

Case No. : SIC/NGN.6/2021
Complainant/ Appellant : Shri Waizul Hoque Choudhury.
Respondent : The SPIO/Sr. Sub Registrar, O/o the Deputy
Commissioner, Nagaon, PIN Code 782001, Assam.
Date of Hearing : 29-10-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
29-10-2021

1. The appellant Shri Waizul Hoque Choudhury is present.
2. Shri Raj Sobhan Goswami, SPIO/Sr. Sub Registrar, Nagaon Sadar is present. The SPIO has also submitted a written statement No. Nil dated 29.10.2021.
3. From perusal of records it is seen that the appellant Shri Waizul Hoque Choudhury had submitted one RTI petition on 03.10.2020 to the SPIO, O/o the Deputy Commissioner, Nagaon Distt., seeking certain informations related to registration of land sale deed No. 7056 and 7064 related to myadi patta Nos. 211 and 212 of Dhupguri Pathar Kisamat. The PIO and Addl. Deputy Commissioner, Nagaon, vide letter No. NBC (RTI cell) 02./2020/297 dated 12.10.2020 transferred the said RTI petition to the Sr. Sub Registrar, Nagaon, with a request to furnish the required information directly to the petitioner within the stipulated time.
4. On not receiving any information the appellant Shri Waizul Hoque Choudhury submitted a 1st Appeal in the O/o the Deputy Commissioner, Nagaon Distt. On 03.11.2020, and subsequently a 2nd Appeal in the Commission on 18.02.2021. Accordingly the Commission fixed hearing on the matter on 03.05.2021, which however could not be held because of the pandemic situation and was re-fixed for 22.09.2021. Accordingly a hearing was held on 22.09.2021 in which the appellant was absent due to health reasons while the SPIO/Sr. Sub-Registrar was also absent. As such hearing was re-fixed for today i.e. 29.10.2021.
5. During today's hearing, the Sr. Sub Registrar, Shri Raj Sobhan Goswami, submitted a written statement in which he stated that the information sought by the petitioner was not in his custody but in the custody of the Deputy Registrar, Nagaon. He also submitted photocopy of a letter No. 2878/Sr. Sub Registrar dated 12.11.2020, in which he had written to the petitioner Shri Waizul Hoque Choudhury that the information sought was in the custody of the Deputy Registrar, Nagaon. A copy was also marked to the Addl. Deputy Commissioner, RTI Cell, O/o the Deputy Commissioner, Nagaon. The Sr. Sub Registrar however should have ideally transferred the RTI application under provisions of Section 6 (3) of the RTI Act, 2005, within 5 (five) days of receipt, and inform the applicant immediately.
6. **In view of the above the Commission considers that the RTI petition being transferred by the Sr. Sub-Registrar, Nagaon, to the Deputy Registrar, and as such directs the Deputy Registrar, Nagaon, to furnish the informations sought by the appellant Shri Waizul Hoque Choudhury within 15 (fifteen) days from the date of receipt of this order. Since the stipulated time period as prescribed by the RTI Act, 2005, had expired a long ago, as such the appellant Shri Waizul Hoque Choudhury is eligible to get the informations free of cost. A copy of this order be marked to the SPIO/Addl. Deputy Commissioner, RTI Cell, O/o the Deputy Commissioner, Nagaon, for information and necessary action. The Deputy**

Registrar, Nagaon, is also directed to submit an Action Taken Report on this order immediately after expiry of the 15 (fifteen) days period.

7. With the above order this 2nd Appeal is hereby disposed of.

Sd/-
(Samudra G. Kashyap)
State Information Commissioner,
Assam.

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/NGN.6/2021/20-A

Dated: 29-10-2021

Copy to:

1. The Deputy Registrar, Nagaon, O/o the Deputy Commissioner, Nagaon, PIN Code 782001, Assam, for information and necessary action.
2. The SPIO/Addl. Deputy Commissioner, RTI Cell, O/o the Deputy Commissioner, Nagaon, PIN Code 782001, for information and necessary action.
3. The SPIO/Sr. Sub Registrar, O/o the Deputy Commissioner, Nagaon, PIN Code 782001, Assam, for information.
4. First Appellate Authority/ The Deputy Commissioner, Nagaon, PIN Code 782001, for information and necessary action.
5. The petitioner, Shri Waizul Hoque Choudhury, S/o. Abdul Ajit, Vill- Dhupguri Pathar, P.O. Dhupguri, P.S. Dhing, Distt. Nagaon, Assam PIN Code 782123, for information.
6. Computer section for uploading in the website.
7. Office File.
8. Order Book.


Secretary & Registrar
Assam Information Commission.