

Case No. : **KP(R).11/2017**
Complainant/ Appellant : **Sri Vinod Mandal**
Respondent : **Deputy Commissioner, Amingaon.**
Date of Hearing : **26-5-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R
26-5-2017

1. The petitioner / appellant Sri Vinod Mandal is present. The public Authority to be represented by the SPIO of the office of the Deputy Commissioner, Kamrup (Amingaon) is absent. The other public authority ie., Circle Officer, Palasbari Revenue Circle, Mirza, is also absent, but she sent an e-mail stating that she has already sent the available informations to the petitioner and, therefore, she has prayed for exempting her from personal appearance at the time of hearing before this Commission today.

2. The petitioner presented before this Commission a copy of letter dated 25-5-2017 from the Circle Officer, Palasbari, addressed to the petitioner Sri Vinod Mandal stating that M/S Sun Farma Laboratories Ltd. have encroached 2 Katha-3 Lessas of Sarkari land under Dag No. 1145 and 1B-1K-6L under Dag No. 1148 – both ceiling sarkari land under village-Hudumpur of Chayani Mouza and has enclosed the land within their boundary walls. This appears to be a case of encroachment of Sarkari land by M/S Sun Farma Laboratories Ltd.

3. Earlier vide letter dated 23-2-2017 the Circle Officer of Palasbari Revenue Circle, Mirza had reported to the SPIO and Additional Deputy Commissioner, Kamrup, Amingaon that there is no record in the Revenue Circle office in respect of point No. 1, 2 and 3 of the petitioner's RTI petition dated 24-1-2017. It appears that the concerned land sale proposal along with the relevant records were already sent to the Deputy Commissioner, Kamrup (Amingaon).

4. As regards point No. 4 of the RTI Act, the Circle Officer mentioned that no information could be provided to the petitioner as it involves third party information.

5. This Commission notes that since it appears from the Circle Officer's letter dated 25-5-2017 mentioned above that M/S Sun Farma Laboratories Ltd. have encroached Sarkari Land, therefore legitimate public interest appears to be involved in the matter.

6. Although the SPIO and Additional Deputy Commissioner, Kamrup (Amingaon) vide order dated 19-5-2017 directed the Circle Officer, Palasbari Revenue Circle to appear before this Commission with all relevant records today, from the Circle Officer's letter dated 23-2-2017 it appears that the Sale permission proposal and other relevant documents are available with the office of the Deputy Commissioner, Kamrup (Amingaon).

7. The Deputy Commissioner, Kamrup (Amingaon) is therefore, directed to refer to proviso under Section 11(1) of the RTI Act, 2005 dealing with third party information, which states, inter alia, that disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interest of the third party.

8. In the absence of the SPIO of the office of the Deputy Commissioner, Kamrup (Amingaon), today the matter could not be heard any further.

9. Fix **16-6-2017 at 12.30 P,M** for next hearing.

10. Issue notice to (i) the SPIO of the office of the Deputy Commissioner, Kamrup District (Amingaon), and (ii) Circle Officer, Palasbari Revenue Circle, Mirza to file separate written statements and also for their personal appearance on the next date of hearing. Issue notice to the petitioner also for his personal appearance on the next date of hearing.

Sd/-

(H. S. Das)
State Chief Information Commissioner,
Assam

Authenticated true copy

Sd/-
Registrar
Assam Information Commission

Memo No SIC/ KP(R).11/2017/ 14 -A

Dated 26-5-2017

Copy to:

- 1) SPIO of the Office of Deputy Commissioner, Kamrup (Amingaon) for information and necessary action, as ordered above..
- 2) Circle officer, Palasbari Revenue Circle, Mirza for information and necessary action as ordered above.
- 3) Sri Vinod Mandal, Mirza, P.O –Mirza, PIN-781125, Dist- Kamrup, Assam for information.
- 4) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

Registrar
Assam Information Commission