



**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : **KP(M)172/2013**

Complainant/ appellant : **Sri Hari Narayan Pathak**

Respondent : **Revenue and Disaster Management Department**

Date of hearing : **21-11-2015**

Complaint/ Second appeal heard by : **Shri H.S. Das, IAS (Retd)
Chief Information Commissioner, Assam**

O R D E R

The petitioner/ complainant Sri Hari Narayan Pathak is present. The public authority is represented by Sri Sanjeeb Kr. Das, Joint Secretary and SPIO of Revenue and Disaster Management Department, Govt. of Assam.

The complaint petition dated 22-4-2013 is taken up for hearing in presence of both the parties.

From perusal of the case records it appears that the complainant/petitioner Sri Hari Narayan Pathak sought photo copy of a letter dated 24-5-1984 issued by the Revenue Department, Govt. of Assam. He also wanted photo copy of the file notings and the subject of the file No. RSS.307/82. His RTI application is dated 2-2-2012. It is also seen that the First Appellate Authority had passed an order on 28th May, 2012, wherein it is recorded that the petitioner was given required information in respect of item No.-3 of his RTI application, i.e. the subject matter of the file

The Joint Secretary and SPIO of Revenue and Disaster Management Department has made a written submission dated 19th November, 2015 stating that at the time of an accidental fire and spraying of water by the fire extinguishers in May, 2008, many files and records of Revenue Department were damaged.

As regards copy of letter dated 24-5-1984 and photo copy of file notings i.e., item No. 1 & 2 of the RTI application, the First Appellate Authority recorded that the relevant file could not be traced out. As directed by the First Appellate Authority, the Deputy Secretary, Revenue and Disaster Management Department informed the petitioner vide letter dated 30th May, 2012 that the file bearing No. RSS. 307/82 could not be traced out in spite of their best efforts.

Since the relevant file and letter relates to the year 1984 and the RTI application is dated 2-2-2012, which is after a lapse of more than 20 years, the information sought for by the petitioner and therefore do not fall within the ambit of the RTI Act.

However, as stated by the petitioner the file relates to the land of the Judge's field, Guwahati, which is a public property.

The Commission, therefore, directs the SPIO of Revenue and Disaster Management Department to furnish the sought for information to the petitioner as and when the lost file is found within 45 days, failing which the petitioner is directed to inform the SPIO about the specific information/ document that he wanted to obtain from the file No. RSS.307/82 and the SPIO will furnish the same within 30 days thereafter if the information is available in any other file.

With the above order the complaint petition dated 22-4-2013 is disposed of

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

Authenticated true copy.

**Sd/-
Secretary & Registrar
Assam State Information Commission**

Memo No. **KP(M)539/2013 -A**

Dtd. 21-11-2015

Copy to:

1. Sri Sanjid Kr. Das, Joint Secretary and SPIO of Revenue and Disaster Management Department, Govt. of Assam. Guwahati-6 for information & necessary action.
2. Sri Hari Narayan Pathak, Padum Pukhuri, Uzanbazar, Guwahati-1 for information.
3. Computer Section for uploading in the Website.
4. Office File.

**Secretary & Registrar
Assam State Information Commission**