



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

Case No. : KP(R).1069/2018
Complainant/ appellant : Shri Kumudeswar Sarma
Respondent : SPIO of the office of the Deputy Commissioner, Kamrup (R)
Date of hearing : 07.01.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
07.01.2019

1. The petitioner Shri Kumudeswar Sarma is absent without any information. The public authority, i.e. the office of the Deputy Commissioner, Kamrup (R), Amingaon is represented by Addl. Deputy Commissioner, Shri Gunajit Roy Choudhury. The second appeal petition dated 9.7.2018 is taken up for further consideration in pursuance of this Commission's earlier order dated 18.12.2018, ex-parte in the absence of the petitioner.
2. The SPIO and Addl. Deputy Commissioner, Kamrup (R), Shri Gunajit Roy Choudhury has submitted a written statement dated 7.1.2019, which is entered into the case records. The gist of his WS is that the petitioner's RTI petition dated 6.6.2017 was forwarded on 19.6.2017 by the then SPIO and ADC, Land Reforms Branch of the Deputy Commissioner, Kamrup (R)'s office for furnishing the sought for informations to the petitioner within stipulated time. The ADC, Land Reforms Branch vide letter dated 4.1.2019 informed the SPIO that the required records were searched thoroughly, but could not be traced out in the Land Reforms Branch. Copy of ADC's letter dated 4.1.23019 has been sent to the petitioner, Shri Kumudeswar Sarma by registered post on 5.1.2019. In response to a query by this Commission, the SPIO and ADC submitted orally that the State Government's letter dated 20th June, 2014 is available in the office records of the Land Reforms Branch. But as reported by the ADC, Land Reforms Branch, action taken report thereon could not be traced out.
3. From the above it appears that so far no action has been taken by the Land Reforms Branch of the office of the Deputy Commissioner, Kamrup (R) on State Government's letter dated 20.6.2014. It is now for the Deputy Commissioner's office to decide whether they intend to take any action even now. The SPO is, therefore, directed to verify once again and confirm whether any action has been taken on State Government's letter dated 20th June, 2014 and inform the petitioner the outcome of verification within 15 days from the date of receipt of this order, which was pronounced in presence of the SPIO and ADC, Kamrup (R). If no action has been taken so far then also the SPIO is directed to inform the petitioner weather the Deputy Commissioner's office intends to take any action on Government's letter dated 20th June, 2014 within 30 days from the date of this order.
4. As regards the show cause notice to the SPIO vide order dated 18.12.2018, the SPIO has submitted in his WS that the RTI petition was duly forwarded from the RTI Branch

of Deputy Commissioner's office to the Land Reform Branch within the stipulated time. It is the Land Reforms Branch, who is the holder of information subsequently, even after thorough searches the sought for informations could not be traced out. He prayed for exemption from imposition of penalty on him. Decision on his prayer is withheld till the matter is finally disposed of.

5. Fix 12.30 PM on 14.2.2019 for review of action taken by the SPIO of the Deputy Commissioner's office. Since the Addl. Deputy Commissioner, Land Reforms Branch of the Deputy Commissioner's office is the holder of the sought for informations, he is also deemed to be PIO for the purpose of this case u/s 5(5) of the RTI Act, 2005.

6. Issue notices to the SPIO as well as the deemed PIO for their appearances on the next date of hearing. Also issue notice to the appellant for his appearance.

Sd/-

(H. S. Das)

Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar i/c

Assam Information Commission

Memo No. SIC/ KP(R).1069/2018/

Dated. 07.01.2019

Copy to: 1. The SPIO of the office of the Deputy Commissioner, Kamrup (R), Amingaon, Guwahati- 781031 for information and necessary action.
2. The SPIO and Addl. Deputy Commissioner, Land Reforms Branch of the Deputy Commissioner's Office, Kamrup (R) for information and necessary action.
3. Shri Kumudeswar Sarma, Vill & PO- Rangamati, Dist. Kamrup (R), Assam, PIN-781122 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book

Registrar i/c

Assam Information Commission