



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/163/2013

Decision No: SIC/J/A/163/2013/289

Sh. Rajesh SharmaAppellant Present

Sh. Naresh KumarPIO Present
Secretary,
Municipal Corporation,
Jammu.

Mst. Farzana Naqash Bandi Present
Sr. Town Planner,
Municipal Corporation,
Jammu.

Jammu

25-09-2013

Briefly the facts in this appeal are that Sh. Rajesh Sharma R/o 43-P, Sector 6, Roop Nagar, JDA Colony near Ridge View School Jammu moved an application dated 27-12-2012 under J&K RTI Act, 2009 before the PIO Jammu Municipal Corporation, Town Hall, Jammu seeking certain information relating to site plan, building permission with ownership rights of the shops and commercial complex situated on the north side of the Raghunath Chowk which was part of the Hawali of Pt. Raja Ram S/o Pt. Anant Ram adjoining Municipal Area towards Gali Partap Garh, Jammu.

The PIO /Secretary, Municipal Corporation Jammu after receiving the application of the information seeker transferred to Sr. Town Planner,

Municipal Corporation, Jammu vide office letter No:JMC/S/RTI/Comp/826-28 dated 31-12-2012 with a request to provide the requisite information directly to the applicant, under section 6(3) of the RTI Act, 2009 within the stipulated time. The appellant feeling aggrieved of inaction on the part of the Sr. Town Planner, Municipal Corporation, Jammu filed appeal before the Commissioner, Municipal Corporation Jammu. During the course of proceedings before the FAA, the appellant submitted before the authorities that Sr. Town Planner vide letter dated 28-02-2013 has informed that no building permission has been accorded in favour of Pt. Raja Ram S/o Pt. Anant Ram at Gali Partap Garh, Jammu by JMC. The FAA took a serious view of unauthorized construction and ordered for an enquiry which was to be conducted by Joint Commissioner (A) and find out that how the building in question was constructed without permission and also point out lapses on the part of officer/official who were posted at that time. The enquiry report was to be submitted by Joint Commissioner (A) within two weeks positively. Thus, feeling aggrieved of inaction on the part of the FAA who could not provide any information to the information seeker relating to site plan, building permission of Hotel Savera and Regal Fast Food which existed in the name of Khousal Kumar S/o Pt. Raja Ram, the appellant approached the Commission by filing second appeal and the matter was listed for hearing on 25-09-2013. Mst. Farzana Naqash Bandi Sr. Town Planner and Sh. Naresh Kumar Secretary, Municipal Corporation Jammu appeared before the Commission. The Sr. Town Planner, Municipal Corporation, Jammu vide office letter No: 157-58/BS/2013 dated 29-07-2013 apprised the Commission that information sought was already conveyed to the information seeker that no building permission has been accorded in favour of Pt. Raja Ram S/o Pt. Anant Ram at Gali Partap Garh, Jammu and matter regarding ownership rights pertained to revenue department. In another letter bearing No.197-98/BS/2013 dated 24-09-

2013 in which she submitted before the Commission that no building permission has been accorded in favour of Koushal Kumar S/o Pt. Raja Ram at Gali Partap Garh, Jammu.

However, the information seeker alleged during the course of proceedings that he has not been provided information about adjoining areas close to the building. The Sr. Town Planner, Municipal Corporation, Jammu agreed to furnish the same to the information seeker after verifying the facts and office record within one week from the date of pronouncement of this order. She also agreed 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 :-

1. First Appellate Authority / Commissioner, Municipal Corporation Jammu.
2. Public Information Officer /Secretary, Municipal Corporation Jammu.
3. Sr. Town Planner, Municipal Corporation, Jammu.
4. Sh. Rajesh Sharma R/o 43-P, Sector 6, Roop Nagar, JDA Colony near Ridge View School, Jammu.

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