

**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) 884/2017
Complainant/ Appellant : Sri Dulal Bora
Respondent : Revenue & Disaster Management, Govt. of Assam
Date of Hearing : 27-11-2017
Complaint/ Second : Shri H. S. Das, IAS (Retd)
appeal heard by : State Chief Information Commissioner, Assam

O R D E R
27-11-2017

1. The appellant/petitioner Sri Dulal Bora is present. The public authority is represented by Sri Ananda Kr. Das, ACS, SPIO & Deputy Secretary of Revenue and Disaster Management Department, Govt. of Assam, Dispur, Guwahati-6.
2. In this connection, it is noted that the petitioner filed his first appeal petition on 16-5-2017 after getting no response to his RTI petition dated 30-7-2016. There is nothing in the case records to show that the first appeal petition was heard and responded to, or it was rejected or not admitted on the ground of being time barred. In other words, it seems that no action was taken on the first appeal petition. Therefore, the second appeal petition dated 24-7-2017 which was submitted within the time period stipulated under Section 19(3) of the RTI Act, 2005 is taken up for hearing in presence of both the parties.
3. The SPIO of the office of Chief Secretary, Assam is absent , but a written unsigned statement has been received from Chief Secretary's office stating that the petitioner's RTI petition dated 9-8-2016 and first appeal petition dated 16-5-2017 were transferred to Revenue and Disaster Management Department.
4. From perusal of the case records it is seen that the petitioner Sri Dulal Bora filed a complaint petition dated 26.10.2015 to the Chief Secretary to the Govt. of Assam alleging encroachment of a public drain by one encroacher named in the complaint petition. He requested the Chief Secretary to take necessary action to remove the encroachment. The petitioner followed up his complaint petition by an RTI petition dated 9-8-2016 followed by a first appeal petition dated 16-5-2017. The SPIO of Revenue and Disaster Management Department has submitted a Written Statement dated 22-11-2017 stating that the petitioner's original complaint petition , RTI petition and first appeal petition all the three were transferred to the Deputy Commissioner, Kamrup (Metro) on different dates for taking necessary action. The petitioner submitted that he has not got any information from any quarter till date.
5. In view of the above, the SPIO of Revenue & Disaster Management Department is directed **to issue necessary instructions to the Deputy Commissioner, Kamrup (Metro) within five days from the date of receipt of this order**, and directing him to furnish the sought for information to the petitioner within

another 30 days from the date of receipt of such instruction from the Revenue & Disaster Management Department.

6. Fix **1.00 P.M 9th January, 2018** for review of action taken. Issue Notice to the SPIO , Deputy Commissioner and the petitioner to attend the hearing on the next date of hearing.

Sd/-

(H. S. Das)

**State Chief Information Commissioner,
Assam**

Authenticated true copy

Sd/-

Registrar

Assam Information Commission

Memo No SIC/ KP(M). 884/2017/

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Dated 27-11-2017

Copy to:-

- 1) Sri Ananda Kr. Das, ACS, SPIO & Deputy Secretary of Revenue and Disaster Management Department, Govt. of Assam, Dispur, Guwahati-6.
- 2) The SPIO of the office of the Deputy Commissioner, Kamrup (M), Guwahati-1 for information and necessary action.
- 3) Sri Dulal Bora, Koinadhara Tiniali, House No. -118, Khanapara, Guwahati-22 for information and necessary action.
- 4) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

Registrar

Assam Information Commission.

