



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : KP(M).391/2017
 Complainant/ Appellant : Mr. Swapan Barman
 Respondent : Deputy Commissioner, Kamrup (M), Guwahati-1
 Date of hearing : 11.10.2017
 Complaint/ Second : Shri H. S. Das, IAS (Rtd)
 Appeal heard by : Chief Information Commissioner, Assam

O R D E R

11.10.17

1. The petitioner Shri Swapan Barman is present. The public authority is represented by :- (1) Shri Prasanta Protim Kathkotia, Addl. Deputy Commissioner, Kamrup (M) & SPIO of the office of the Deputy Commissioner, Kamrup (M) and (2) Shri Ranjit Konwar, Circle Officer (CO), Dispur Revenue Circle. The second appeal petition dated 30.5.17 is taken up for consideration in presence of both the parties in pursuance of this Commission's previous order dated 7.9.17.
2. At the outset the petitioner Shri Swapan Barman submitted a copy of the written statement dated 11.10.17, enclosing a copy of an undertaking signed purportedly by the legal heirs of Late Mahendra Kalita authorizing Shri Swapan Barman, advocate to follow up, including filing of RTI application, the matters relating to the plot of land mentioned in the RTI petition dated 17.5.16. His application is entered into the case records.
3. From perusal of the case records it is seen that the petitioner's RTI application dated 17.5.16 was submitted before the SPIO of the office of the Deputy Commissioner, Kamrup (M). The RTI application sought informations against 7 points. The Land Record branch of DC's office furnished a reply to the petitioner vide letter dated 6.7.16. Clear informations were furnished against point no. 2 & 7 of the RTI petition. Against point no. 1, the petitioner was informed that the case records of mutation case no. 532/1971-72 could not be traced out, but search is on. Against point no. 3, 4, 5 and 6, the petitioner was informed that the relevant informations will be available in the office of the CO, Dispur Revenue Circle. Vide an order dated 29.11.16 the DC, Kamrup (M) in his capacity as first appellate authority directed the CO of Dispur Revenue Circle to furnish the informations to the petitioner within 15 days.
4. The CO, Dispur Revenue Circle vide letter dated 3.3.17 informed the petitioner against point no. 1, 3, 4,5 and 6 of the RTI petition, point no. 2 and 7 already having been settled. Against point no. 1, the CO also mentioned that the relevant records of mutation case no. 532/1971-72 could not be traced out in his office also. The petitioner produced an over-written photocopy of Jamabandi where case no. 532/1971-72 is mentioned. In the same paragraph, dated 6.2.77 of the over-written copy of the Jamabandi, it is mentioned that a plot of land measuring 2 kathas under dag no. 1482 (old) of patta no. 355 (old) was mutated in the name of Shri Mahendra Kalita together with one Smti. Lilabati Choudhury on the basis of land sale deed. It was, however, not clear whether the mutation was field mutation or office mutation. The SPIO of Kamrup (M) DC's office and the CO, Dispur Revenue Circle pointed out that the date of Jamabandi correction and date of the mutation order cannot be the same, i.e. 6.2.77. Therefore, the point no. 1 of the RTI petition seeking copy of the order dated 6.2.77 in mutation case no. 532/1971-72 seems to be *ab initio* anomalous. The petitioner is, therefore, directed

to verify his own records and rectify his RTI petition accordingly and inform the SPIO of DC's office and the CO, Dispur Revenue Circle within 15 days from the date of this order.

5. It transpired in course of today's hearing that the legal heirs of Late Mahendra Kalita are already in possession of the copies of the Sale Deed mentioning the schedule of the relevant plot of land measuring 2 kathas, trace map of the relevant Dag No. against new patta No. 1909 in which Late Mahendra Kalita was a co-pattadar, and copies of the old and new Jamabandis. But they do not seem to have any copy of the trace map of the 2 kathas plot of land owned by Late Mahendra Kalita or any record of possession.

6. The CO submitted orally that if the legal heirs of the co-pattadar Lt. Mahendra Kalita applies to him, supported by necessary records including relevant sale deed for demarcation of the 2 kathas plot of land falling under new dag no. 2673 and 3430 (old Dag No. 1482) under patta no. 355 (old)/ 1909 (new) where Lt Mahendra Kalita's name appears in the current Jamabandi, then he may be able to furnish the present position against point no. 3, 4 and 5 of the RTI petition.

7. As regards point no. 6, it appears to be related to point no. 1, which have already discussed in paragraph no. 4 above.

8. With the above order the second appeal petition dated 30.5.2017 is disposed of

Sd/-

(H. S. Das)

Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar

Assam Information Commission

Memo No. SIC/KP(M). 391/2017/

Dtd. 11.10.2017

- Copy to:
1. The SPIO of the office of the Deputy Commissioner, Kamrup (M), Panbazar, Guwahati-1 for information and necessary action.
 2. The Circle Officer, Dispur Revenue Circle, Beltola, Guwahati for information and necessary action.
 3. Shri Swapan Barman, Advocate, Gauhati High Court, C/O-Mr. Bipul Sarmah, Advocate, Gate No. 3, Maligaon, Guwahati-11 for information.
 4. Computer Section for uploading in the Website.
 5. Office File.
 6. Order Book.

Registrar

Assam Information Commission