

**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 Ghosh**
Respondent : **Circle Officer, Dispur Revenue Circle.**
Date of Hearing : **4-12-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R
20-12-2017

1. The petitioner Sri J. P. Ghose as well as the public authority represented by Sri Ranjit Konwar, ACS, Circle Officer, Dispur Revenue Circle, both are present.
2. The second appeal petition dated 12-5-2016 read with subsequent prayer dated 2-8-2016 removing the infirmities in the original RTI petition dated 24-9-2015 was taken up for further consideration in presence of both the parties and in continuation 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, 31-7-2017, 22-8-2017, 3-10-2017, 25-10-2017, 3-11-2017 and 29-11-2017.
3. In compliance with this Commission's last order dated 29-11-2017, the Circle Officer of Dispur Revenue Circle submitted a written statement dated 4-12-2017 which is entered into the case records. It has been stated in the W/S that the informations sought for by the petitioner vide his RTI petition dated 24-9-2015, viz-photo certified copy of the mutation petition, all order sheets, copy of notice, Mandal's report, Jarikarak's report pertaining to the mutation case No. 26/2010-2011 could not be traced out from the records of the Dispur Revenue Circle office. The Circle Officer stated that the then Lot Mandal, Kanungo and Circle Officer of the relevant period were also summoned to his office and they were asked about the missing records and if they could throw any light on the existence of the missing records and their present location. A thorough search was made again with their help, but even then the missing records could not be traced out. The Circle Officer has also mentioned in his W/S that the name of Smti Manju Ghose, wife of the present RTI petitioner, was struck out from the relevant Jamabandi as per a Partition case No. 544/2013-2014, but it was again restored without any order in the present record book of the office of the Circle Office. The Circle Officer enclosed a copy of the said Jamabandi along with his W/S.
4. In compliance with this Commission's order dated 22-8-2017 (para-5)(I) the Circle Officer verified the hand written Jamabandi copy of 30-10-2010 containing the name of Sri Sukomal Sinha in place of Smti Manju Ghose with the records at the RKG branch of the office of the Deputy Commissioner, Kamrup (Metro). He has mentioned in his W/S that this hand written copy of the said Jamabandi tallies with the records of the Deputy Commissioner's office's RKG branch. As stated by the Circle Officer in his W/S,

the RKG branch could not produce any hard copy of the order following which the Jamabandi correction was done in favour of Sri Sukomal Sinha in place of Smti Manju Ghose. As already noted in the earlier orders of this Commission, being maintained in the Dispur Revenue Circle , the Chitha and Jamabandi continues to contain the name of Smti Manju Ghose and not that of Sri Sukomal Sinha. It also transpired in course of multiple hearings of this 2nd appeal case that Smti Manju Ghose continues to be in possession of the plot of land in question.

5. From the above, deliberations it appears that against the same plot of land two sets of Jamabandis with different names of pattadars are being maintained. While the records in the Circle Office mentions the name of Smti Manju Ghose, the current records in the office of the Deputy Commissioner, Kamrup (Metro's) offices' RKG branch mentions the name of Sri Sukomal Sinha. Obviously only one set of record can be correct at any point of time. Both cannot be correct at the same point of time. It is also intriguing as to how the RKG branch of Deputy Commissioner, Kamrup (Metro's) office changed/ corrected the relevant portion of the Jamabandi without any reference from the Circle Officer. As mentioned by the Circle Officer in his W/S the RKG branch could not produce any hard copy of the order following which the RKG Jamabandi was corrected in favour of Sri Sukomal Sinha in place of Smti Manju Ghose.
6. From the above deliberations some un-authorized alterations and manipulation of records, either in the Dispur Revenue Circle Office or in the RKG branch of the office of the Deputy Commissioner, Kamrup (Metro) appear to have taken place.
7. This Commission takes a serious note of the incongruous and contradictory records maintained by the Circle Officer and the Deputy Commissioner's office RKG branch pertaining to the same plot of land in the light of the fact that the informations sought for by the RTI petitioner, namely, the case records of the mutation case No. 26/2010-2011 are missing from the records of both the offices of the Dispur Revenue Circle Office and RKG branch of Deputy Commissioner, Kamrup (Metro's) office.
8. **It is noted that the RTI petition dated 24-9-2015 was addressed to the SPIO of Deputy Commissioner, Kamrup (Metro) District who is the custodian of the corrected and final land records. The Deputy Commissioner, Kamrup (Metro) is, therefore, directed to cause an inquiry into the matter and ascertain which set of records is correct – the Chitha and Jamabandi being maintained by the Dispur Revenue Circle office or the RKG Branch of the Deputy Commissioner's office , and take necessary steps for correction of the wrong set of records. He is directed to report compliance within 30 days from the date of receipt of this order.**
9. Fix 8-2-2018 at 12.30 P.M for review of action taken and for further necessary orders as may be deemed necessary by this Commission.

10. The appellant Sri J.P.Ghose has prayed for a copy of the written statement dated 4-12-2017 submitted by the Circle Officer, Dispur Revenue Circle. Furnish a copy of the same with enclosures to the petitioner along with the copy of this order.

Sd/-

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

Authenticated true copy

Sd/-
Secretary & Registrar
Assam Information Commission

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

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Dated 20-12--2017

Copy to:-

- 1) The Deputy Commissioner, Kamrup (Metro) District, Panbazar, Guwahati-1 for information and necessary action as ordered above.
- 2) Sri Ranjit Konwar, Circle Officer, Dispur Revenue Circle, Beltola, Guwahati for information and necessary action , as ordered above.
- 3) Sri Jyoti Prakash Ghosh, Villag/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