

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

द्वितीय अपील संख्या / Second Appeal No. **CIC/ADDDM/A/2018/165311**
CIC/ADDDM/A/2019/104720

Shri Mahendra Singh

... अपीलकर्ता / Appellant

VERSUS

बनाम

PIO/SDM (Narela),
Naya Bans, Delhi

...प्रतिवादीगण / Respondents

Through: Shri Subhash Chandra Agrawal,
Consultant/representative of PIO present
Through audio conference

Date of Hearing : 14.09.2020
Date of Decision : 16.09.2020

Information Commissioner : Shri Y. K. Sinha

Since both the parties are same, the above mentioned cases are clubbed together for hearing and disposal.

Case No.	RTI Filed on	CPIO reply dated	First appeal filed on	FAO dated	Second Appeal received on
165311	17.07.2018	08.08.2018	27.08.2018	24.09.2018	30.10.2018
104720	12.10.2018	Nil	30.11.2018	19.12.2018	31.01.2019

(1) CIC/ADDDM/A/2018/165311

Information sought and background of the case:

The Appellant filed an RTI application dated 17.07.2018 seeking the following information on 4 points:

1. आपकी अदालत में विचारधीन दावा संख्या 39 / एस. ओ (सी.)/नार्थ/2002 टाइटल महेन्द्र सिंह बनाम ग्राम सभा औचंदी, दिल्ली भूमि सुधार अधिनियम 1954 की दावा 74.4 में मुझे सी. ए. आई फॉर्म भरने पर दिनांक 25.07.2002 से 22.03.2007 तक आदेश सीट उपलब्ध कराई गयी है जिसमे आदेश सीट पर रेवेन्यु असिस्टेंट नरेला साहब के हस्ताक्षर नहीं है. मेरे सी. ए. आई फॉर्म का डायरी/डिस्पैच संख्या 14836/एस. डी. एम् नार्थ दिनांक 05.06.2018 है. कृपया मुझे रेवेन्यु असिस्टेंट नरेला साहब के हस्ताक्षर सहित तमाम आदेश की सीट उपलब्ध कराये.
2. उपरोक्त मामले में मेरी पिछली तिथि 29.06.2018 और अगली सुनवाई टी तिथि 31.07.2018 है कृपया मुझे मेरे उक्त विचारधीन केस की 25.07.2002 से अब तक तमाम सुनवाई तिथियों की प्रमाणित आदेश उपलब्ध कराये जाये. जिसमे रेवेन्यु एस्टेट नरेला साहब के हस्ताक्षर हो.

3. चूँकि मैं अपनी उपरोक्त कृषि भूमि का आसामी हूँ कृपया मुझे मेरी भूमि विवरण पुस्तिका उपलब्ध कराई जाये.
4. मुझे अपनी उपरोक्त कृषि भूमि की वर्ष 1976 से अब तक तमाम खतौनी की नक़ल उपलब्ध कराई जाये.

PIO/SDM (Narela), vide letter dated 08.08.2018 forwarded the reply to the Appellant provided by the concerned PIO wherein it was stated that the applicant can visit the Respondent's office on any working day and obtain certified copy of the relevant information after filling C.A.I Form.

Dissatisfied with the reply received from the PIO, Appellant filed First Appeal dated 27.08.2018. FAA vide order dated 24.09.2018 directed the PIO/SDM (Narela) to provide the complete reply/information to the Appellant within 15 days as per RTI Act, 2005.

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

Facts emerging in Course of Hearing:

A written submission has been received from Shri Krishan Kumar, PIO/SDM, Narela (Link Officer) vide letter dated 09.09.2020 wherein he has stated that certified copies of the relevant documents have already been provided to the Appellant on 15.10.2019 upon receiving the required Form C.A.I. He annexed a copy of receipt of documents duly signed by the Appellant.

In order to ensure social distancing and prevent the spread of the pandemic, COVID-19, audio hearings were scheduled after giving prior notice to both the parties.

The Appellant participated in the hearing on being contacted on his telephone. He stated that he has received the certified copies of the relevant documents on 15.10.2019. He further stated that a case was filed before the concerned authorities of the SDM in the year 2002 and it is evident from the records that few hearings have been conducted into the matter, which details have been reflected on the file till 2007 but after that there is no progress at all. He added that the Respondent is in a habit of procrastinating the hearing dates and since 2007, there has been no hearing conducted in the matter.

Respondent is represented by Shri Subhash Chandra Agrawal, consultant/representative of the PIO through audio conference. He reiterated the contents of the written submission dated 09.09.2020.

Decision:

Upon perusal of the facts on record as well as on the basis of the proceedings during hearing, Commission observes that the Appellant has admitted that he has received the relevant information sought in the instant RTI Application but his concern is that the Respondent has not heard/adjudicated the relevant case filed by him in the year 2002. It is further noted that as far as the information is concerned, Respondent has provided the same to the Appellant who has duly signed before obtaining the same. Commission upholds the submissions of the Respondent and finds no further scope of intervention in the instant matter

since redressal of Appellant's grievance is not within the adjudicatory powers of the Commission.

(2) CIC/ADDDM/A/2019/104720

Information sought and background of the case:

The Appellant filed an RTI application dated 12.10.2018 seeking information as follows "...मैंने अपनी कृषि भूमि खसरा संख्या 2 का किला संख्या 20(4-16) में धान फसल कास्त की हुई है जिसमे खसरा गिरदावरी व हल्का पटवारी की निरिक्षण रिपोर्ट हेतु आपको गिरदावरी दिनांक 10.09.2018 को प्रार्थना की थी जिसका आपके कार्यालय का डायरी/डिस्पैच 231 तहसीलदार/नरेला दिनांक 10.09.2018 है. कृपया मुझे मेरी उक्त कृषि भूमि के उक्त किला संख्या में कास्त की हुई धान फसल की खसरा गिरदावरी व आपके हस्ताक्षर युक्त निरिक्षण रिपोर्ट उपलब्ध कराई जाये."

Having not received any reply from the PIO, Appellant filed a First Appeal dated 30.11.2018. FAA vide order dated 24.09.2018 directed the PIO/SDM (Narela) to provide the complete reply/information to the Appellant within one week as per RTI Act, 2005.

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

Facts emerging in Course of Hearing:

A written submission has been received from Shri Krishan Kumar, PIO/SDM, Narela (Link Officer) vide letter dated 09.09.2020 wherein he has stated as under:

"It is humbly submitted that there is no provision of maintaining any Khasra Girdawri in respect of land belonging to Gram Panchayats to keep reserved for public-projects to be established later there. It is as per inputs provided by the Patwari on mobile-phone, since office of SDM Narela did not receive any response from the office of concerned Block Development Officer in response to communication sent by this office there in reference to RTI application under reference before your honour."

In order to ensure social distancing and prevent the spread of the pandemic, COVID-19, audio hearings were scheduled after giving prior notice to both the parties.

The Appellant participated in the hearing on being contacted on his telephone. He stated that he was allotted a piece of agricultural land under 25-point Programme and that he is a party of that agricultural land. He further stated that a booklet will be given to the concerned parties wherein details of all the crops are incorporated; he wanted a copy of the same, which has not been provided to him by the Respondent public authority till date.

Respondent is represented by Shri Subhash Chandra Agrawal, consultant/representative of the PIO through audio conference. He submitted that the instant case was studied extensively and it was found that the Gram Panchayat has the powers to let the concerned parties to carry on with farming in their respective allotted lands but the respective parties to the land are not considered as landlords/owners.

Appellant interjected to state that he has receipt issued by the Respondent which *ipso facto* makes him the landlord/owner of the respective land within a day from the date of issue of that receipt. He alleged that the Respondent is misleading the Commission.

In response to the interjection of the Appellant, Shri Agrawal submitted that he is not misleading the Commission, instead he is submitting before the Commission as per the directions/instructions received from the Respondent public authority. He further submitted that due to the pandemic, COVID-19, culling out information from the relevant Section/Department was difficult as the staff is deployed on COVID duty. However, certain information has been gathered after contacting the *Patwari* over a telephone call and whatever the Department had to say, the same has been provided to the Appellant in writing alongwith the written submission. He added that till the date of submitting the written submission, the Respondent initiated hectic efforts to find out details in connection with the subject matter of the instant case with the concerned BDO, but the said efforts did not yield fruitful results. As far as the information is concerned, whatever details present in the record has been provided to the Appellant and the Appellant is still not satisfied with the response, he can approach the jurisdictional Court challenging the action of the Respondent.

Appellant intervened to state that on 31.07.2019, BDO had given a signed LR-37 Form, which states that the land in question has been allotted to the Appellant and alleged that all the averments made by the Respondent during the hearing is incorrect.

Shri Agrawal submitted to the Bench to advice the Appellant to forward a copy of the averred LR-37 Form given by the BDO on 31.07.2019 to the Commission as well to the BDO, Narela.

Decision:

Upon perusal of the facts on record as well as on the basis of the proceedings during hearing, Commission observes that the Appellant is not satisfied with the information provided by the Respondent. It is further observed that the Appellant has brought in certain aspects during the hearing which is outside the adjudicatory powers of the Commission.

Hence, Commission deems it fit to remand the instant case back to Shri Tanvir Ahmed, FAA/ADM-North to provide a fair hearing to the relevant parties i.e., Appellant, Respondent and the BDO concerned and pass a reasoned, speaking order by 31.12.2020 with a copy marked to the Commission.

With the aforesaid observations and directions, both the Second Appeals are disposed off.

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

Authenticated true copy
(अभिप्रमाणितसत्यापितप्रति)

Ram Parkash Grover (राम प्रकाश ग़ोवर)
Dy. Registrar (उप-पंजीयक)/ 011-26180514

