



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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File No: SIC-J-A-242 /2013

Decision No: SIC-J-A-242/2013/354

Sh. Prem Mehta	Appellant	Present
Sh. Irshad Hussain Executive Engineer, EM&RE Division, Rajouri.	PIO	Present

**Jammu
12-11-2013**

Briefly the facts in this appeal are that Sh. Prem Mehta R/o 147-C, Block A/D Green Belt Gandhi Nagar, Jammu moved an application dated 6-4-2013 before the PIO/Executive Engineer, EM&RE, Power Development Department, Rajouri under RTI Act, 2009 seeking certain information relating to compensation of land measuring 1 Kanal 1 Marla situated at village Kheora adjoining Power House Rajouri.

Having received no response from the PIO, the information seeker filed Ist appeal dated 16-07-2013 before the FAA ie. Superintendent Engineer, EM&RE Division, Power Development Department, Rajouri. The FAA issued Interim Order vide No:SEM-II/R/E-31/820-22 dated 10-10-2013 wherein Executive Engineer, ED Rajouri was directed to furnish the reply to the information seeker on or before 23-10-2013 positively. The Executive Engineer, ED Rajouri was also directed to process the land

compensation case of the appellant without delay. During the pendency of Ist appeal which was earlier filed before the Executive Engineer, EM&RE, Power Development Department, Rajouri who was not competent to hear the same, the appellant also knocked the doors of the Commission by filing second appeal dated 8-07-2013 which was premature and appellant was advised to approach the FAA i.e Superintendent Engineer, EM&RE Division, Power Development Department, Rajouri. Now after issuance of interim order by the Superintendent Engineer, EM&RE Division, Power Development Department, Rajouri/FAA the second appeal of the information seeker dated 1-10-2013 was entertained by the Commission in which appellant has prayed that the FAA i.e Superintendent Engineer, EM&RE Division, Power Development Department, Rajouri may please be directed to instruct the Executive Engineer, EM&RE Division, Power Development Department, Rajouri to trace or compile the record a fresh from the revenue department , process the case and issue letter for authentication in token of acceptance and also place indent for acquisition to the office of the Asstt. Commissioner, Collector Land Acquisition, Rajouri for the excess land occupied and or encroached by them, the compensation of which was pending with their office since 2002.

After receiving the second appeal, the matter was listed for hearing on 30-10-2013 and the PIO was directed to remain personally present on next date of hearing alongwith office record. The matter was again listed for hearing on 12-11-2013. During the course of proceedings, PIO submitted before the Commission that the information regarding settlement of land compensation of the information seeker has been dispatched vide office No:EDR/Genl/2348-52 dated 05-11-2013 under a registered cover at his residential address. The said letter is brought on record for reference.

Perusal of the contents of the information provided to the information seeker in the said letter show that the PIO has explained the status of the

land relating to which the compensation has been sought. The PIO among other things submitted that the Rajouri Division came in existence w.e.f July, 1981. So the sale deed as well as original land papers must be in erstwhile O&M Division Parade Ground, Jammu. The PIO further submitted that the case of compensation of the appellant is legally time barred as land of Hydro Electric Project was acquired in 1955. Moreover, in accordance to Govt. Order No:232-PDD of 2012 dated 31-07-2012, the Hydro Electric Project alongwith land and other equipments have been handed over to State Power Development Corporation. So this division is not in a position to process the land compensation case of the information seeker. Moreover, the case being 30 years old is time barred under rules.

Perusal of the aforesaid facts and observations lead to the conclusion that the appellant's claim is regarding settlement of land compensation and it would be pertinent to mention that the Commission is not a proper Forum for redressal of such grievances. As per the status report submitted by the PIO, appellant is advised to approach the appropriate Forum for redressal of his grievance if any. Hence, no direction in the matter is required.

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. The First Appellate Authority / Superintendent Engineer, EM&RE, Power Development Department, Rajouri.
5. Public Information Officer / Executive Engineer, EM&RE Division, Rajouri.
6. Sh. Prem Mehta R/o 147-C, Block A/D Green Belt Gandhi Nagar, Jammu
7. Guard file.

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