



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

Case No. : KP(M).582/2018  
 Complainant/ Appellant : Sri Dulal Bora  
 Respondent : SPIO of Judicial Department, Govt. of Assam.  
 Date of hearing : 17.01.2019.  
 Complaint/ Second : Shri H. S. Das, IAS (Retd)  
 Appeal heard by : Chief Information Commissioner, Assam

**O R D E R**

17.01.2019

1. The appellant Sri Dulal Bora is absent. He informed the Registry of this Commission telephonically that he is not in a position to attend today's hearing due to his preoccupation with some other works. The public authority, i.e., the Judicial Department is represented by Sri P. Kalita, Joint LR and SPIO of Judicial Department, accompanied by Sri Manas Jyoti Nath, Sr.A.A. of the department.
2. More than 1700 appeal and complaint petitions of the appellant are pending before this Commission. Last minute communication of inability to attend hearing causes loss of valuable working hours of the public authority. The public authority, i.e., the SPIO of Judicial Department is already present in response to this Commission's notice. Such last minute communication also adversely affects disposal of the large number of appeal and complaint petitions pending before this Commission. Therefore the second appeal petition dated 4.12.2017 is taken up for hearing ex parte in absence of the appellant.
3. The SPIO cum Joint LR and Joint Secretary of Judicial Department has submitted a written statement dated 17.1.2019 which is entered into the case records. The First Appellate Authority & LR cum Commissioner & Secretary of Judicial Department has also sent a separate written statement dated 10.1.2019, which is also entered into the case records.
4. The gist of both the written statements is that the petitioner Sri Dulal Bora submitted a complaint petition dated 22.2.2016 before the Secretary, Judicial Department, Govt. of Assam alleging that the State Government allotted and settled one-and-half katha of Government land adjacent to the State Guest House No.1 at Khanapara, Guwahati to Sri Manoj Goswami, Editor of Dy365 TV Channel. The complainant alleged that Sri Manoj Goswami is not eligible to get such land allotment and settlement. It has also been alleged that in addition to one-and-half kathas of land allotted and settled with Sri Manoj Goswami, Sri Goswami also occupied another two kathas of Govt. land contiguous to the land settled with him. The complainant requested cancellation of the settlement of the land and thorough examination of building permissions granted by the GMC and GMDA to Sri Manoj Goswami for construction of house on the above mentioned plot of land. It has been mentioned in the

WS that since the matter does not relate to the Judicial Department the complaint petition was returned to the petitioner Sri Dulal Bora vide letter dated 08.03.2016. Even after that the petitioner filed RTI petition dated 11.1.2017 before the Judicial Department seeking the following informations :-

- (a) . The number of the file from which inquiry was ordered into the allegations mentioned in his complaint petition dated 22.2.2016 and name of the Inquiry Officer with his designation;
- (b) Names and addresses of the persons mentioned in the complaint petition dated 22.2.2016, and
- ( c ) Photo copy of inquiry report submitted by the Inquiry Officer to his higher Authorities

5. The SPOP of Judicial Department forwarded the RTI application to Guwahati Development Deptt. vide letter dated 30.1.2017 with copy to the petitioner. By another letter dated 4.2.2017 the petitioner Sri Dulal Bora was again informed that his complaint petition dated 22.2.12016 and RTI petition dated 11.1.2017 respectively were returned to him and transferred to the Guwahati Development Deptt. Even after that the petitioner filed a first appeal petition dated 14.8.2017 before the Judicial Department which could not be acted upon for the reasons mentioned above.

6. From the perusal of the case records it is seen that the main issues raised by the petitioner are :- (a) allotment and settlement of sarkari land to Sri Monaj Goswami, and (b) building permission granted by GMC and GMDA. The SPIO of Judicial Department already transferred the RTI petition to Guwahati Development Department, which should have been transferred to Revenue & Disaster Management Department also since it involves allotment and settlement of Government land.

7. The SPIO of Judicial Department is, therefore, directed to transfer the RTI petition along with the copy of complaint petition dated 22.2.2016 to the SPIO of Revenue & Disaster Management Department and also to the SPIO of GD Deptt. within 7 days from the date of this order which is pronounced ex-parte but in presence of the SPIO of Judicial Department. The SPIO of Revenue & Disaster Management Department and GD Department are also directed to furnish appropriate responses to the petitioner within 30 days from the date of receipt of the transferred RTI petition along with the complaint petition from the SPIO of Judicial Department.

8. With the above order the second appeal petition dated 4.12.2017 is disposed of.

Sd/-  
(H. S. Das)  
Chief Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.  
Sd/-  
Registrar i/c  
Assam Information Commission

Memo No. SIC/KP(M). 582/208

Dated. 17.01.2019

- Copy to:
1. The SPIO of Judicial I Department, Govt. of Assam, Dispur, Guwahati – 6 for information. and necessary action.
  2. The SPIO of Revenue & Disaster Department, Govt. of Assam, Dispur, Guwahati 7 for information and necessary action.
  3. The SPIO of Guwahati Development Department, Govt. of Assam, Dispur, Guwahati 6 for information and necessary action.
  4. Sri Dulal Bora, Koinadhara Tiniali, House No.118, Khanapara, Guwahati 22.
  5. Computer Section for uploading in the Website.
  6. Office File.
  7. Order Book.

Registrar i/c  
Assam Information Commission