



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/42/2013
Decision No: SIC/J/A/42/2013/93

Sh. Rashu Kanna	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	PIO	Present
Tehsildar(Settlement), Jammu.		

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

Name of Share-holder, parentage of share holder, name of co-share-holder parentage of Co-share holder, R/o Khewat Number, Mutation date, along with number of kanals transferred from share holder to another co-shareholder including date, month and year, mutation no, under Khasra no. 355 at village Upper Thather presently named Karan Vihar, Jammu in the below format:-

Name of share holder	Parentage of share holder	Name of Co-share holder	Parentage of Co-share holder	R/o	Khewat No.	Mutation Date	No of Kanals Transferred	Date, month and years of transfer	Mutation no.

Query No. 2

Name of Share-holder, parentage of share holder, name of co-share-holder parentage of Co-share holder, R/o Khewat Number, Mutation date, along with number of kanals transferred from share holder to another co-shareholder including date, month and year, mutation no, under Khasra no. 373 at village Upper Thather presently named Karan Vihar, Jammu in the below format:-

Name of share holder	Parentage of share holder	Name of Co-share holder	Parentage of Co-share holder	R/o	Khewat No.	Mutation Date	No of Kanals Transferred	Date of transfer	Mutation no.

Query No. 3

Number of Kanal of land barren on spot under Khasra No. 355 up to Dec. 2012 situated at Upper Thather presently named Karan Vihar, Jammu.

Query No. 4

Number of Kanals of land barren on spot under Khasra No. 373 up to Dec. 2012 situated at Upper Thather presently named Karan Vihar, Jammu.

The Asstt. Settlement Commissioner transferred the aforesaid application of the information seeker to Tehsildar (Territorial), Jammu vide letter no. SC/Phy/2011/105/20 dated 24-12-2012 in terms of mandate of Section 6(3) of J&K RTI Act, 2009 with the request to provide the requisite information directly to the applicant within the stipulated time. The PIO / Tehsildar (T), Jammu vide letter no. Teh/J/RTI/11-12/462 dated 19-01-2013 furnished the information to the information seeker as available in his office record. The information seeker was not satisfied with the information provided to him and preferred appeal before the FAA i.e. Settlement Commissioner, J&K on 14-01-2013. The FAA / Settlement Commissioner, J&K

adjudicated and disposed of appeal within the statutory period as envisaged under the J&K RTI Act, 2009 on 29-01-2013 and directed the PIO / Tehsildar (T), Jammu to furnish the information as prayed in the RTI application by 04-02-2013.

Thus, feeling aggrieved of inaction on the part of the PIO and non-compliance of the order of the FAA by the Tehsildar (T), Jammu the information seeker preferred 2nd appeal dated 21-02-2013 before the Commission. The information seeker has alleged in his appeal before the Commission that the PIO provided him misleading information which is not as per his RTI application.

During the Course of proceedings, the PIO / Tehsildar (T), Jammu submitted that his office does not keep / have data as required on proforma devised by the applicant. Moreover, no Jamabandi was prepared after 1957-1958 and he further submitted that whatever information was available in the office record that was furnished to the information seeker.

Keeping in view the aforesaid facts and the compulsions of the office of the PIO / Tehsildar(T), Jammu, it would be appropriate to direct the PIO to allow the information seeker an opportunity to access the record in his office on 26-04-2013 onwards and in case the information seeker requires the photocopy of the relevant documents that may be furnished to him free of cost. The Tehsildar (T) / PIO, Jammu is also directed to file 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 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