

OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-39

Appeal Case No: KP(M) 493/2013

Appellant : Shri M.K. Das
At 239 A, East maligaon Railway Colony,
Maligaon, Guwahati- 781 011

Public Authority: Deputy Commissioner, Kamrup (M)
District, Guwahati- 781 001

Heard by: Shri Himangshu Sekhar Das,
Assam State Chief Information Commr.

**Appellant was
Represented by:** Absent

**Public Authority was
represented by**

1. Shri Mukta Nath Saikia,
SPIO, O/O Deputy commissioner,
Kamrup (M), guwahati
2. Shri B.K. Borah,
SPIO, O/O Deputy Commissioner ®
Amingaon, Guwahati
3. Shri Gunajit Roy Choudhury,
Circle Officer, Hajo Revenue Circle,
Hajo

O R D E R
12-02-2015

The petitioner/ appellant Shri M.K. Das is absent without any information or prayer seeking leave of absence. The Public Authority was represented by (1) Shri M.N. Saikia, Addl. Deputy Commission and SPIO, O/O Deputy Commissioner Kamrup (M) (2) Shri B.K. Borah, Addl. Deputy Commissioner and SPIO, O/O Deputy Commissioner, Kamrup (R) and (3) Shri G. Roy Choudhury, Circle Officer, Hajo Revenue Circle.

On perusal of records it is seen that the information sought for by the petitioner/appellant relates to a title suit of 1978 on which the Court of Hon'ble District Judge No. 2, Kamrup district passed a decree on 24.3.1984. Subsequently, the erstwhile undivided Kamrup was divided into Kamrup (Metro)

and kamrup (Rural) districts in February, 2003. The particular plot of land which was the subject matter of the title suit falls under Hajo Revenue district and now falls under Kamrup (R) district. Addl. Deputy Commissioner, Kamrup (M) submitted that the records relating to this RTI appeal petition has since been transferred to the office of the Deputy Commissioner, Kamrup (R) district, which was acknowledged by the Addl. DC, Kamrup (R). The Addl. DC, Kamrup (M) also submitted that they collected the available information from the office of the DC Kamrup (R) and furnished the information to the appellant vide their letter No. RTI/772/2012/15-2044 dtd. 19.12.2012.

Not satisfied with the reply of the SPIO of the office of the DC, Kamrup (M), the petitioner filed first appeal petition before the DC, Kamrup (M) District, Guwahati on 16.1.2013. The first appeal petition was disposed of by the DC, Kamrup (M) as the first Appellate Authority vide his order dated 25.4.2013. He ordered that the original RTI petition be sent to the DC, Kamrup (R) for taking necessary steps. Accordingly the SPIO of DC, Kamrup (M) office sent original RTI petition to the SPIO in the office of the DC, kamrup (R) vide his letter dated 01.6.2013. Addl. DC and SPIO, Kamrup Rural District, Shri B.K. Borah submitted that on receipt of the original RTI petition from the SPIO, O/O DC, Kamrup (M), he had sent the application to Circle Officer, Hajo on 11.6.13. Thereafter Circle Officer, hajo submitted a report containing information available with them on 4.7.13, which was communicated to the petitioner Shri M.K. Das by the Addl. DC, Kamrup (R) on 6.7.13. The SPIO submitted a copy of this communication sent from his office to the petitioner before the Commission today which is entered into the case record. However, the appellant has stated in his second appeal petition dated 20.7.13 "That decision of the appellate authority regarding transfer of the original application dated 12.10.12 to DC, Kamrup/Rural for tracing out the records of the preliminary decree passed on 24.3.84 in T.S. No. 47.1978 in respect of revenue partition of K.P. Patta No. 390, Dag No. 936 and 937 is without any result as nothing has been acted upon by DC, Kamrup/Rural till today nor did he enclose a copy of the communication sent by the office of the SPIO of DC, Kamrup (R) to him on 6.7.13.

In view of the above sequence of the correspondance, the SPIO, Kamrup (R) District is directed to send another copy of his communication dated 6.7.13 to the petitioner/appellant immediately under certificate of posting. He is further directed to re-examine the grounds of the second appeal of the petitioner for

which purpose a copy of the second appeal petition is given to him by the Commission today.

The Commission also directs the appellant to specify what further document/material/information he requires in addition to what has already been furnished by the SPIO of the O/O DC, Kamrup (R).

Fix 16th March, 2015 for next date of hearing, on which date both the Public Authorities and the appellant will come prepared with their specific responses.

Sd/-
(H. S. Das)
Assam State Chief Information Commissioner,
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commn.

Memo No.KP(M) 493/2013

dtd. 12-02-2015

Copy to:

- 1. The Deputy Commissioner, Kamrup (M), Guwahati for information and necessary action.**
- 2. The Deputy Commissioner, kamrup (R), Guwahati for information and necessary action**
- 3. The SPIO, O/O DC, Kamrup (M) for information and necessary action**
- 4. The SPIO, O/O DC, Kamrup (R) for information and necessary action.**
- 5. Shri Mridul Kr. Das, At 239 A, East maligaon Railway Colony, Maligaon, Guwahati- 781 011.**
- 6. Computer Section for uploading in the Website.**
- 7. Office File.**

Secretary & Registrar
Assam State Information Commission