

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंग नाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या/ Second Appeal No. CIC/ADDDM/A/2017/134080

Shri Vipin Yadav

... अपीलकर्ता/Appellant

VERSUS/ बनाम

PIO/ Tehsildar-(HQ),
O/o. the Land Acquisition Collector-
(South-West), (Government of NCT of Delhi)
Through: Sh. R K Meena-SO, LAC and Sh.
Jitender Kumar – Sr. Asst.

...प्रतिवादीगण /Respondents

Date of Hearing : 07.03.2019
Date of Decision : 07.03.2019
Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 22.07.2016
PIO replied on : 03.11.2016
First Appeal filed on : 18.10.2016
First Appellate Order on : 23.01.2017
2ndAppeal/complaint received on : 22.05.2017

Information sought and background of the case:

The Appellant vide RTI application dated 22.07.2016 sought certified copy of the N.O.C having no. 5283, 5352, 5344 applied by R.C. Aggarwal in respect of 1/9 share of Khasra No. 978(4-9), 905min(1-0), 906 min(3-6), 908(6-10) and 909(2018) Estate of Village Rajokri, New Delhi.

PIO/Tehsildar(HQ) vide letter dated 03.11.2016 stated as follows:-

1. *Information could not be provided due to non furnishing of incomplete details of NOC application such as year of NOC application pertains to.*

Dissatisfied with the information received from CPIO, the Appellant filed First Appeal dated 18.10.2016. Dr. Pranjal J. Hazarika, ADM(South West)/FAA vide order dated 23.01.2017 stated as under:-

“PIO/Tehsildar (HQ)/LAC is directed to provide information sought by the applicant within 10 days. In case the concerned files are not traceable, FIR should be lodged by Tehsildar(LAC) within 10 days”.

Feeling aggrieved over the non-compliance of FAO, the Appellant approached the Commission with the instant Second Appeal.

Facts emerging in Course of Hearing:

Both parties are present for hearing and appellant's representative claims non-compliance of FAO.

Respondent states that the officials staff and Patwari from that time have been transferred and hence information could not be furnished earlier, despite the directions of the FAA.

Decision:

After hearing submissions of the parties and perusal of records, the Commission is taken aback at the poor response and handling of the case at the office of the PIO/Tehsildar (HQ)/Land Acquisition Collector. The order of the FAA/ADM - Dr. Pranjal J. Hazarika has been completely violated by the PIO/Land Acquisition Collector. Sh. R K Meena-SO, LAC and Sh. Jitender Kumar – Sr. Asst. present in today's hearing have submitted that the following officials held office between 2017 till date:

1. Sh. S K Rawat – Tehsildar (HQ) 2017
2. Sh. R K Pandey – SO/LAC-PIO 2018
3. Sh. R K Meena – current PIO/SO-LAC since 2018

In the light of the facts and circumstances of the case at hand, the Commission hereby directs as follows:

- a) The case is remanded to the current FAA/ADM for ensuring compliance of the FAA's order dated 23.01.2017. The FAA shall call for explanation from the aforementioned PIOs for causing deliberate obstruction in the flow of information and non-compliance of the FAA's order dated 23.01.2017, mentioned above. Enquiry Report be submitted before the Commission within three weeks of receipt of this order;
- b) The current PIO/SO-LAC – Sh. R K Meena shall provide complete information, in response to the queries of the appellant, as already directed by the FAA vide order dated 23.01.2017, within two weeks of submission of documents establishing title to the property, by the appellant. Compliance report shall be submitted by the current PIO/SO-

LAC within three weeks of receipt of this order, failing which appropriate action, as per law, shall be initiated.

The appeal is disposed off accordingly.

Y. K. Sinha(वाई. के. सिन्हा)
Information Commissioner (सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

Ram Parkash Grover (राम प्रकाश ग़ोवर)
Dy. Registrar (उप-पंजीयक)
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