

**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. : **KP(M).313/2016**
Complainant/ Appellant : **Sri Jyoti Prakash Ghose**
Respondent : **Circle Officer, Dispur Revenue Circle.**
Date of Hearing : **22-8-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R
22-8-2017

1. The appellant/petitioner Sri Jyoti Prakash Ghose is present. The Circle Officer of Dispur Revenue Circle is also present.
2. The second appeal petition dated 12-5-18 is taken up for further consideration in pursuance of this Commission's earlier orders dated 2-2-2017, 17-3-2017, 20-3-2017, 11-4-2017, 26-5-2017, 16-6-2017 and 31-7-2017.
3. The Circle Officer of Dispur Revenue Circle submitted a written submission dated 21-8-2017 stating that in pursuance of this Commission's order dated 16-6-2017 he took a hearing on 15-7-2017 of the following Officers and employees who were associated with the mutation case No. 26/2010-11 – (1) Sri Naba Deka Barua, the then Circle Officer of Dispur Revenue Circle, (2) Sri Ananta Pathak, the then Supervisory Kanungo and (3) Sri Naba Malakar, the then Lot Mandal. As stated by the Circle Officer all of them thoroughly searched for the missing records in the record room of the Circle Officer, but could not tract out the same. The Circle Officer has also mentioned that the mutation case No. 26/2010-11 was recorded in the Namjari (mutation) register, but the concerned officers and employees who had been heard on 15-7-2017 stated orally that they could not say anything about how the records went missing.
4. The Circle Officer stated orally that as per their official records the name of Smti Manju Ghose , wife of Sri Jyoti Prakash Ghose is still there in the Chitha and Jamabandi against patta No. 195 of Sarusujai village Beltola Mouza. The petitioner however, submitted that the land of Smti Manju Ghose was mutated apparently fraudulently, on 30-10-2010 in favour of one Sri Sukomol Sinha , son of Sri Dhan Sena Sinha by striking off the name of Smti Manju Ghose. A copy of this hand written page of the Jamabandi has already been furnished by the petitioner to the Circle Officer. If the name of Smti Manju Ghose is still there in the relevant official Jamabandi and Chitha, then the hand written Jamabandi dated 30-10-2010 containing the name of Sri Sukomol Sinha in place of Smti Manju Ghose may not be a genuine one. The petitioner submitted that in the Civil Court the opposite party is relying on the handwritten copy of the Jamabandi correction dated 30-10-2010.

5. In view of the above, the Circle Officer , Dispur Revenue Circle is directed to (i) verify the authenticity of the copy of the Jamabandi correction dated 30-10-2010, with reference to records in his office as also in the records maintained by the Registrar Kanungo in the office of the Deputy Commissioner, Kamrup (Metro) and inform the petitioner about the correct position within 30 (thirty) days from the date of receipt of this order, with intimation to this Commission.
- (ii) As for the missing records of mutation case No. 26/2010-11 from the office of the Circle Officer, Dispur Revenue Circle, the Circle Officer is directed to take necessary action in accordance with Sections 7&8 of the relevant provision of the Public Records Act, 2002 and report compliance within 30 days from the date of receipt of this order.
- (iii) The Circle Officer is also directed to furnish a copy of his written statement dated 21-8-2017 to the petitioner for his information.
6. Mark a copy of this order to the Deputy Commissioner, Kamrup (Metro) with reference to order Nos. at para 5(ii) above.
7. Fix **3-10-2017, 12.30 P.M** for review of action taken.

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

Authenticated true copy
Sd/-
Registrar
Assam Information Commission

Memo No SIC/ KP(M) 313 /2016/ 74

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Dated 22-8-2017

Copy to:-

- 1) Deputy Commissioner, Kamrup (Metro) , Panbazar , Guwahati-1 for information and necessary action.
- 2) Circle Officer, Dispur Revenue Circle, Basistha Chariali, Guwahati-29 for information and necessary action, as ordered above.
- 3) Sri Jyoti Prakash Ghose, , Village/Town- Umananda Housing Complex, Sreenagar Path, Bye Lane-1, P.S-Bhangagarh for information.
- 4) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

Registrar
Assam Information Commission.