

Case No. : SIC/KP(M).550 /2018
Appellant : Sri Harinarayan Pathak
Respondent : The SPIO, O/o the Deputy Commissioner, Kamrup (M),
Guwahati- 781 001
Date of hearing : 06.09.2018
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R

06.09.2018

Sri Prasanta Pratim Katkhatia, SPIO & Addl. Deputy Commissioner, Kamrup (M), Guwahati is present along with Sri Nirhandra Thaoeen, Senior Sub-Registrar, Kamrup (M), Guwahati. A Written Statement dated 28.08.2018 submitted by the SPIO.

The Appellant, Sri Harinarayan Pathak is present.

Heard the Appellant. He submitted that he had not received the information he had sought for through his RTI Application dated 06.11.2017.

Perused the Written Statement and heard the SPIO and the Senior Sub-Registrar. It has been submitted that the RTI Application had been transferred to the Senior Sub-Registrar, Kamrup (M), Guwahati through a letter dated 13.11.2017. The First Appeal dated 18.01.2018 was heard on 11.05.2018 by the First Appellate Authority/Deputy Commissioner, Kamrup (M), Guwahati and it was ordered that the Senior Sub-Registrar furnish the information within 15 days of receipt of the order. The Senior Sub-Registrar submitted that the information could not be provided as 8 (eight) Registered Deeds authenticated copies of which were sought for could not be located and that the search as well as re-organization of office records continued. He assured that the information should be furnished as soon as the same is traced.

Further, he added that he was hopefully of completing the search in 15/20 days.

The Commission observes that instead of transferring the Application to the holder of the information within the same Public authority U/S 6(3) of the RTI Act, 2005 the latter's assistance ought to have been sought U/S 5(4) and 5(5) of the Act.

In view of the facts brought out above, **the Commission hereby orders that the Senior Sub-Registrar, Kamrup (M), Guwahati shall have the records of the office searched systematically by recording detailed result of the process of the search by the individual deployed on the task and furnish the information as soon as the same is found, and at any rate inform the Appellant within 30 days of receipt of this order the status and outcome of the search.**

The Second Appeal is hereby disposed of. However, the Appellant shall be at liberty to move this Commission, if he is aggrieved with the response of the SPIO.

Sd/-

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

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Copy to:

1. The SPIO, O/o the Deputy Commissioner, Kamrup (M), Guwahati- 781 001 for information and necessary action.
2. The Senior Sub-Registrar, Kamrup (M), Guwahati- 1 for information and necessary action.
3. The First Appellate Authority/ Deputy Commissioner, Kamrup(M), Guwahati- 781 001 for information.
4. The Appellant, Sri Harinarayan Pathak, Padumpukhuri, Uzanbazar, Guwahati- 781 001 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar
Assam Information Commission