



Case No.	: SIC/NGN.185/2019
Complainant/ appellant	: Sri Abdul Quddush
Respondent	: SPIO O/O the Deputy Commissioner, Nagaon SPIO O/O the Circle Officer, Dhing Revenue Circle
Date of hearing	: 22.12.2020
Complaint/ Second	: Dr. A.P. Rout, IPS (Retd.)
Appeal heard by	: State Chief Information Commissioner. Assam

## 22.12.2020

1. The petitioner Sri Abdul Quddush is present. The public authority i.e. the SPIO of the Office of the Circle Officer, Dhing Revenue Circle Smti Chandana Baruah, Circle Officer is present. The Circle Officer of Dhing Revenue Circle has submitted a written statement dated 21/12/2020 which is taken case records.
2. On perusal of the case records, it is seen that the petitioner Sri Abdul Quddush has filed RTI petition dated 13.9.2019 before the Deputy Commissioner, Nagaon and sought the following information:
  - (i) If the plot of land in the Bilotia Kisamot covered by Dag No. 49 of Patta No. 24 under Dhing Revenue Circle is Sarkari Land.
  - (ii) If so, who is the encroacher who have erected some permanent stractures on the plot of land.
  - (iii) Did you receive any communication from the Govt. on the illegal encroachment
  - (iv) What action have been taken by D.C. Nagaon to remove the illegal stracture so far
  - (v) When can the petitioner expect total eviction of the illegal stracture
  - (vi) Copy of status report which was to be submitted to Hon'ble Chief Minister of Assam
  - (vii) The encroacher Khalilur Rahman Mir has five commercial stractures of which we have definite proof, still then why the encroachment has not been evicted till date
3. Then the petitioner filed the first appeal petition dated 31.10.2019 before the Deputy Commissioner, Nagaon. Then the petitioner has filed second appeal petition dated 17.12.2019 before this Commission. In his second appeal petition the petitioner stated that he has not received the information in respect of point Nos 5 and 6 where as the Circle Officer of Dhing Revenue Circle stated that the replies in respect of point Nos. 5 and 6 are dispatched the appellant vide letter No. DCO2020/27 dated 9.1.2020 through speed post (copy of delivery enclosed) and copy of the same is also marked to Deputy Commissioner, Nagaon. The appellant still states that he has not received the information.
4. However, after receipt of the written statement of the Circle Officer, Dhing Revenue Circle, it is found that the petitioner has lied before the Commission

that he has not received the reply to his petition and thereby misused the RTI Act, 2005 and wasted the time of the Commission unnecessarily and made SPIO i.e. the Circle Officer of Dhing Revenue Circle to appear before the Commission and thereby depriving the people of Nagaon of her service during her absence from the District.

5. In light of it, the Commission decides not to entertain the RTI second appeal petitions from Sri Abdul Quddush for one year w.e.f. today. The appellant Sri Abdul Quddush is allowed to file an affidavit within one month stating why the above condition should not be imposed on him.
6. With the above order, the second appeal petition dated 17.12.2019 is disposed off.

Sd/-  
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-  
Joint Registrar i/c  
Assam Information Commission

**Memo No. SIC/ NGN.185/2019**

**Dtd. 22.12.2020**

Copy to:

1. The SPIO of the Office of the Deputy Commissioner, Nagaon, Dist- Nagaon for information.
2. Smti Chandana Baruah, Circle Officer, Dhing Revenue Circle for information
3. The Appellant, Sri Abdul Quddus, Vill- Bilotia No.1, PO- Dhing, Dist- Nagaon, PIN-782123 for information and necessary action.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Joint Registrar i/c  
Assam Information Commission