



J&K State Information Commission

(Constituted under Right to Information Act 2009)

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www.jksic.nic.in

File No: SIC/J/A/221/2013

Decision No: SIC/J/A/221/2013/316

Sh. Ruder Chand	Appellant	Present
Sh. Avtar Singh Jasrotia Tehsildar (S) Samba, HQ. Vijaypur.	PIO	Present

Jammu
10-10-2013

Briefly the facts in this appeal are that Sh. Ruder Chand S/o Sh. Chhajju Ram R/o Village Gadwal P/o Tehsil Vijaypur and District Samba moved an application dated 21-06-2013 under J&K RTI Act, 2009 before the PIO/Tehsildar (S) Samba, HQ Vijaypur seeking certain information regarding the course of action taken by Tehsildar (S), Samba H.Q Vijaypur on the order passed by the Additional Dy. Commissioner, Samba vide NO:ADC/Rdr/256-57 dated 19-01-2013 in which Tehsildar (S) Vijaypur was directed to proceed on spot and conduct enquiry in the presence of prominent persons and interested parties and take action under Section 28-A of Agrarian Reforms Act against the respondents.

Having received no response from the PIO/ Tehsildar (S), Samba H.Q Vijaypur, the appellant filed Ist appeal dated 27-07-2013 before the Asstt. Commissioner Revenue, Samba who vide letter No:DCS/HQA/RTI/2013-14/303-04 dated 03-08-2013 directed the Tehsildar (S), Samba H.Q Vijaypur to provide the requisite information to the appellant within 2 days positively through special

messenger. In his second appeal before the Commission the information seeker has alleged that no information has been provided to him by the concerned PIO till date and requested that PIO be directed to furnish the requisite information at the earliest. After receiving the second appeal, the Commission vide office notice No:SIC/J/A/221/2013/3681 dated 13-09-2013 directed the PIO/ Tehsildar (S), Samba H.Q Vijaypur to send counter reply to the Commission within 7 days from the receipt of the notice. In compliance to the aforesaid notice, PIO/Tehsildar (S), Samba H.Q Vijaypur filed the counter reply vide office letter No:666/TSV dated 25-09-2013 and has apprised the Commission about the action taken in the matter. The facts reveal that the Addl. Dy. Commissioner, Samba vide order No:ADC/S/Rdr/256-57 dated 19-01-2013 in the case titled Geeta Devi and other (Appellants) v/s Chandershekhar and other (Respondents), the Tehsildar (S), Samba H.Q Vijaypur was directed to proceed on spot and conduct the enquiry in the presence of prominent persons of the village and interested parties and take action under section 28-A of Agrarian Reforms Act, 1976 against the respondents. The PIO further submitted in the above said reply that on 21-01-2013 file was put up for hearing and parties were directed through medium of summons to appear in the Court on 26-02-2013 for hearing. But as the majority of respondents belonged to Jammu and their residential address i.e House No. Mohalla etc is not shown in the suit, so the summons could not be served upon the respondents and even appellants have not appeared in the Court of Tehsildar (S), Samba H.Q Vijaypur till date. The PIO further submitted that in order to decide the above said suit, accordingly date of hearing was fixed on 27-09-2013 for on spot inspection which was to be conducted in the presence of prominent persons of the village. However, he submitted that the spot inspection could not materialize due to non-cooperation of the parties. The Tehsildar (S), Samba H.Q Vijaypur further apprised the Commission that mater is subjudice before him and status of the action taken report as sought by the information seeker remains the same as submitted above.

During the course of proceedings, a copy of the aforesaid letter was provided to the appellant and he also requested the Commission that the PIO be directed to furnish the photocopies of the summons issued to the respondents in

this case. Keeping in view the request of the appellant, the PIO is hereby directed to furnish the photocopies of the summons if any issued to the respondents from time to time so that the status of the action taken in the matter could be determined. The PIO is further directed to provide the requisite information within ten days from the date of receipt of this order.

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. The First Appellate Authority/Addl. Dy. Commissioner, Samba.
2. Public Information Officer / Tehsildar (S), Samba H.Q Vijaypur.
3. Sh. Ruder Chand S/o Sh. Chhajju Ram R/o Village Gadwal P/o Tehsil Vijaypur and District Samba.

(Khalid. A. Shah)
Dy. Registrar
State Information Commission