

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

Case No. : KP(M).352/2014
Complainant/ Appellant : Shri Dulal Bora
Respondent : Revenue & Disaster Management Department,
Govt. of Assam
Date of hearing : 03.6.2016
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

03.6.2016

The petitioner Shri Dulal Bora is present. The Public Authority is represented by Smti. Mayuri Chetia, ACS, Deputy Secretary & SPIO of Revenue & Disaster Management Department, Govt. of Assam. The Second Appeal petition dtd 4.3.2014 is taken up for hearing in presence of both the parties.

SPIO & Deputy Secretary, Revenue & Disaster Management Department submitted a written statement dtd 3.6.16 stating that the SPIO of Revenue & Disaster management Department rejected the RTI application on the ground that he is not required to furnish replies to the queries. The First Appellate authority and Commissioner & Secretary to the Govt. of Assam, Revenue & DM Department also made a separate written submission stating that the First Appeal petition dtd 27.12.13 filed by the petitioner was also rejected on the ground that the petitioner sought replies to queries only. This Commission observes that since the subject matter of RTI petition is not related to Revenue and Disaster Management Department it should have been returned to the Chief Secretary's office or forwarded to the appropriate Public Authority.

From perusal of the case records it is seen that the petitioner vide his RTI petition dtd 4.9.13 addressed to the Chief Secretary to the Govt. of Assam, referred to construction of building by one Smt. Rubi Bora on a plot of land which purportedly belongs to Central Academy for State Forest Services, Byrnihat and which was later transferred in favour of Smti. Rubi Bora. The petitioner wanted information about permission regarding construction of building undertaken by smt. Rubi Bora on the said plot of land. It is seen that vide letter dtd 18th September,

2013, the SPIO in the office of the Chief Secretary to the Govt. of Assam transferred the above RTI petition to the SPIO and Deputy Secretary in the Revenue & Disaster management Department, Govt. of Assam.

This Commission observes that the information sought for relates to building permission for which Revenue & DM Deptt. is not the appropriate Public Authority. Perhaps it would be GMD or Guwahati Municipal Corporation or the concerned Gaon Panchayat, if the said plot of land is classified as rural area.

The SPIO in the office of the Chief Secretary to the Govt. of Assam is therefore, directed to ascertain the correct appropriate Public Authority in whose domain the instant RTI petition fall and transfer the RTI petition to him within 15 days from the date of receipt of this order with an instruction to furnish the sought for information to the extent it is admissible within 30 days from the date of receipt of the transfer of RTI application.

With the above order the Second Appeal petition dtd 4.3.14 is disposed of.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/ KP(M).352/2014/14-A

Dtd. 03.6.2016

Copy to:

1. The SPIO of Chief Secretary to the Govt. of Assam, Dispur, Guwahati-6 for information & necessary action.
2. The Deputy Secretary & SPIO of Revenue & Disaster Management Department, Govt. of Assam, Dispur, for information & necessary action.
3. Shri Dulal Bora, Kainadhara Tiniali, House No. 118, Khanapara, Guwahati-22 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Registrar
Assam Information Commission