Khan S/o Late Mst. Zainab Bibi R/o House No. 50 Mohalla Ustad, Jammu moved an application dated 15-04-2013 under J&K RTI Act, 2009 before the PIO, O/o Custodian General Evacuee Property, J&K Government, Wazarat Road, Jammu seeking the following information:-

- i. About present status of land under Khewat No.1, measuring 1000 Kanals in Village Fatwal, Tehsil Akhnoor termed as JAGIR FATWAL Akhnoor, under the possession of Evacuee Property, Jammu.
- ii. Provide the information about if the land above has been allotted to any local allottee or Refugee from POK, Provide the details of the same. And in case the land is allotted to local, under which

- circumstances the land has been allotted to local, provide the details of the same with attested true copy of the allotment order.
- iii. Provide information about Revenue collected by way of different modes against the above mentioned property, JAGIR FATWAL Tehsil Akhnoor by the Evacuee Property, J&K Govt.  
Provide the details of revenue collected by the Department w.e.f the date the Evacuee Department took over the possession of 'Jagir Fatwal' till date.
  - iv. Provide Information, if the Evacuee Property under Custodian can be sold or allotted to any local. Information if any part, portion or whole of property under 'Jagir Fatwal' has been misused by the Custodian Evacuee Property, Jammu. Provide the details of such property.  
And under which rule, norms and procedure the Custodian has misused the properties of "Jagir Fatwal' Akhnoor provide the details of the same.
  - v. Provide the information about action taken in letter No. CE(Court)3341/2013 dated 9-01-2013 of Custodian General, Jammu addressed to the Custodian, Jammu.

The information seeker also filed Ist appeal dated 16-05-2013 before the Custodian General Evacuee Property, J&K Government, Srinagar alleging therein that the PIO has failed to provide the requisite information sought by him in his RTI application. The information seeker received no response from the office of Custodian General Evacuee Property and thus feeling aggrieved of inaction on the part of the PIO as well as FAA filed second appeal dated 09-07-2013 before the Commission. After receiving second appeal, the Commission vide office notice NO:SIC/J/A/173/2937 dated 15-07-2013 directed the PIO office of the Custodian Evacuee Property, Jammu to file counter reply before the Commission within 7 days

from the date of receipt of the notice. And in compliance to the aforesaid notice, Custodian Evacuee Property Jammu vide office No:382/AP dated 26-07-2013 informed the Commission that the information seeker has already been provided copies of information vide office NO:928/AP dated 20-01-2012, 984/AP dated 14-02-2012, 17-18/AP dated 09-04-2012, 172-73/AP dated 10-05-2012, 496-97 dated 21-08-2012 and 635/AP dated 20-09-2012. The Custodian Evacuee Property Jammu further submitted before the Commission that the information seeker had also preferred the case under section 8 of the E.P. Act, 2006 before the court of the Custodian which was rejected and thus applicant prefers applications off and on.

During the course of proceedings held today, the Custodian Evacuee Property Jammu agreed to provide certified photocopies of the entire information as mentioned above to the information seeker by 15<sup>th</sup> of September, 2013. However, the counsel for the information seeker impressed upon the Commission that information as sought in the RTI application in addition to above mentioned information may also be furnished to the information seeker. In view of the aforesaid facts, Custodian, Evacuee Property, Jammu is hereby directed to furnish the certified copies of the above said information to the information seeker and also additional information requested by the information seeker in his RTI application by 15<sup>th</sup> of September, 2013 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 :

4. First Appellate Authority / Custodian General Evacuee property, J&K Government, Srinagar.
5. Public Information Officer /Custodian Evacuee Property, Jammu.
6. Sh. Fakar Zaman Khan S/o Late Mst. Zainab Bibi R/o House No. 50 Mohalla Ustad, Jammu.

(Khalid. A. Shah)  
Dy. Registrar  
J&K State Information Commission