



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937
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File No: SIC/J/A/40/2013
Decision No: SIC/J/A/40/2013/91

Sh. Rashu Khanna	Appellant	Present
Dr. G.J. Singh Asstt. Commissioner(N) On behalf of Asstt. Commissioner(R), Jammu.		Present
Tehsildar (Territorial), Jammu.	PIO	Present
Sh. Ravinder Sharma Tehsildar(Settlement), Jammu.	PIO	Present

Jammu
17-04-2013

Briefly the facts in this appeal are that Sh. Rashu Khanna R/o H.No. 579, Near Subash Nagar, P.O. Jammu moved an application dated 12-12-2012 under J&K Right to Information Act, 2009 before the PIO / Asstt. Settlement Commissioner, J&K seeking the following information:-

Query No. 1

Balance land with the land owners under Khasra No. 355 at the time of the proposed sale against his recorded share till date, at village Upper Thather presently named Karan Vihar Colony, Jammu.

Query No. 2

Balance land with the land owners under Khasra No. 373 at the time of the proposed sale against his recorded share till date, at village Upper Thather presently named Karan Vihar Colony, Jammu.

Query No. 3

Category wise detail name of all the vendors and vendees, parentage, R/o, Khewat No, year of sale, year of re-sale, Mutation No's period (1989-Dec to 2012) under Khasra No. 355 situated at village Upper Thather presently named Karan Vihar, Jammu in the below format:-

<i>Name of all the Vendors, (Sale).</i>	<i>Name of all the Vendees, Including (Re-sale)</i>	<i>Parentage</i>	<i>R/o</i>	<i>Khewat No.</i>	<i>Year of sale</i>	<i>Year of Re-sale</i>	<i>Mutation no.</i>

Query No. 4

Category wise detail name of all the vendors and vendees, parentage, R/o, Khewat No, year of sale, year of re-sale, Mutation No's period (1989-Dec to 2012) under Khasra No. 373 situated at village Upper Thather presently named Karan Vihar, Jammu in the below format:-

<i>Name of all the Vendors, (Sale).</i>	<i>Name of all the Vendees, Including (Re-sale)</i>	<i>Parentage</i>	<i>R/o</i>	<i>Khewat No.</i>	<i>Year of sale</i>	<i>Year of Re-sale</i>	<i>Mutation no.</i>

The PIO / Assistant Settlement Commissioner, J&K after receiving the application forwarded it to Tehsildar (Territorial), Jammu vide letter no. SC/Phy/2011/105/20 dated 24-12-2012 for necessary action at his end. PIO / Tehsildar (T), Jammu vide letter no. Teh/J/RTI/11-12/461 dated 19-01-2013 furnished the information to the information seeker as available in office record. However, Tehsildar(T), Jammu expressed his inability to answer certain queries raised

in the RTI application on the plea that his office does not keep/have data on proforma devised by the information seeker. A copy of jamabandi was also furnished to the information seeker, but so far information relating to on spot position of Khasra no. 355 & 373 at village Upper Thather presently named Karan Vihar Colony, Jammu, the Tehsildar (T), Jammu informed the information seeker that it requires separate enquiry and is not covered under the RTI Act, 2009.

The information seeker feeling aggrieved of inaction on the part of the PIO knocked the doors of the 1st Appellate Authority by filing an appeal dated 14-01-2013 against the PIO / Tehsildar, Jammu. The FAA / Settlement Commissioner, J&K disposed of the appeal on 29-01-2013 and inter-alia observed as under:-

“While examining the applications and the kind of information sought, it is found that technically the said information cannot be provided in accordance with the format devised by the appellant as certain aspects thereof are not recorded in Jamabandi / Girdawari yet it is disappointing to note that on this ground alone, certain elements of information could have been provided like no. of kanals barren on spot from out of Khasra no. 355 and 373 provided Girdawari therefor recorded / written up. The appellant can also sift the information sought by him from the list of vendors / vendees in respect of the two khasra nos. furnished to him which analysis instead of doing himself, he intends the Tehsildar / PIO to do which undoubtedly is wasteful exercise likely to affect delivery of other public services. It is in this context that the Tehsildar was instructed to provide additional information to the appellant as is available in the form of land records like khasra Girdawari etc, but on the plank of stand of Tehsildar concerned and the factum about maintenance of records, in the form prevalent in the state, the queries raised in the applications are answered in the list of vendors / vendees and therefore the appeal is dismissed.”

The Commission is in full agreement with the order of FAA as that is based on merit and needs no interference. However, keeping in view the aforesaid facts and

the contentions raised by the appellant before the Commission it would be appropriate to mention here that the information which cannot be compiled or collated by the office of the PIO as it would disproportionately divert the resources of the public authority and shall be burdensome as well, the interest of the appellant will be better served, if he is given an opportunity to access the record. The PIO / Tehsildar (T), Jammu is thus directed to allow the appellant a facility to access the record in his office on 26-04-2013 onward during office hours and provide him the photocopies of the relevant documents free of cost under an intimation 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 the:

1. 1st Appellate Authority / Deputy Commissioner, Jammu.
2. Public Information Officer / Assitt. Commissioner (R), Jammu.
3. Public Information Officer / Sh. Shesh Paul Tehsildar (Territorial), Jammu.
4. Public Information Officer / Sh. Ravinder Sharma Tehsildar (Settlement), Jammu.
5. Sh. Rashu Khanna R/o H.No. 579, Near Subash Nagar, P.O. Jammu.
6. Guard file.

M.S Shah
Registrar,
State Information Commission