



Jammu and Kashmir State Information Commission

جھول اینڈ کشمیر سٹیٹ انفارمیشن کمیشن

(Constituted under The Right to Information Act, 2009)

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www.jksic.nic.in

File No: SIC/J/A/21/2013

Decision No:SIC/J/A/21/2013/78

Dr. Sudhakar Sharma	Appellant	Present
Sh. Naresh Kumar Secretary, Jammu Municipal Corporation, Jammu.	PIO	Present
Mst. Farzana Sr. Town Planner, O/o Jammu Municipal Corporation, Jammu.	PIO	Present

Jammu
05-04-2013

Briefly the facts in this appeal are that Dr. Sudhakar Sharma R/o H. No. 18 Lane 27 B, Phase I, Tawi Vihar Colony Sidhra Jammu moved an application dated 29-09-2012 under J&K RTI Act, 2009 before the PIO/ Office of Commissioner, Jammu Municipal Corporation, Jammu seeking the following information:-

- i. Status Report regarding complaint vide Receipt No. 4764 dated 18-09-2012 and provide complete site map including all doors and windows constructed in the area by Mr. Shakeel Ah. Zargar as approved by Jammu Municipal Corporation.
- ii. Status Report regarding complaint against the construction of Multi-storey flats (6 flats on 3 floors) by Mr. Shakeel Ah. Zargar S/o Gh. Mohd Zargar

Plot No. 19 Lane 27 B Phase IX immediately on back side of applicant's house Tawi Vihar Colony Sidhra in violation of Municipal Laws and norms thereby constructing doors and windows only at distance of 4 feet only from boundary wall affecting the privacy of the applicant and also to provide the complete site map including all doors and windows and distance from my rear boundry wall with respect to the construction being raised by Mr. Shakeel Ah. Zargar and affect of construction aforesaid with respect to the privacy of the applicant for the period 18-09-2012 till date.

The PIO/ Sr. Town Planner, O/o Jammu Municipal Corporation, Jammu furnished the information to the information seeker vide office letter No:394-95/BS/2012 dated 05-11-2012. However, the information seeker was not satisfied with the information provided to him as it was incomplete and incorrect and not as per his RTI application. Thus, feeling aggrieved, he preferred appeal dated 09-11-2012 before the First Appellate Authority. The FAA called the appellant in his office chamber on 15-01-2013. The appellant was heard in presence of Public Information Officer, JMC, Law Officer, JMC and Khilafwarzi Officer, JMC. The FAA assured the appellant that the information will be provided to him within a weeks time i.e by 23-01-2013. However, the FAA did not adjudicate and dispose of the matter within the statutory period as envisaged in RTI Act. Thus feeling aggrieved, the information seeker preferred second appeal before the Commission on 04-02-2013.

During the course of proceedings, the information seeker informed the Commission that he received a copy of Order bearing No:MC/Estt/8034-36 dated 19-01-2013 from the office of Commissioner, Municipal Corporation Jammu only after filing the second appeal before the Commission. It clearly shows that there is statutory delay on the part of the FAA in disposing of Ist appeal which is fatal to the cause of the information seeker. The Right to information being a fundamental right needs to be safeguarded and enforced by all public authorities within the statutory period as prescribed in the J&K Right to Information Act, 2009. The FAA/Commissioner, Municipal Corporation Jammu is hereby directed to follow the mandate of the Act so that RTI matters receive priority in disposal and its judgements and orders are provided to the information seekers in time before they knock the doors of the Commission. The FAA in the aforesaid order directed the Chief Enforcement Officer to conduct thorough inspection of the building and

point out the violations committed by Mr. Shakeel Ahmed Zargar and submit the action taken report within one week positively.

The FAA being a quasi judicial authority, should ensure that its orders are duly complied with and the copy of the action taken report received from the Chief Enforcement Officer shall be provided to the information seeker as it is relevant to his grievance and request made in the RTI application. The Information seeker has alleged in the appeal before the Commission that the information provided to him was incomplete and incorrect and was not based on his RTI application. The information seeker has requested for status report regarding the complaint filed before the Commissioner, Jammu Municipal Corporation, Jammu vide receipt No. 467 dated 18-09-2012 against construction of Multi-storey flats by Mr. Shakeel Ahmed Zargar S/o Gh. Mohd Zargar.

Mst Farzana Sr. Town Planner/PIO informed the Commission that partly information as available in the office record was provided to the information seeker by her predecessor. She also agreed to provide the rest of information within a weeks time.

Thus, keeping in view the aforesaid facts, the PIO/ Sr. Town Planner is hereby directed to furnish the revised information to the information seeker as requested by him in his RTI application and available in the office record within a week's time from the date of pronouncement of this order. She is further directed to file a 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. Public Information Officer / Sr. Town Planner, O/o Jammu Municipal Corporation, Jammu.
4. Dr. Sudhakar Sharma R/o H. No. 18 Lane 27 B, Phase I, Tawi Vihar Colony Sidhra Jammu.

(M.S Shah)
Registrar
State Information Commission