



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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File No: SIC/J/A/268/ 2013

Decision No: SIC/J/A/268/ 2013/364

Sh. M.K Sharma	Appellant	Present
Sh.Kulbushan Khajuria Tehsildar, R.S Pura.	PIO	Present

**Jammu  
25-11-2013**

Briefly the facts in this appeal are that Sh. M.K Sharma R/o Prem Nagar, P.O Miran Sahib, Tehsil R.S Pura, District Jammu moved applications dated 31-10-2012 and 25-07-2013 before the PIO/ Tehsildar, Custodian R.S Pura under J&K RTI Act, 2009 whereunder he sought inter-alia the copy of order No:249/Reh dated 23-09-1983 for transfer of a residential plot in favour of Sh. Parveen Kumar and also requested that in case copy/record is not available the certificate signed by then Tehsildar and countersigned by the competent authority be provided under rules.

The Tehsildar, Asstt Custodian, R.S Pura vide No:3-4/RTI/2013 dated 15-01-2013 informed the information seeker that during the year 2000 the Tehsil complex was set on fire by the uncontrollable violent mob and as a result the whole record was gutted and is not available in office. The PIO/Tehsildar, R.S Pura vide office No:RSP/00/2013-14/1425 dated 21-11-2013 informed the Commission that the information sought by the information seeker with respect to above said RTI applications has been furnished to the information seeker. The PIO further submitted that perusal of order No: 249/Reh dated 23-09-1983 does not make it

clear from which office this order has been issued. But the fact remains that no such order is available in his office. The PIO also apprised the Commission that perhaps the said order has been issued from Rehabilitation section of any office of revenue department. The information relating to rest of the queries as sought by the information seeker has also been answered by the Tehsildar, R.S Pura. Thus, whatever information was available with the office of Tehsildar, R.S Pura has been provided to the information seeker and information seeker has also acknowledged the receipt of the same during the course of proceedings held today. The Tehsildar, R.S Pura thus, cannot be compelled to create the information which is not available in office record and as reported by him that whole of the Tehsil complex was set on fire by the uncontrollable violent mob in the year 2000 in which the entire record was gutted. In the given circumstances, 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 :

1. The First Appellate Authority/Custodian General, J&K Jammu.
2. Public Information Officer /Tehsildar R.S Pura.
3. Sh. M.K Sharma R/o Prem Nagar, P.O Miran Sahib, Tehsil R.S Pura, District Jammu

(Khalid A Shah)  
Dy. Registrar  
State Information Commission