

**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

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Case No. : KP(M).772/2017
Complainant/ Appellant : Sri Rameswar Bhuyan
Respondent : Deputy Commissioner, Amingaon
Date of Hearing : 12-9-2017
Complaint/ Second : Shri H. S. Das, IAS (Retd)
appeal heard by : State Chief Information Commissioner, Assam

O R D E R
12-9-2017

1. The appellant/petitioner Sri Rameswar Bhuyan is present. He is accompanied by his brother Sri Dwizen Bhuyan. The public authority is represented by (1) Smti Gita Sharma, Addl. Deputy Commissioner and SPIO of Kamrup District, Amingaon, (2) Sri Kamal Baruah, Circle Officer, Hajo Revenue Circle, (3) Sri Hemen Kalita, Jr. Assistant of the same office and (4) Sri Aswini Deka, Lot Mandal.under Hajo Revenue Circle.
2. The second appeal petition dated 17.8.2017 is taken up for hearing in presence of both the parties.
3. From perusal of the case records it is seen that he petitioner Sri Rameswar Bhuyan filed an RTI petition dated 18-5-2017 seeking various informations about mutation of a plot of land under Dag No. 343, K.P No. 188 in Revenue village No.- 1 of Halogaon under Paschim Bangsor Mouza, under Hajo Revenue Circle.
4. The PIO and ADC, Kamrup District has submitted a written statement dated 12th September, 2017 which is entered into the case records. The Circle Officer , Hajo Revenue Circle has submitted a separate written statement dated 6-8-2017 which is also entered into the case records. Both the ADC and Circle Officer has enclosed with their written statements, copies of Chitha and Jamabandi of the plot of land in respect of which the RTI petition was filed.
5. It is also seen from the case records that the Addl. Deputy Commissioner and SPIO of Deputy Commissioner, Kamrup , Amingaon have already informed the petitioner vide letter dated 3-8-2017 about the present status of the land , enclosing copies of relevant Chitha and Jamabandi. It is seen from the Chitha and Jamabandi that the name of Sri Rupeswar Bhuyan is entered in both the documents and copy of the Jamabandi reveals that the said plot of land measuring 1B-2K and 10L was mutated in the name of Sri Sambhu Ram Bhuyan on the basis of a Registered Sale Deed on 1-9-1966.

6. Subsequently, on 24-9-2013 the same plot of land was mutated in the name of Sri Rupeswar Bhuyan in place of Sri Sambhu Ram Bhuyan on the basis of another sale deed. It , therefore, appears that the petitioner Sri Rameswar Bhuyan is a third party so far as this RTI petition dated 18-5-2017 is concerned.
7. The petitioner Sri Rameswar Bhuyan and his brother Sri Dwijen Bhuyan submitted before this Commission that they are 6 (six) brothers, Sambhu Ram Bhuyan being the eldest . Their father's name was Late Bali Ram Bhuyan . Sri Sambhu Ram Bhuyan purchased a plot of land in the year 1966 with funds provided by their father as stated by the petitioner Sri Rameswar Bhuyan and his brother Sri Dwizen Bhuyan. As per understanding within the family this plot of land was to be shared in equal proportions between Sri Rupeswar Bhuyan and Sri Rameswar Bhuyan. But without the knowledge of Sri Rameswar Bhuyan , Sri Sambhu Ram Bhuyan sold the land to the other brother Sri Rupeswar Bhuyan. Later, the land was mutated in the name of Sri Rupeswar Bhuyan on 24-9-2013. The above information is as stated orally by the petitioner and one of his brothers, viz., Sri Dwijen Bhuyan.
8. The Circle Officer and the Lot Mandal present stated that the land is now in possession of Sri Rupeswar Bhuyan.
9. From the above, it is clear that so far as this RTI application is concerned, the applicant Sri Rameswar Bhuyan is a third party. The Circle Officer, Hajo Revenue Circle is, therefore, directed to take a decision under Section-11 of the RTI Act, 2005 as to whether or not to disclose the sought for information or part thereof with a speaking order, within the time limit prescribed under Section-11.
10. Coming to the main grievance of the petitioner that he has been deprived of his share of the plot of land mentioned in the RTI petition by his brothers Sri Sambhu Ram Bhuyan and Rupeswar Bhuyan, the petitioner is at liberty to approach the Deputy Commissioner, Kamrup , Amingaon for information about the land sale permission and the concerned Sub-Registrar for informations relating to the registered sale deed by filing separate RTI applications before them.
11. With the above order the second appeal petition dated 17-8-2017 is disposed of.

Sd/-

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

Authenticated true copy

Sd/-
Registrar
Assam Information Commission

Copy to:-

- 1) Smti Gita Sharma, Addl. Deputy Commissioner and SPIO of Kamrup District, Amingaon for information.
- 2) Sri Kamal Baruah, Circle Officer, Hajo Revenue Circle for information and necessary action as ordered above.
- 3) Sri Rameswar Bhuyan, Chandmari, Near Holy Child School, P.O- Silpukhuri, P.S- Chandmari, Dist- Kamrup, Pin-781 003 for information and necessary action as ordered above.
- 4) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

**Registrar
Assam Information Commission.**