



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/183/2012
Decision SIC/J/A/183/2012/256

Sh. Vilakshana Singh
Advocate

Appellant

Present

Sh. Mohd. Abdullaha Malik
Dy. Registrar Counsel
O/o Registrar Cooperatives,
SDA Colony Bemina Srinagar.

PIO Heard through video conferencing

Jammu
09-09-2013

Briefly the facts in this appeal are that Sh. Vilakshana Singh (Advocate) S/o Lt. Sh. Jagdish Singh Dogra R/o Sidhra By pass, Opposite Eicher Workshop, Sidhra Tehsil & District Jammu moved an application dated 13-03-2013 under J&K Right to Information Act, 2009 before the PIO O/o Registrar of Cooperative Societies, Jammu seeking the following information:-

- 1. Kindly supply me the total number of plots / pieces of land (with or without structure built there upon) sold / leased out by J&K Cooperative Housing Corporation Pvt. Ltd. in Tawi Vihar Colony, Sidhra.*
- 2. Kindly supply me Khasra number, Khewat number and Khata no. (as entered in revenue records) and measure of area of each such plot sold/leased out by the said Housing Corporation in Tawi Vihar Colony, Sidhra.*

3. *Kindly supply me the measure of area of each pathway, road and lane built on the land purchased by the said Housing Corporation in Tawi Vihar Colony, Sidhra.*
4. *Kindly supply me a certified copy of the approved map/site plan of above said Tawi Vihar Colony, Sidhra.*

The matter was listed for hearing through video conferencing on 09-09-2013. The PIO/Dy. Registrar Counsel O/o Registrar Cooperatives Societies informed the Commission that the information sought by the appellant is not available in their office and is more closely connected with the functions of J&K Cooperative Housing Corporation Ltd. Jammu. Accordingly the RTI application of the information seeker as per section 6 Sub-Section 3 was transferred to Managing Director, Cooperative Housing Corporation vide office NO:RCS/LS/863-64 dated 25-03-2013 with the request to provide information to the applicant directly under intimation to their office.

Perusal of the counter statement filed by the PIO reveals that the appellant filed Ist appeal dated 06-05-2013 before the Registrar Cooperative Societies, J&K. The appeal was disposed of on 18-06-2013 with a direction to the PIO of Registrar Cooperative Societies J&K to look into the matter in the light of petition No:OWP No. 349/2012. CMP No. 482/2012 wherein the order of SIC was challenged by MD J&K Cooperative Housing Corporation, Jammu in the Hon'ble High Court of J&K at Jammu and wherein order of the State Information Commission was stayed and the matter is subjudice before the Hon'ble High Court of J&K at Jammu. Accordingly the PIO o/o Dy. Registrar Cooperative Societies, Srinagar disposed of the application of the appellant vide office No: RCS/LS/333-34 dated 25-07-2013 wherein it was intimated that in the light of facts narrated above any further action on the application of the information seeker shall be taken after the interim stay order granted by the Hon'ble High Court is vacated.

During the course of proceedings held today, the appellant submitted before the Commission that the stay order granted in the aforesaid case has become infructuous as it was meant for and effective only till next date of hearing and since then matter has been listed number of times before the Hon'ble High Court and interim stay order so granted has not been confirmed by the Hon'ble High Court. Perusal of the facts, in this case shows that the information seeker has sought information from the PIO O/o Registrar Cooperative Societies J&K Srinagar and not from the J&K Cooperative Housing Corporation Ltd. Jammu which claims to be not a Public Authority interms of section 2(f) of J&K RTI Act, 2009. The Registrar Cooperative Societies is supposed to have information relating to J&K Cooperative Housing Corporation Ltd. Jammu in view of section 2(d) which can be accessed by it under any other law for the time being in force. The PIO informed the Commission that they have written to J&K Cooperative Housing Corporation Ltd. Jammu for supplying the information to the information seeker directly but have received no response from the concerned quarter. The information seeker also submitted before the Commission that J&K Cooperative Housing Corporation Ltd. Jammu has not provided to him any information till date. In view of the aforesaid facts, the PIO O/o Registrar Cooperative Societies is hereby directed to access the information from the J&K Cooperative Housing Corporation Ltd. Jammu which it may be competent to do so under the laws and rules applicable to them within 15 days from the date of receipt of this order and furnish the same to the information seeker as expeditiously as possible after its receipt. The PIO is further directed to file compliance report 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 / Addl. Registrar, Cooperative Societies, J&K. Jammu.
5. The Public Information Officer/ Dy. Registrar Counsel O/o Registrar Cooperatives, SDA Colony Bemina, Srinagar.
6. 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)
Dy. Registrar
J&K State Information Commission