

**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. : **BNG.24/2017**
Complainant/ Appellant : **Smti Dharitri Nath**
Respondent : **Circle Officer, Bijni Revenue Circle.**
Date of Hearing : **04-9-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R
04-9-2017

1. The appellant/petitioner Smti Dharitri Nath is present accompanied by Sri Deep Kr. Nath to assist her. The public authority to be represented by the Circle Officer, Bijni Revenue Circle is absent. However, he has deputed Sri Bhaskar Kr. Roy, Lot Mandal who informed this Commission that due to the recent devastating floods and the on-going relief operations, the Circle Officer could not furnish the sought for informations to the petitioner. He conveyed that the Circle Officer has prayed for 20 (twenty) days time to furnish all the sought for informations to the petitioner.
2. The petitioner made a written submission praying for conversion of her complaint petition into a second appeal petition. Her prayer was granted and accordingly the complaint petition dated 9-6-2017 is taken up for hearing as a second appeal petition.
3. From perusal of the case records it is seen that the petitioner filed an RTI petition dated 17-2-2017 before the Deputy Commissioner, Bongaigaon, seeking information about action taken by the Deputy Commissioner on the petitioner's prayer dated 19-9-2016. In her prayer dated 19-9-2016 the petitioner informed the Deputy Commissioner that the Circle Officer, Bijni passed mutation orders in respect of a plot of land belonging to one Late Atul Ch. Nath situated in village Garoliti under Bijni Revenue Circle in favour of the daughters of the deceased title holder. It transpired in course of today's hearing that the mutation order dated 11-9-2015 was passed in course of field mutation. The petitioner stated, as already mentioned in her prayer dated 19-9-2016 before the Deputy Commissioner, Bongaigaon that the two widowed daughter-in-laws, namely Smti Jamuna Nath and Smti Dharitri Nath, were not informed about the above mentioned field mutation. Therefore, they did not get any opportunity to stake their claim for mutating their names also as legal inheritors of their Late father in-law Atul Ch. Nath and their late husbands, viz. Late Kalidas Nath and late Pranab Nath. It has also been mentioned in the prayer dated 19-9-2016 that the above-mentioned plot of land was earlier mutated on 24-2-2012 in favour of the petitioners' husbands Late Kalidas Nath and Pranab Nath. The Lot Mandal present stated orally that the relevant Jamabandi still contains the names of Late Kalidas Nath and Pranab Nath and that if their legal inheritors/ widows apply as per procedure, necessary mutations can be effected in their favour by entering their names in the Jamabandi.
4. It is seen from the case records that the Deputy Commissioner or his SPIO, instead of taking any action on the prayer dated 19-9-2016 and the RTI

petition dated 17-2-2017, very simply transferred the RTI petition to the Circle Officer, Bijni Revenue Circle . It appears to this Commission that once having passed a mutation order, rightly or wrongly, the Circle Officer does not have any power to correct or cancel the mutation order. It is the Deputy Commissioner of the District, who is the Appellate Authority against mutation orders passed by the Circle Officers. The Circle Officer can, however, report the ground realities and the names of the lawful inheritance of Late Atul Ch. Nath to the Deputy Commissioner for favour of necessary action.

5. As prayed for by the Circle Officer through his Lot Mandal Sri Bhaskar Kr. Roy, who is present today, this Commission passes the following orders :-

- (1) The Circle Officer, Bijni Revenue Circle will report to the Deputy Commissioner, Bongaigaon the relevant facts of the matter within 20 days from the date of receipt of this order, which was passed in presence of both the parties, after thorough field verification about the claims and complaints of Smti Dharitri Nath and Smti Jamuna Nath vide their application dated 19th September, 2017, ***a copy of which be enclosed with this order to the Circle Officer for his necessary action.***
- (2) The SPIO of the office of the Deputy Commissioner, Bongaigaon is directed to inform the RTI petitioner in writing , within another 20 (twenty) days from the date of receipt of the report of the Circle Officer, as ordered above, about the actions taken by the Deputy Commissioner on the petitioners prayer dated 19-9-2016, ***a copy of which is enclosed with this order for necessary action.***

With the above order the second appeal petition dated 9-6-2017 is disposed of.

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

Authenticated true copy
Sd/-
Registrar
Assam Information Commission

Copy to:-

- 1) SPIO of the Office of Deputy Commissioner, Bongaigaon for information and necessary action, as ordered above.
- 2) Circle Officer, Bijni Revenue Circle, Bijni, District-Bongaigaon for information and necessary action as ordered above.
- 3) Smti Dharitri Nath ,W/O Late Pranab Nath, Vill- Patiladaha, (Bazar), P.O- Patiladaha, District- Bongaigaon, PIN-783391 for information.
- 4) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

**Registrar
Assam Information Commission.**