



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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File No: SIC/CO/SA/70/2013

Decision No: SIC/CO/SA/70/2013/548

Title:- Vijay Kumar  
V/s  
Commissioner Survey & Land Records -Cum- FAA  
Shri Sanjay Badyal, Tehsildar(T)-cum-PIO

Jammu  
12.12.2013

This is a second appeal filed by Shri Vijay Kumar, a resident of the state against the failure of the PIO to provide correct information consequent to filing of RTI application dated: 8.6.2013 which was received on 18<sup>th</sup> of June in the office of Assistant Settlement Commissioner who forwarded the same to Tehsildar (T) cum-PIO Jammu on 3.7.2013. Forwarding has not been done strictly in accordance with the provisions of law. PIO did not pass an order within time provided under Section 7 of the State RTI Act. The PIO is, therefore, directed to explain why

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penalty as provided under Section 17 of the State RTI Act may not be imposed on him from the date information was to be given till the date information is actually provided to the appellant. He is also directed to explain why his case may not be referred to appropriate authority for disciplinary action. His reply, if any, must reach this Commission within 15 days from the pronouncement of this order. Having not received the order of PIO within the statutory period of time, the

appellant filed first appeal before the FAA on 24.7.2013. FAA could not decide the appeal on time as per reasons given in the order” due to the appointment of the FAA as election observed by Election Commission of India for Indore Assemble Segment and proceedings again could not be held and accordingly case listed for hearing on 11.11.2013 on which date despite information the appellant did not turn up and the Appeal dismissed for non prosecution”. Therefore, appellant preferred second appeal before this Commission for disclosure of information. It would be appropriate to reproduce the information sought by the appellant which is as under:-

i) About provide information when settlement of village Kote Gadi was initiated, provide the date month and year alongwith the order copy by virtue of which settlement of village Kote was started

ii) About if the settlement of village Kote Gadi is kept in abeyance, if so provide reasoning thereof. If not when the settlement works of village Kote Gadi shall be completed as per norms. Provide the name of Revenue officials undertaking the settlement works of the Village Kote Gadi, Tehsil and District Jammu.

iii) About land falling under Kh. Nos 1987 (5 Kls-14 mls) 1088(04kls-19 mls) 1099(I kl-16 mls) Shamilat and 1085 (2 mls) Irrigation khul situated in village Mohra Kote Gadi, Tehsil and District Jammu.

iv) About information if above settlement norms have been completed in respect of land hereinabove mentioned at Sr. No (iii) if not when the same shall be done, provide date.

The present PIO Shri Sanjay Badyal has passed an order on 30.9.2013 which was incomplete. The appellant has denied of having any information till date. But has admitted of having received the same on 11.12.2013. The PIO is further directed to lead evidence whether the information was delivered to the appellant or not and also the mode of dispatch of information.

2. The dismissal of appeal by the FAA on the grounds mentioned did not carry weight as the FAA was duty bound to adjudicate the appeal within 30 days or on further extended time of 15 days after recording reasons in writing for extending the time.

3. The Commission has gone through the RTI application and found that information sought is givable. Therefore, Commission directs the PIO to disclose

the information and ensure the service of order on the appellant with a copy to this Commission within eight days from the receipt of this order.

Sd/-  
( G.R. Sufi )  
J&K State Chief Information Commissioner

Copy to:-

1. Commissioner, Surveys and Land Records, J&K Jammu
2. Shri Sanjay Badyal, Tehsildar (T), Jammu
3. Shri Vijay Kumar, S/o Shri Sewa Ram, Village Mora Kote Gari, Tehsil  
& District Jammu.
4. Private Secretary to Chief Information Commissioner
5. Guard file

( G.Q. Bhat )  
Registrar  
State Information Commission