



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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File No: SIC-CO-SA-104104/2014

Decision No: SIC-CO-SA-104104/2014/615

Title:- Ahad-Ullah Shah V/s PIO Regional Director  
Land Records, Maraz, Anantnag.

Jammu

24.03.2014

This is a second appeal filed by Shri Ahad-Ullah Shah, a resident of the State before this Commission on 26.12.2013. Shri Ghulam Mohammad Wani, Naib Tehsildar appeared on behalf of the PIO. Shri Ahad Ullah Shah, the appellant attended.

The brief grounds of the appeal are that the appellant had filed an RTI application before the PIO Settlement office which was received in that office on 19.8.2013 seeking information on 10 points. The PIO had to pass an order on or before 30 days from the receipt of application. The PIO has passed order on 18.9.2013. However, the appellant not being satisfied with the information preferred first appeal before the FAA on 30.9.2013 stating before the FAA that the information so provided was incomplete and incorrect. The FAA passed order on 23.10.2013 which is within time directing the PIO to provide balance information within 15 days. The PIO did not comply with the directions of the FAA on the plea that the record was not available with him as the said record was lying with the other Settlement office which was later on bifurcated. The record was received on 4.3.2014/11.3.2014. The balance information was provided to the information seeker vide order dated: 12.3.2014 but it was dispatched on 19.3.2014 and sent by speed post which has not so far been received by the appellant. The PIO is directed to provide an additional copy to the appellant in

the Commission's office today itself. The Commission has noted with pain and anguish that the considerable time was taken by the PIO in complying with the directions of the FAA. The FAA's attention is invited to section 16(3) of the State RTI Act vide which he has been given power to make a reference to the State Information Commission against the defaulting PIO and suggest for imposition of penalty if he finds that information given by the PIO was incomplete, incorrect or misleading or no order was passed by the PIO. The FAA should also note that if his orders for providing information are not complied by the PIOs, it makes the State RTI Act ineffective. As a senior officer, it is his duty to ensure that his juniors do comply with the orders of the superiors. It should also be looked into why the staff incharge of Despatch of the orders took further time of 8 days to dispatch this information when considerable delay had already taken occurred.

The appellant has stated before the Commission that out of 10 points of information, he has not received information on point No 2 which was with regard to the disposal of his application for rectifying/reversing the mutation done by Patwari and the copy of the enquiry report. The Commission has gone through the records submitted before it by Shri Ghulam Mohammad Wani, Naib Tehsildar who is representing the PIO. The Commission has found that part of information has been given which is with regard to disposal of the application. However, copy of the enquiry report has not been given. It is submitted that enquiry report is not on record because on the basis of note sheet prepared on 1.4.2010 by an unidentified official. Thus, it is not known who was initiator of this note because there is no name and designation mentioned on this note. Shri Wani stated that from the note it seems that though order of enquiry has been made but no enquiry has been conducted. It is mentioned in the note that detailed enquiry report will follow. It was also suggested that the concerned patwaris and other officials against whom there are allegations of making fraudulent entries in the revenue records transferring a particular piece of land in the name of his mother were put under suspension and have been later on reinstated without bringing the enquiry to its logical conclusion. The appellant wanted the copy of enquiry report. The perusal of note sheets and office records dated: 24.10.2009 in the file of Badruddin Shah S/o Ghulam Rasool Shah R/o Kakpora Pulwama shows that till date this report has not been given. The PIO Shri Mohammad Haroon Malik, Regional Director, Survey and Land Records is directed to file an affidavit duly notarized and authenticated to the effect that there was no enquiry report and if there was enquiry report, it is not on the records. This affidavit should reach this Commission within 15 days otherwise in absence of any

affidavit, Commission will take action against the PIO as provided under law for not providing complete and correct information. Similarly, information with regard to point No 8 seeking the status of land particularly khasra no: 709 is reported to have been sent to the information seeker by the PIO vide communication referred above.

Sd/-  
( G.R. Sufi )  
Chief Information Commissioner

Copy to:-

1. First Appellate Authority, Office of the Settlement Commissioner  
J&K, Jammu.
2. Shri Mohammad Haroon Malik, Regional Director-cum-PIO, Survey  
and Land Records Maraz, Anantnag, Kashmir.
3. Shri Ahad Ullah Shah,S/o Kh. Baddar-Din Shah, R/o Kaka Pora,  
District Pulwama.
4. Private Secretary to Chief Information Commissioner
5. Guard file.

( G.Q. Bhat )  
Registrar  
State Information Commission