

**OFFICE OF THE
ASSAM INFORMATION COMMISSION****JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : **DBR 19/2017.**
Complainant/ Appellant : **Sri P. Bezbaruah**
Respondent : **Sr. Sub Registrar, Kamrup (Metro)**
Date of Hearing : **3-8-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R
3-8-2017

1. The appellant/petitioner Sri P. Bezbaruah is absent without any information. The public authority is represented by (1) Sri Nirhandra Thaosen , Sr. Sub Registrar, Kamrup (Metro) and (2) Smti Manju Rani Boro, Jr. Assistant of the office of Sr. Registrar, Kamrup (M) , Guwahati.
2. The second appeal petition dated 30-4-2017 is taken up for consideration ex-parte on merit in the absence of the petitioner.
3. The Sr., Sub-Registrar of Kamrup (Metro) District, Guwahati furnished a copy of his letter dated 2-8-2017 addressed to the appellant Sri P.Bezbaruah of Amolapatty, Dibrugarh, which has been entered into the case records. It appears from the letter that the Deputy Commissioner (Kamrup) ordered two inquiries on the same matter relating to registration of sale deed No. 253/02 at Sub-Registry office Panikhaiti pertaining to a plot of land covered by Dag No-380 of KP No. 94 of Village- Sahar Guwahati of 6th part of Ulubari Mouza. One order was vide Memo No. KRN No-36/2010/717-721 dated 16-8-2010, directing Sri Nareswar Upadhyaya, ACS, Additional Deputy Commissioner, Kamrup (Metro) to do the inquiry. The other was vide Memo No. KRN.36/2010/383-87 dated 20th August, 2014 relating to the same sale deed and KP No. , but the Dag No. was mentioned as 94 instead of 380, perhaps inadvertently, directing Sri Deepak Choudhury, ACS, Additional Deputy Commissioner, Kamrup (Metro) to do the inquiry. The order dated 20th August, 2014 mentions earlier order dated 16-8-2010 directing Sri Nareswar Upadhyaya, Addl. Deputy Commissioner to do the inquiry and that no inquiry report was received from Sri Upadhyaya. However, it now appears that Shri Upadhyaya had already completed the inquiry and submitted his report to the Deputy Commissioner, Kamrup (Metro) District on 9-9-2011. The Sr. Sub Registrar has furnished copy of this report along with the copy of his letter dated 2-8-2017.
4.
 - (i) This Commission disposed of another second appeal petition dated 22-11-2012 with reference to an RTI petition dated 25-5-2012 by the same petitioner relating to land sale deed No. 253/02 dated 4-10-2002 registered

at Sub Registry office, Panikhaiti, Guwahati , by an order dated 21-4-2016 In second appeal case No.SIC/KP(M).101/2013 . It now appears that the Deputy Registrar, Kamrup (Metro) Guwahati submitted a wrong written submission dated 20-4-2016 stating that only one sale deed bearing No. 253/02 was registered by Panikhaiti Sub-Registrar's office on **4-10-2002** . This date was mistakenly typed as 04-10-2012 in this Commission's earlier order dated 21-4-2016, which now stands corrected by this order. The Deputy Registrar of Kamrup (Metro), Guwahati is warned to not commit such serious mistakes in future.

- (ii) From perusal of Sri Nareswsar Upadhyaya's inquiry report it appears that two sale deeds bearing the same Nos. 253/02 were registered on 4-10-2002. Sri Upadhaya's report is clear in its findings and recommendations, copy of which has already been furnished to the petitioner vide letter dated 2-8-2017.
- (iii) In para No. 3 of letter dated 2-8-2017 it is mentioned that Sri Deepak Choudhury did not do the inquiry as the same was already done and completed by Sri N. Upadhyaya.

5. Against the above facts and circumstances of the case, this Commission is of the view that the sought for informations have been furnished to the petitioner by the Sr. Sub Registrar , Kamrup (Metro) Guwahati vide his letter dated 2-8-2017. This Commission directs the Sr. Sub Registrar to furnish copies of the relevant portions of the Note sheet Page Nos. 15 and 16 of file No. KRN.36/2010 which establishes that Sri D. Choudhury, ACS, Addl. Deputy Commissioner did not do the inquiry as it was already done and reported upon by Sri N. Upadhyaya, ACS, the then Addl. Deputy Commissioner. The Sr. Sub Registrar mentioned that no further action rests with him or the Deputy Commissioner as cancellation of the invalid sale deeds can be done only by the competent Court of Law.

6. With the above order the second appeal petition dated 30-4-2017 is disposed of.

Sd/-

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

Authenticated true copy

Sd/-
Registrar
Assam Information Commission

Memo No SIC/DBR.19/2017 /

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Dated 3-8-2017

Copy to:-.

- 1) Sri Nirhandra Thaosen , Sr. Sub Registrar, Kamrup (Metro) District- Panbazar, Guwahati-781 001 for information and necessary action as ordered above.
- 2) Deputy Registrar, Kamrup (Metro) , Guwahati.
- 3) Sri P. Bezbaruah, B.R. Path, Amolapatty, P.O- Dibrugarh , PIN-786 001 for information.
- 4) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

**Registrar
Assam Information Commission.**