

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,  
Sector 16, Chandigarh.

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Sh. Jaswant Rai s/o Sh. Preetam Dass,  
r/o Mohalla Salwara, Ward No. 49,  
Hoshiarpur 146001

....Appellant

vs

Public Information Officer  
o/o Commissioner,  
Municipal Corporation,  
Hoshiarpur

First Appellate Authority  
o/o Deputy Commissioner,  
Hoshiarpur

....Respondents

Appeal Case No. 3345 of 2021

(Video Conference/Telephone Proceedings)

Present:- Sh. Jaswant Rai, appellant along with the Advocate Sh. Honey Azad (through video conference) and Advocate Sh. Surjeet Singh in person  
Sh. Sunil Kumar APIO/ATP 7888430988, on telephone on behalf of the respondents.

## ORDER

This order may be read with reference to the previous order dated 31.12.2021 vide which the case was adjourned for 25.1.2022 but due to administrative reasons, the case was further adjourned for today i.e. 15.2.2022.

2. The appellant has sought the following information:-

- 1) The applicant has moved one application to the Deputy Commissioner, Hoshiarpur, vide Diary no. 1518 dated 26-08-2015, LFA Branch, DC office, Hoshiarpur for removal of encroachment and obstructions over the public passage from Bharwain Road to Bye Pass, comprised in Khasra no. 153, in the revenue estate of Village Salwara, Hoshiarpur, which was marked to your honour's office for appropriate action. Copy of details of any method or measure, which your office has lawfully taken for the removal of encroachments in view of the above said application.
- 2) Whether any interim order/ stay order has been passed against your office by any court of competent jurisdiction restraining your honour and other officer bearer from taking any action for the removal of encroachment and obstruction as stated above.
- 3) The applicant has also moved another application to the then MP Avinash Rai Khanna, vide Diary no. 11183 dated 15-09-2015, for removal of encroachment and obstructions over the public

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Appeal Case No. 3345 of 2021

-2-

passage from Bharwain Road to Bye Pass, comprised in Khasra no. 153, in the revenue estate of Village Salwara, Hoshiarpur, which was marked to your honour's office for appropriate action. Copy of details of any method or measure, which your office has lawfully taken for the removal of encroachments in view of the above this application.

- 4) The applicant has also moved similar application to the then Mayor Shiv Sood, vide Diary no. 383 LFA, Nagar Nigam, dated 28-08-2015, for above said purpose. The said application was being again marked to your office. Copy of details of any method or measure, which your office has lawfully taken for the removal of encroachments in view of the above this application.
- 5) Whether your honour has used its power of removing the illegal encroachment and has it served any notice to the encrochers and has it passed any such order ever till today. If yes then please provide the Certified copies of the same.
- 6) Copies of any opinion if sought from the Advocate on Panel/ Distt. Attorney at any point of time till today regarding the encroachment stated above. Then please provide the certified copy of such legal opinion/s.

Contd..p/3

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Appeal Case No. 3345 of 2021

-3-

3. The Advocate on behalf of the appellant states that the respondents may be directed to take appropriate action on the matter as the complaint of the appellant is going on since 2015. However, the representative of the respondents states that the specific reply regarding the sought information has already been sent to the appellant.

4. The relevant portion of the reply filed by the respondent is reproduced below:-

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਅਤੇ ਹਵਾਲੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਆਪ ਜੀ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਰਿਕਾਰਡ ਅਨੁਸਾਰ ਅਪੀਲ ਕਰਤਾ ਵਲੋਂ ਸੜਕ ਤੇ ਇਨਕਰੋਚਮੈਂਟ ਦੇ ਸਬੰਧ ਵਿੱਚ ਸ਼ਿਕਾਇਤ ਨਗਰ ਨਿਗਮ ਦੇ ਮੇਅਰ ਸ਼੍ਰੀ ਸ਼ਿਵ ਸੂਦ ਜੀ ਨੂੰ ਪੱਤਰ ਡਾਇਰੀ ਨੰ: 383/ਐਲ.ਐਫ.ਏ ਮਿਤੀ 28.08.2015 ਰਾਹੀਂ ਭੇਜੀ ਗਈ ਸੀ। ਜਿਸ ਦੀ ਕਾਪੀ ਮਾਨਯੋਗ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ, ਹੁਸ਼ਿਆਰਪੁਰ ਜੀ ਨੂੰ ਪੱਤਰ ਡਾਇਰੀ ਨੰ: 1518 ਮਿਤੀ 26.08.2015 (ਐਲ.ਐਫ.ਏ ਬ੍ਰਾਂਚ) ਅਤੇ ਐਮ.ਪੀ ਸ਼੍ਰੀ ਅਵਿਨਾਸ਼ ਰਾਏ ਖੰਨਾ ਜੀ ਨੂੰ ਪੱਤਰ ਡਾਇਰੀ ਨੰ: 11183 ਮਿਤੀ 15.09.2015 ਰਾਹੀਂ ਭੇਜੀ ਗਈ ਸੀ। ਇਸ ਦੇ ਸਬੰਧ ਵਿੱਚ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਰਿਕਾਰਡ ਅਨੁਸਾਰ ਇਸ ਸ਼ਿਕਾਇਤ ਤੇ ਨਗਰ ਨਿਗਮ ਦਫਤਰ ਵਲੋਂ ਕਾਰਵਾਈ ਕਰਨੀ ਅਜੇ ਬਾਕੀ ਹੈ। ਕਿਉਂਜੋ ਉਕਤ ਸ਼ਿਕਾਇਤ ਦੇ ਸਬੰਧ ਵਿੱਚ ਮਾਨਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ ਵਿੱਚ ਕੇਸ CRM-M no. 13104 of 2021, ਲੰਬਿਤ ਹੈ। ਮਾਨਯੋਗ ਅਦਾਲਤ ਦੇ ਫੈਸਲੇ ਅਨੁਸਾਰ ਇਸ ਸ਼ਿਕਾਇਤ ਸਬੰਧੀ ਕਾਰਵਾਈ ਅਮਲ ਵਿੱਚ ਲਿਆਂਦੀ ਜਾਵੇਗੀ।

5. Keeping in view the specific reply filed by the respondent as enumerated above, the Commission is of the view that no further action is required to be taken in this case as per the provisions of the RTI Act, 2005. Hence, no further directions can be given to the respondent authority. Therefore, the case is disposed of and closed.

Sd (Maninder Singh Patti) State Information Commissioner, State Information Commissioner, Chief Information Commissioner, Punjab. Dated 15.2.2022	sd (Asit Jolly) Punjab.	sd (Suresh Arora) Punjab.
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CC  
PS/SIC(AJ)  
PS/SIC(MSP)