

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

Case No. : SIC/KP(M).85/2018  
Appellant : Shri Harinarayan Pathak  
Respondent : The SPIO, O/o the Senior Sub Registrar, Kamrup (M),  
Guwahati, Assam  
Date of hearing : 07.05.2018  
Second Appeal heard by : Shri Pinuel Basumatary, IA & AS (Retd.)  
State Information Commissioner, Assam

**O R D E R**  
07.05.2018

The SPIO absent. However, a Written Statement dated 07.05.2018 has been received from the Deputy Registrar, Kamrup (M), Guwahati, office of the Senior Sub Registrar, Kamrup (M), Guwahati. A Written Statement dated 06.04.2018 has been received from Addl. Deputy Commissioner/SPIO, office of the First Appellate Authority/Deputy Commissioner, Kamrup (M), Guwahati. A copy of the letter from the SPIO/ADC, dated 06.04.2018 addressed to the Senior Sub Registrar has also been received.

The Appellant, Shri Harinarayan Pathak is present.

Perused the Written Statements. The RTI Application dated 01.06.2016 was transferred to the Senior Sub Registrar, Kamrup (M), Guwahati through a letter dated 03.06.2016. The Sub Registrar, Kamrup (M) furnished a reply dated 17.05.2017 informing the Appellant the prescribed procedure for providing copy of the document sought for by the Appellant. The FAA/ Deputy Commissioner, Kamrup (M), Guwahati heard the First Appeal dated 03.12.2016 on 16.06.2017 and a direction was given to the Senior Sub Registrar to provide the information to the Appellant within 5 days from the date of receipt of the order. The ADC and SPIO has further stated as follows :

Since, the information was furnished to the petitioner on 17.05.2017 against his petition & action was taken regularly and the 1<sup>st</sup> appeal was heard by the First Appellate Authority on 16.06.2016, imposition of penalty u/s 20(1) of the RTI Act, 2005 does not arise.

In his said letter dated 06.04.2018 to the Senior Sub Registrar, ADC and SPIO has requested the former to attend today's hearing "without fail". The former has not complied with this request. In his Written Statement dated 07.05.2018, the Deputy Registrar, Kamrup (M) has simply informed that the information was furnished without not providing detailed information regarding the receipt of the RTI Application etc. Further, he did not provide a copy of the letter although stated to have enclosed the same with the letter.

The Appellant provided a copy of the said letter of 17.05.2017 and stated that he was not satisfied with the response that the copy of the Registered Deed sought for can be obtained by applying in the prescribed format and by paying the required Government fees. He was aggrieved that although his RTI Application was transferred promptly by the SPIO, office of the DC, Kamrup (M), the Senior Sub Registrar did not respond to him within the time of 30 days stipulated by the RTI Act, 2005 and there was a delay of nearly eleven months, and submitted that he would have paid the cost of photocopying, if he was asked to do so, and the information supplied within the stipulated time.

Perusal of the reply given by the Senior Sub Registrar through the aforementioned letter of 17.05.2017 given to the Appellant indicates that procedure exists for obtaining a certified copy of the Registered Deed by applying in a prescribed format with the signature of the Applicant and payment of the required Government fees. This indicates that the information sought for by the Appellant is such information that is accessible to citizens by following a procedure laid down in this behalf. Therefore, the Commission concludes that there is no need for a citizen to take recourse to the RTI Act, 2005 to obtain such information or documents.

In view of the above, the Commission therefore **upholds the aforementioned decision of the Senior Sub Registrar Kamrup (M), Guwahati and should the Appellant still be interested in the said document he is at liberty to obtain the same by following the prescribed procedure mentioned above. As for the Senior Sub Registrar, Kamrup (M), Guwahati, he shall be duty bound to provide a copy of the said information/documents to the Appellant promptly as and when an Application is received per procedure.**

**The Second Appeal is hereby disposed of.**

Sd/-

Pinuel Basumatary IA & AS (Retd.)  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy

Sd/-  
Joint Registrar  
Assam Information Commission

**Memo No. SIC/KP(M).85/2018/17-A**

**Dtd.07.05.2018**

Copy to:

1. The SPIO, O/o the Senior Sub Registrar, Kamrup (M), Guwahati- 1 for information and necessary action.
2. The First Appellate Authority/Deputy Commissioner, Kamrup (M), Guwahati- 1 for information.
3. The Appellant, Shri Hari Narayan Pathak, Padum Pukhuri, Uzan Bazar, Guwahati- 781 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar  
Assam Information Commission





