

**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

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Case No. : SIC/KP(M).128/2021
Complainant/ Appellant : Sri Hara Kanta Bora
**Respondent : SPIO of the Office of Deputy Commissioner, Kamrup
Metropolitan District, Guwahati (RTI Branch)**
Date of Hearing : 28-07-2021
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
28/07/2021

1. The petitioner Sri Hara Kanta Bora is present. He has filed RTI petition on 14/8/2020 seeking following information:-
 - (a) Combined trace map of the land covered owned by (a) Jyoti Chitrabon (b) Govt. Bhauri Devi Cheraugi Deaf & Dumb School (c) 10th APBN and (d) Lokabandhu Nagar(Bhogargaon) of Kahilipara, Guwahati-19. The joint portion of the land should be specific and owners name should be mentioned in each place in the provided map in the trace map to be provided.(owner means department and village)
 - (b) Please provide the Dag No. and Patta No. of the above land of a,c and d. If the Lokabandhu Nagar is not a Revenue Village the Dag No. of Bhogargaon may be mentioned instead of Lokabandhu Nagar as it is under Bhogargaon.
 - (c) Please provide the trace map of Lokabandhu Nagar (Bhogargaon) prepared for settlement of land.
 - (d) It is learnt that land of Dag No.19 was allotted to Jyoti Chitrabon. In this regards kindly mention (1) the date of allotment (2) Trace Map of Dag No. 19 and (3) Copy of allotment order published in this regards.
 - (e) Please provide the name of the applicants of those who are the land occupants of Dag. No.19 applied for land settlement. Also mention (a) the name of the applicants whose application were rejected (b) the name of the applicants whose application were sent to the O/o the Deputy Commissioner, Kamrup (M) for settlement.
 - (f) Kindly provide the proposed dag no. for land settlement of the land occupant of the joint portion of the land of Jyoti Chitrabon,10th APBN, Govt. Bhauri Devi Cheraugi Deaf & Dumb School and Lokabandhu Nagar (Bhogargaon). The land occupants are Sri Rebat Mahanta , Srikanta Majumdar, Natul Ch. Bora and Kamala Kanta Deka. Please mention their proposed Dag No.
 - (g) It is learnt that land occupied by Sri Rebat Mahanta, Srikanta Majumdar, Natul Ch. Bora and Kamala Kanta Deka was of few Govt. departments. Kindly mention whether this departments surrendered these portion of land and declared no objection for land settlement in the name of the above four persons. Also provide the copy of No objection.
 - (h) Kindly provide the copies of the forwarding letters of the applications of the above four persons at point (g) with the necessary comments of the Dispur Revenue Circle sent to the O/o the Deputy Commissioner Kamrup (Metro) for land settlement of them.
2. Reportedly on not getting any information, the petitioner filed 1st appeal before the Deputy Commissioner, Kamrup (M) on 28/9/2020.
3. The petitioner filed 2nd appeal before the Commission on 04/04/2021 and accordingly the hearing was fixed today.

4. The Public Authority is represented by Sri Kongkon Jyoti Saikia, Assistant Commissioner, Kamrup (Metro). The SPIO has submitted written statement dated 27/7/2021 which is taken into records.
5. When the Commission asked the appellant about the cause of action, as per the decision of Delhi High Court in Har Kisan VS President Secretariat in WP(C) 7976/2020 stating **“The Court is of the opinion that whenever information is sought under the RTI Act, disclosure of an interest in the information sought would be necessary to establish the bonafides of the applicant. Non-disclosure of the same could result in injustice to several other affected persons”**, he could not clarify the specific cause of action.
6. The SPIO has submitted in his written statement that due to Covid-19 and other related issues, the RTI petition of the appellant is still pending at 1st Appellate level. In this matter, the Commission feels that this is too long period for 1st Appellate Authority to dispose the appeal petition.
7. In the meantime, a report dated 27/7/2021 submitted before the Commission giving some information with a prayer that the information relates to Govt. Department and hence submitted to the Commission only.(not for others)
8. **Therefore, the Commission directs the 1st Appellate Authority to dispose the case within 15 days of the date of receipt of this order.**
9. In view of the above, the instant 2nd appeal petition dated 4/4/2021 is disposed off.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M).128/2021

Dtd.28.7.2021

Copy to:

1. The First Appellate Authority, O/o the Deputy Commissioner, Kamrup Metropolitan District, Guwahati 01 for information and necessary action as ordered above.
2. The SPIO, O/o the Deputy Commissioner, Kamrup Metropolitan District, Guwahati (RTI Branch) for information and necessary action as ordered above.
3. The petitioner Shri Hara Kanta Bora, Lokabandhu Nagar, House No.147, Kahilipara, Guwahati for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Secretary & Registrar
Assam Information Commission