



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

Case No. : **KP(M) 74/2014**

Complainant/ appellant : **Sri Raghavendra Dutta Baruah**

Respondent : **Deputy Commissioner, Kamrup (Metro)**

Date of hearing : **03-05-2016**

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

O R D E R

The petitioner Sri Raghavendra Dutta Baruah is present. The public authority is represented by (1) Esther Kathar, Addl. Deputy Commissioner, Land Revenue (Sales) , of the office of the Deputy Commissioner, Kamrup (Metro) district, (2) Smti J. M. Patgiri, SPIO & Addl. Deputy Commissioner, of the Office of Deputy Commissioner, Kamrup (Metro) and (3) Sri Lakhinandan Saharia, Circle Officer, Guwahati Revenue Circle .

The second appeal petition dated 19-12-2013 is taken up for hearing in presence of both the parties.

From perusal of the case records, it is seen that the petitioner filed an RTI petition dated 19-9-2012 before the SPIO of the office of the Deputy Commissioner, Kamrup (Metro), seeking informations under 5 points. Under the 1st point i.e., names of recorded land holders of Dag Nos. 456,457, 458, 459, 460 and 461 on Kharij patta No. 3 of village-Gorpandu, Kumarpura, Mouza-Jalukbari, District-Kamrup. The PIO of Deputy Commissioner's office , Kamrup (Metro) had already furnished the information as on 31st August, 2012 to the petitioner vide PIO's letter dated 11-10-2012.

The petitioner submitted that the main cause of action for his RTI petition was a sale permission No. KRM.2/2004/66 dated 22-3-2004 which was granted by the Deputy Commissioner, Kamrup (Metro).

He further submitted that he will be satisfied if information with regard to 2 & 3 of his RTI petition dated 19-9-2012 is furnished to him.

It is also seen from the case records that the Deputy Commissioner, Kamrup (Metro) in his capacity as the First Appellate Authority had already passed an order dated 10-9-2013, directing the Addl. Deputy Commissioner, Land Revenue (Land sale) to take necessary steps to trace out the necessary documents and furnish the same to the petitioner within 15 days from the date of the receipt of his order.

Thereafter, vide letter dated 30-9-2013 the SPIO of the office of the Deputy Commissioner, Kamrup (Metro) informed the petitioner that the relevant documents were not available. The petitioner admitted that he has received the said reply.

From the above, it is seen that all the information sought for by the petitioner under point No.-2 and 3 of his RTI petition will be available if the relevant file containing the land sale permission vide issue No. KRM.2/2004/66 dated 22-3-2004 can be traced out as was already ordered by the First Appellate Authority vide his order dated 10-9-2013.

This Commission observes that the information sought for by the petitioner is a part of the permanent records of the office of the Deputy Commissioner which fall within the ambit of the RTI Act, 2005 and the Public Records Act, 1993.. Therefore, non-availability, missing or loss of any such records does not appear to be a plausible and acceptable explanation,

This Commission, therefore, directs the Deputy Commissioner, Kamrup (Metro) to take all necessary steps to trace out the above-mentioned records so that the information sought for by the petitioner under point No.- 2 & 3 of his petition dated 19-9-2012 can be furnished to him within a period of 45 days from the date of receipt of this order.

Sd/-

(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar
Assam Information Commission

Memo No.SIC/KP(M)74/2014/

Dtd. 03-5-2016

1. Deputy Commiissioner, Kamrup (Metro), Guwahai-1 for information and necessary action.
2. Esther Kathar, Addl. Deputy Commissioner, Land Revenue (Sales), of the office of the Deputy Commissioner, Kamrup (Metro) district for information and necessary action.
3. Sri Raghavendra Dutta Baruah, Seven Stars Publications Pvt. Ltd, 6 College Road, Panbazar, Guwahati- 781 001 for information.
4. Computer Section for uploading in the Website.
- 4.` Office File.

Registrar
Assam Information Commission