



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
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Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937
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File No: SIC/J/A/276/ 2013
Decision No: SIC/J/A/276/ 2013/361

Sh. Kehar Singh	Appellant	Present
Sh.Rajinder Singh Naib Tehsildar, On behalf of PIO, Settlement officer, Jammu.		Present

Jammu
21-11-2013

Briefly the facts in this appeal are that Sh. Kehar Singh (Ex-Capt. Army) R/o Village Hakkal (Near Firing Range), Ward No. 4, Tehsil and District Jammu, Jammu Cantt. moved an application dated 03-08-2013 before the PIO office of Dy. Commissioner, Jammu under J&K RTI Act, 2009 seeking certain information with regard to correction of mutations No:40/J, 42/J, 43/J, 44/J and 45/J in the revenue record as per the enquiry report of Assistant Commissioner (Revenue) Jammu submitted vide No:ACR/Reader/Enquiry/2012-13/843 dated 12-12-2012 and as per the direction of the Dy. Commissioner, Jammu vide office letter No:DCJ/SQ/Enquiry/Hakkal/2012-13/3071-73 dated 02-01-2013.

The RTI application of the information seeker was forwarded to the PIO/Settlement Officer, Jammu under PIO/Addl. Dy. Commissioner Jammu letter No:DCJ/PIO/RTI/2013-14/682083 dated 8-08-2013. The PIO/Settlement Officer, Jammu did not provide any information to the information seeker within the

statutory period. Thus, feeling aggrieved of inaction on the part of the PIO/Settlement Officer Jammu, the information seeker preferred second appeal dated 23-10-2013 . After receiving the second appeal, Commission vide office Notice No:SIC/J/A/276/2013/4355 dated 31-10-2013 directed the PIO to send counter reply to the Commission within 15 days from the date of receipt of the notice. The PIO/Settlement Officer, Jammu vide office No:RD/SOJ/R/13/518 dated 9-11-2013 filed counter reply before the Commission in which he stated that his office did not receive any application of the information seeker regarding the subject cited above which was reportedly forwarded by the PIO office of the Deputy Commissioner, Jammu.

The PIO submitted in counter statement that the file in reference, Deputy Commissioner Jammu's letter No:DCJ/SQ/Enquiry/Hakkal/2012-13/3071-73 dated 02-01-2013 and Asstt. Commissioner Revenue Jammu letter No:ACR/Reader/Enquiry/2012-13/843 dated 12-12-2012 in reference to which applicant has basically sought the information with regard to correction of the record as per the enquiry report and the directions of the Deputy Commissioner, Jammu was received in his office. The PIO further submitted that his office has returned the file to the Dy. Commissioner, Jammu on 22-05-2013 with the remarks that it does not pertain to his office. Hence, original file containing 102 leaves was returned to the office of Dy. Commissioner, Jammu for further necessary action vide office No: SOJ/R/62 dated 22-05-2013. In the aforesaid letter addressed to Dy. Commissioner Jammu, PIO/Settlement Officer, Jammu has also submitted that the appellant has challenged the mutations bearing No: 40 Jeem to 45 Jeem of village Hakkal, Tehsil Jammu quoted in the enquiry report which will be disposed off as per law and procedure.

Thus, it is apparent from the above facts that the matter relating to correction of mutations bearing No: 40 Jeem to 45 Jeem of village Hakkal, Tehsil Jammu is pending before the court of Settlement Officer, Jammu which will be disposed of as per law and procedure by the concerned authority. The Commission cannot interfere and direct the authority concerned to exercise its powers and jurisdiction in a particular manner which is purely the prerogative of the court concerned and as such no direction is required in the matter otherwise it will

amount to unwarranted interference in the exercise of powers vested in a particular authority in the capacity of an appellate court.

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. Public Information Officer /Settlement Officer, Jammu.
2. Sh. Kehar Singh (Ex-Capt. Army) R/o Village Hakkal (Near Firing Range), Ward No. 4, Tehsil and District Jammu, Jammu Cantt.

(Khalid A Shah)
Dy. Registrar
State Information Commission