

OFFICE OF THE
ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : SIC/KPM 116/2022
Complainant/ Appellant : Sri Himadri Dhar
Respondent : SPIO, O/o the Circle Officer, Guwahati Revenue Circle, Kamrup(M), Guwahati
Date of Hearing : 26/05/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
26/05/2022

1. The petitioner Sri Himadri Dhar has filed one RTI petition before the PIO, O/o the Deputy Commissioner, Kamrup (M), Assam on 10.9.2021 seeking following information:
Particulars of information required: Gaon- Ulubari, Mouza-Ulubari, Dag. No.413, Patta No.453, Kamrup(M)
 - (i) Furnish the land area on above mentioned land by length and breadth.
 - (ii) Whether your department include the excess Govt. Land of 175 Dag in the last mutation order.
 - (iii) Whether your department include the other's patta land holder's land on their land mutation order.
 - (iv) Whether your department done the last land mutation orderd according to sale deed measure land on occupying position land.
 - (v) Furnish the land area according to sale deed.
2. Reportedly on not getting any information, the petitioner filed 1st appeal before the 1st Appellate Authority, Office of the Deputy Commissioner, Kamrup(M) on 8.11.2021. The First Appellate Authority vide his order dated 14.12.2021 directed the Circle Officer, Guwahati Revenue Circle to provide the necessary information within seven days if it is not related to any third party.
3. The petitioner then filed 2nd appeal before the Commission on 28.3.2022 and accordingly, the matter was taken up for hearing.
4. The petitioner Sri Himadri Dhar is present.
5. The Public Authority to be represented by Sri Lakhyajyoti Dowaria, Circle Officer, Guwahati Revenue Circle.
6. The Commission would like to mention that time for the hearing was fixed on 26.5.2022 at 12:15 PM vide Commission's letter no. SIC/KPM 116/2022/13 dated Panjabari, 6th May,2022, but the SPIO appeared at the hearing at 12:20 PM.
The Circle Officer of Guwahati Revenue Circle submitted a letter on 26.5.2022 stating that he had stomach infection because of which he was unable to attend the hearing on time.
7. The Commission keeps a copy of his late arrival report in record.
8. Since the petitioner used the word "whether", the information cannot be furnished as questions like what, why, when and whether are not a part of the information as per section 2(f) of the RTI Act,2005.
9. The SPIO submitted a written statement before the Commission vide letter no.GC 24/2014/1867 dated 25.5.2022 giving the information on the RTI petition. However, copy of the same was not marked to the petitioner and no information is given to him.
10. Here in this case, the Commission would like to highlight that if the information was available with the SPIO at the first instance, the same should have been provided to the petitioner within thirty days from the date of receipt of the RTI

petition. Even the order of the First Appellate Authority to furnish the information within seven days is also not carried out by the SPIO.

11. This is a fit case to impose penalty u/s 20 of the RTI Act, 2005, however, the Commission takes a lenient view for this time and orders the SPIO to photocopy the information and furnish to the petitioner today itself.

12. In view of the above, the case is disposed off.

Authenticated copies to be given to all concerned.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/KPM.116/2022

Dtd. 26.5.2022

Copy to:

1. The SPIO, O/o the Circle Officer, Guwahati Revenue Circle, Kamrup (M), Guwahati 1 Assam for information and necessary action as ordered above.
2. The petitioner Sri Himadri Dhar, Birubari, Udaypur, House No.2, Bye Lane No.1, Guwahati 16 Assam for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar
Assam Information Commission