

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.
Ph: 0172-2864100, Email: - pcic20@punjabmail.gov.in



Shri Jasbir Singh,
Guru Nanak Nagar,
Village Bholapur Jhabewal PO Ramgarh
Chandigarh Road, Ludhiana.

.....Appellant

Vs

Public Information Officer
o/o Deputy Commissioner,
Ludhiana.

First Appellate Authority
o/o Deputy Commissioner,
Ludhiana.

.....Respondents.

Appeal Case No.2254 of 2019

Present:- Shri Jasbir Singh, appellant, in person.
Shri Resham Singh, Superintendent (Revenue) on behalf of the
respondents.

ORDER

The RTI application is dated 15.12.2018 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 2.5.2019 and second appeal was filed in the Commission on 25.06.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant has sent a reminder on 1.2.2019 to the respondents for supplying the information as asked for by him vide his application dated 15.12.2018. In

Contd.....p/2

-2-

response to this, the respondents have sent a letter dated 24.01.2019 to the appellant to send a copy of application dated 15.12.2018 seeking information as it is not available in the record of ARI Section of the Deputy Commissioner, Ludhiana.

3. The appellant vide his letter dated 25.3.2019 sent reply enclosing a copy of letter dated 15.12.2019 seeking information. After receipt of the same, the respondents sent reply vide their letter dated 24.4.2019 stating that they have forwarded the appeal of the appellant to the Sub Divisional Magistrates, Ludhiana (West) and (East) for conducting an inquiry. The representative of the respondents states that he is not in a position to submit that upto what date, this inquiry will be completed. He further states that after consulting the matter with the Additional Deputy Commissioner (G), Ludhiana, he will inform the Commission, within a week's time that by which date this inquiry will be completed.

4. The representative of the respondents is directed to inform the date by which the inquiry will be completed on or before 26.8.2019 to the Commission with a copy to the appellant.

5. To come up on **26.8.2019** at **3.30 P.M.** through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated : 19.08.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner
Punjab

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Shri Ram Sharan Pal
S/o Rakha Ram
R/o 488 B, Basant Nagar,
Majitha Road, Amritsar.

.....Appellant

Vs

Public Information Officer
o/o Deputy Commissioner,
Amritsar

First Appellate Authority
o/o Sub Divisional Magistrate
Ajnala,
Amritsar.

.....Respondents.

Appeal Case No.2262 of 2019

Present:- Shri Ram Sharan Pal, appellant in person.

Shri Manohar Lal, Patwari, on behalf of the respondents.

ORDER

The RTI application is dated 21.08.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 5.10.2018 and second appeal was filed in the Commission on 25.06.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant states that he has sought the following information as per

Contd.....p/2

-2-

form-A dated 21.8.2018, which is requested to be provided to him:-

- "1. To disclose the upto what extent in Khasra No.40/17/2/24 village Kotla Doom, Tehsil Ajnala, District Amritsar situated at Ram Tirath Road, Amritsar. The road towards the west side of said khasra number exists.
2. To disclose the total width of that area and present existing as per revenue record. The said road towards the left side of the plot bearing Khasra No.40/17/2/40 of village Kota Doom, Amritsar the width of road in the revenue record is 2 karma and in the affidavit file in the Hon'ble Punjab and Haryana High by the concerned Tehsildar, Ajnala, it is mentioned as 5 kr and since this road existing towards the west side of the property khasra No.40/17/2/24 as stated above having with 27 ft. so disclose I n the shape of information the name of owner whose land is situated in that road."
3. The representative of the respondents-Shri Manohar Lal, Patwari has shown Latha' to the appellant and said that way of only two karmas exists in the revenue record and not five karmas. On this, Shri Manohar Lal, Patwari is directed to file his reply after going through the affidavit filed by Tehsildar, Ajnala, District Amritsar in the Hon'ble Punjab and Haryana High Court, Chandigarh in CWP No.5146 of 2015 and report of field staff.
4. After going through the record, affidavit and report of field staff,

Contd.....p/3

-3-

Shri Manohar Lal, Patwari, submits his reply, the contents of which are reproduced below:-

ਸ੍ਰੀ ਮਾਨ ਜੀ, ਬੇਨਤੀ ਹੈ ਕਿ ਨੰਬਰ ਖਸਰਾ 40/17/2-24 ਵਾਕਿਆ ਪਿੰਡ ਕੋਟਲਾ ਭੂਮ ਦੇ ਨਾਲ ਬਣੀ ਪੱਕੀ ਸੜਕ ਜੋ ਕਿ ਨੰਬਰ ਖਸਰਾ 163 ਵਿਚ ਹੈ, ਮੁਤਾਬਿਕ ਰਿਕਾਰਡ ਇਸ ਦੀ ਚੌੜਾਈ ਦੋ ਕਰਮ ਹੈ। ਮਾਨਯੋਗ ਅਦਾਲਤ ਨੂੰ ਜੋ ਤਹਿਸੀਲਦਾਰ ਸਾਹਿਬ ਵਲੋਂ ਦਿਤਾ ਗਿਆ ਐਫੀਡੈਵਿਟ ਵਾਚਿਆ ਗਿਆ, ਜਿਸ ਵਿਚ ਸੜਕ ਦੀ ਚੌੜਾਈ 5 ਕਰਮ ਦਾ ਜ਼ਿਕਰ ਨਹੀਂ ਆਇਆ ਲਿਹਾਜ਼ਾ ਰਿਪੋਰਟ ਗੌਰ ਕਾਰਵਾਈ ਲਈ ਪੇਸ਼ ਹੈ ਜੀ।

5. After hearing the representative of the respondents and going through the record available on the case file, it is revealed that there is no mention of five karmas in the affidavit filed by Tehsildar, Ajnala (District Amritsar) in the Hon'ble Punjab and Haryana High Court Chandigarh in CWP No.5146 of 2015. The appellant is advised to let the Commission know, where the Tehsildar, Ajnala has mentioned the way of 5 karmas in his affidavit filed in the Hon'ble Punjab and Haryana High Court, Chandigarh through e-mail to the Commission with a copy to the the respondents within seven days from its receipt. On receipt of the reply from the appellant, the respondents are directed to file their reply on or before 13.9.2019.

6. To come up on **13.9.2019** at **11.00 A.M.** through Video Conference Facility available in the office of the Deputy Commissioner, Amritsar for further proceedings in the matter.

Dated : 19.08.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner
Punjab

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Shri Binder Kumar
H.No. 4281, Prem Nagar, Raikot,
Tehsil Raikot,
Ludhiana

Vs

.....Appellant

Public Information Officer
o/o Tehsildar East
Ludhiana,

First Appellate Authority
o/o Deputy Commissioner,
Ludhiana

.....Respondents.

Appeal Case No.2265 of 2019

Present:- Shri Binder Kumar, appellant, in person
None on behalf of the respondents.

ORDER

The RTI application is dated 1.2.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 18.03.2019 and second appeal was filed in the Commission on 25.06.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant states that information regarding change of his father's name has not been supplied to him till date. He places a copy of letter dated 29.5.2019

Contd.....p/2

-2-

vide which copies of Conveyance Deed, Farad, Adhar Card and Pan Card to the Inquiry Officer-cum-Sub Divisional Magistrate, Ludhiana (East)- Shri Amarjit Singh Bains have been forwarded to the Kanungo, Ludhiana for doing the needful on this behalf.

3 None is present on behalf of the respondents without any intimation. It is quite possible that the respondents are busy because of prevailing critical situation due to floods. Therefore, taking a lenient view, the PIO is directed to supply the requisite information after doing the needful to the appellant before the next date of hearing, failing which further action under the provisions of RTI Act, 2005 will be initiated against him.

4. To come up on **10.9.2019** at **11.00 A.M.**

Dated : 19.08.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner
Punjab

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Shri Gagandeep Singh,
SCO 26, Shant Park,
Main Sua Road,
Threke, Ludhiana.

.....Appellant
Vs

Public Information Officer
o/o Tehsildar West,
Ludhiana

First Appellate Authority
o/o Deputy Commissioner,
Ludhiana

.....Respondents.

Appeal Case No.2266 of 2019

Present:- None on behalf of the parties.

ORDER

The RTI application is dated 27.03.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 06.05.2019 and second appeal was filed in the Commission on 26.06.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. In response to appellant's application dated 27.03.2019 for seeking information, the respondents have replied vide their letter dated 23.4.2019 through

Contd.....p/2

-2-

registered post mentioning that if he wants a copy of any documents, he is requested to deposit the government fee prescribed under the relevant law with the concerned Sewa Kendra and get the information.

3. The appellant is absent without intimation.

4 None is present on behalf of the respondents without any intimation. Viewing the absence of the respondent seriously, the PIO is directed to supply the requisite information to the appellant before the next date of hearing, failing which punitive action under the provisions of RTI Act, 2005 will be initiated against him.

5. To come up on **10.9.2019 at 11.00 A.M.**

Dated : 19.08.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner
Punjab

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Shri Balwinder Singh Laddi,
Whistle Blower,
H.No. 418, Street No.5,
Mohalla Nanaksar, Tehdi Road,
Simalapuri, Ludhiana.

Vs

Public Information Officer
o/o Deputy Commissioner
Ludhiana

First Appellate Authority
o/o Deputy Commissioner,
Ludhiana

.....Appellant

.....Respondents.

Appeal Case No.2268 of 2019

Present:- None on behalf of the appellant.

Shri Resham Singh, Superintendent (Revenue) on behalf of the
respondents.

ORDER

The RTI application is dated 23.03.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 30.04.2019 and second appeal was filed in the Commission on 26.06.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant is absent without intimation.

Contd.....p/2

-2-

3. Shri Resham Singh, Superintendent (Revenue) submits a copy of written reply dated 9.8.2019 stating that ID proof with application for seeking information is necessary as per the decision of Hon'ble Punjab and Haryana High Court, Chandigarh in CWP No.4787 of 2011 (O & M) decided on 2.11.2012. They have written to the appellant to supply a copy of ID proof vide their letters dated 01.04.2019, 21.5.2019 and on 9.8.2019. But the appellant has failed to submit ID proof. Hence, the present case be **disposed of** in view of the judgment quoted above.

4. After hearing the representative of the respondents and going through the record available on the case file, it is revealed that submission of ID proof is must with the application for seeking information under the provision of RTI Act, 2005. The appellant has failed to comply with the request of the respondents. Hence, the present case is **disposed of** and **closed**. Copies of the order be sent to the parties.

Dated : 19.08.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner
Punjab

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Shri Ranjit Singh
S/o Shri Faqir Singh,
Bhagat Singh Nagar,
Phagwara Road,
Hoshiarpur

.....Complainant

Vs

Public Information Officer
o/o Tehsildar Samrala,
Samrala
Ludhiana

.....Respondent.

Complaint Case No. 576 of 2019

Present:- Shri Ranjit Singh, complainant, in person.
None is present on behalf of the respondent-PIO.

ORDER

The RTI application is dated 25.04.2019 vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 25.06.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

3 None is present on behalf of the respondents without any intimation. It is quite possible that the respondents are busy because of prevailing critical situation due to floods. Therefore, taking a lenient view, the PIO is directed to appear on the next date.

Contd.2.

-2-

failing which further action under the provisions of RTI Act, 2005 will be initiated against him.

3. This is the complaint case, therefore, the attention of the complainant is drawn to the decision of the Hon'ble Supreme Court of India in its order dated 12.12.2011 in Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP (C) No.32768-32769/2010), wherein it has been held that while entertaining a complaint case under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. As per the above decision of the Hon'ble Supreme Court of India, the Information Commission has power to receive and enquire into the complaint of any person who has been refused access to any information requested under this Act (Section 18(1)(b) or has been given incomplete, misleading or false information under the Act (Section 18(1)(e)) or has not been given a response to a request for information or access to information within time limits specified under the Act (Section 18(1)(c)). In the complaint cases, it is to be seen whether the intention of the respondent-PIO is clear or not.

4. The complainant states that information sought by him is in public interest and should be supplied to him under the provisions of the RTI Act, 2005.

5. On the request of the complainant and keeping in view the public interest,

Contd.....p/3

-3-

the Commission deems it fit to hear the third party (regarding whom the information has been sought before deciding the matter). Hence, Smt. Saminder Kaur d/o Shri Sohan Lal, resident of Kang Mohalla, Samrala, District Ludhiana is given notice to appear on 10.9.2019 at 11.30 A.M. for pursuing her case.

6. To come up on **10.9.2019 at 11.30 A.M.**

Dated : 19.08.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner
Punjab

CC:- Dr.. Saminder Kaur
d/o Shri Sohan Lal, Kang Mohalla,
Samrala, Distt. Ludhiana.

(Regd.)