



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

Case No. : KP(M).313/2016
 Complainant/ Appellant : Shri Jyoti Prakash Ghosh
 Respondent : Circle Officer, Dispur Revenue Circle, Guwahati
 Date of hearing : 02.02.2017
 Complaint/ Second : Shri H. S. Das, IAS (Rtd)
 Appeal heard by : Chief Information Commissioner, Assam

O R D E R
 02.02.17

The petitioner Shri Jyoti Prakash Ghosh is present. The public authority is represented by Shri Ranjit Konwar, Circle Officer, Dispur Revenue Circle. The second appeal petition dated 12.5.16 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 24.9.15 before the SPIO of the office of the Deputy Commissioner, Kamrup (M) seeking certified photocopies of the mutation petition, all order sheets, copy of notices, mondal's report and jarikarak's report pertaining to the mutation case no. 26/2010-11. The petitioner submitted orally that some unscrupulous elements wrongly mutated two plots of land standing in the name of his wife Smti. Manju Ghose and his nephew Shri Jayanta Ghosh, s/o Lt. Jagadish Ghosh, on the basis of forged sale deeds. The RTI petition was transferred by the Deputy Commissioner's office to the Circle Officer, Dispur Revenue Circle vide letter dated 29.9.15. The petitioner filed his first appeal petition dated 26.11.15 after not getting any response from the Circle Officer, Dispur Revenue Circle. The first appeal petition was heard by the Deputy Commissioner and first appellate authority on 1.3.16 and order was passed directing the Circle Officer, Dispur Revenue Circle to furnish the information sought for directly to the applicant within 15 days from the date of receipt of his order. Still not getting the sought for information after Deputy Commissioner's order dated 1.3.16, the petitioner filed the second appeal petition dated 12.5.16 before this Commission which was re-submitted again on 2.8.16 after making necessary rectification and removing certain infirmities therein as pointed out by this Commission. Meanwhile, vide letter dated 1.2.17 the Circle Officer, Dispur Revenue Circle informed the petitioner that the records relating to mutation case no. 26/2010-11 could not be traced out and therefore, the sought for information could not be furnished to him.

The Circle Officer further submitted orally that some records of his office were damaged and lost at the time of shifting the office premise in January, 2016. This Commission, however, notes that the RTI petition was transferred to the Circle Officer on 29.9.15 and therefore, damage/ loss of records at the time of shifting in January,

2016 cannot be applied as valid reason in this case as the sought for information was required to be furnished within 30 days from the date of receipt of the RTI petition.

This Commission, therefore, directs the Circle Officer, Dispur Revenue Circle to make further efforts to search for the untraced records of mutation case no. 26/20110-11. In view of the deposition made by the petitioner stating that the land belonging to his wife and nephew were fraudulently mutated in the name of some other persons based on forged sale deeds, and that the aggrieved parties have approached Civil Court to redress their grievance by cancellation of the forged sale deeds, the possibility of some mischief in disappearance of the information sought for by the petitioner cannot be ruled out. The Circle Officer of Dispur Revenue Circle is directed to look into this aspect also with focus on those of his employees who deals with and is/are the custodian of the records in question, and if relevant mutation case records are not found within 30 days, which is pronounced in presence of both the parties, he shall take steps for initiating necessary criminal proceedings for retrieval of the lost records. The Circle Officer submitted that in addition to the above action he may also take steps to reconstruct the sought for information, as best as possible, if he is provided by the petitioner other relevant informations like names of the pattadar, name of the village, location of plot of land which are situated along with dag no., patta numbers and particulars of location.

This Commission directs the petitioner to furnish the above information to the Circle Officer, Dispur Revenue Circle as early as possible, but not later than 15 days from the date of this order, which was pronounced in presence of both the parties

Fix 11-30 AM on 17th March, 2017 to review the position regarding action taken by the Circle Officer, Dispur Revenue Circle.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/KP(M).313/2016/25-A

Dtd. 02.02.2017

Copy to:

1. The Circle Officer, Dispur Revenue Circle, Dispur, Guwahati, Assam for information and necessary action.
2. Shri Jyoti Prakash Ghosh, Umananda Housing Complex, Sreenagar Path, House No. 7, G.S. Road, Byelaane-1, Guwahati-5 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar
Assam Information Commission