



IN THE TRIPURA INFORMATION COMMISSION

P. N. Complex: Gorkhabasti : Agartala

Complaint No. TIC - 24 of 2008-09.

Sri Shibali Chakma

Vill & P.O.- Kanchanpur

Pin- 799270, North Tripura.....Complainant

Vs.

1.The Sub Divisional Magistrate, Dharmanagar Sub – Division, Dharmanagar, North Tripura (State Public Information Officer).

2.The Sub Divisional Magistrate, Kanchanpur Sub – Division, Kanchanpur, North Tripura (State Public Information Officer).....Opposite Parties

In the matter of the complaint under section 18(1)
of the Right to Information Act, 2005.

PRESENT:

1. Sri B.K.Chakraborty
State Chief Information Commissioner

2. Sri D.K.Daschauthuri
State Information Commissioner

For the Complainant: The complainant Sri Shibali Chakma himself.

For the Opposite Party No1: Sri Bhaskar Dasgupta, DCM, Dharmanagar Sub-Division, Dharmanagar for and on behalf of the OP 1 the Sub Divisional Magistrate, Dharmanagar Sub – Division, Dharmanagar, North Tripura (State Public Information Officer).

For the Opposite Party No2: Sri Narayan Deb Barma, Sub Divisional Magistrate, Kanchanpur Sub – Division, Kanchanpur, North Tripura (State Public Information Officer).

Date of lodging the complaint: 12.09.2008

Dates of hearing: 21.10.2008, 24.11.2008 & 15.12.2008

Date of pronouncing the judgment: 26.12.2008

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**JUDGMENT AND ORDER****Facts:**

1. This complaint arises out of a written application dated 12.09.2008 of Sri Shibali Chakma (here in after referred to as the complainant) received by this Commission on the same date. The allegations of the complainant are that he submitted on 23.04.2008 a written request seeking information under the RTI Act, 2005 (for short the Act) to the State Public Information Officer (SPIO) in the office of the Joint Secretary, Revenue Department, Government of Tripura. Sri M. Chakraborty, SPIO in the Revenue Department, Government of Tripura transferred the written request in issue to the SPIO in the office of the Sub-Divisional Magistrate (SDM), Dharmanagar Sub-Division, Dharmanagar vide former's letter No. F. 3(6)-REV/RTI/08 dated 02.05.2008. On receipt of the said written request, the SDM, Dharmanagar Sub-Division, Dharmanagar vide his letter No- 3040-41/F. 1(3)/SDM/DMN/GL/07 dated 16.05.2008 intimated the complainant that the records relating to Jhumia rehabilitation of the year 1966 were not available in his office. Being dissatisfied with the intimation sent by the SDM, Dharmanagar Sub-Division, the complainant approached this Commission by way of this written complaint seeking direction for having access to the information sought for. He furnished copies of all the relevant papers along with the written application.
2. On perusal of the complaint with enclosures, we found adequate materials to take cognizance of a complaint under section 18(1) of the Act and accordingly, it was registered.
3. In response to the summons, the OP 1 Sri Kiran Gite, IAS, SDM, Dharmanagar Sub-Division, Dharmanagar and the SPIO sent a written representation on 18.10.2008. OP 2 Sri Narayan Deb Barma, SDM, Kanchanpur Sub-Division, Kanchanpur and the SPIO sent a written representation dated 18.11.2008 and appeared on 11.12.2008 and submitted an additional written representation.
4. Heard oral submissions made by the complainant, Sri Bhaskar Dasgupta, DCM, Dharmanagar Sub-Division for and on behalf of the OP 1 and the OP 2 himself.

Point to be decided:

5. In consideration of the facts and the circumstances of the case, the only point to be decided is as to whether or not the complainant is entitled to have access to the information sought for vide his written request dated 23.04.2008.

Reasons for decision:

6. We have carefully gone through the written request dated 23.04.2008 of the complainant seeking information under the Act, the written rejoinders submitted by the complainant on 21.10.2008, 24.11.2008 and 15.12.2008, the



written representations of the OPs 1 & 2 and the additional written representation of the OP 2. We have also taken into consideration the oral submissions placed by both the parties.

7. The complainant under his written request dated 23.04.2008 sought for a copy of the order of allotment given in the year 1966 in his favour under Jhumia rehabilitation scheme along with the land statement. Although, the complainant did not mention in which revenue village the allotment was given, but it is transpired in course of hearing that the allotment was given for the land falling in mouja Kanchanpur under Kanchanpur Police station. OP 1 in his written representation dated 18.10.2008 stated that all the land records relating to Kanchanpur Sub-Division had been transferred to the office of the SDM, Kanchanpur Sub-Division after creation of the new Sub-Division in the year 1991 and the concerned records pertaining to the information were not available in his office. The OP 2 in his written representation dated 11.12.2008 stated that he conducted vigorous search to locate the records pertaining to the information sought for by the complainant, but could not be traced out. He further stated that the original land records of mouja Kanchanpur prepared during the first survey & settlement operation were lying with the Directorate of Land Records & Settlement, Government of Tripura. He submitted that in the meantime, he has also written to the Director of Land Records & Settlement, Government of Tripura, Agartala vide letter No. F. 17(1)-SDM/KCP/RTI/524-26 dated 11.12.2008 for rendering necessary assistance for providing the required information. The OP 2 along with the written representation dated 11.12.2008 submitted photocopies of two khaitans recorded in favour of the complainant under mouja Kanchanpur, from which it reveals that some lands were allotted in favour of the complainant. From the copies of the aforesaid khaitans, it establishes that an order of allotment was passed in favour of the complainant as claimed by him. Both the parties i.e. the complainant and the OPs 1 & 2 placed before this Commission some other matters, which are extraneous to the information sought for by the complainant and, therefore, we are not taking any cognisance on those matters in this judgment and order.

8. From the factual position as discussed in the preceding paragraph, it has been established that an order of allotment was passed in favour of the complainant on the basis of which the khaitans No- 1344 and 1783 under mouja Kanchanpur were prepared. So, there must have been an order of allotment existing with the old records of mouja Kanchanpur and those records are of permanent nature and supposed to be preserved permanently. That apart, these records are public records and, therefore, the complainant has the right to have access to such records.

9. According to the written representation of the OP 2, the old records of mouja Kanchanpur are now lying with the Director of Land Records & Settlement, Government of Tripura. So, the OP 2 the SDM, Kanchanpur Sub-Division is under obligation to collect a copy of the order of allotment along with the land settlement issued in favour of the complainant in the year 1966 under jhumia rehabilitation scheme and to provide the same to the complainant.

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10. In order to avoid further delay in providing the required information to the complainant, we direct the Director of Land Records & Settlement, Government of Tripura to render all necessary assistance to the SDM, Kanchanpur Sub-Division by sending a copy of the order of allotment of land issued in favour of the complainant in the year 1966 under jhumia rehabilitation scheme with land statement if available with the old settlement records of mouja Kanchanpur within a period of 15 days from the date of passing of this judgment and order. If no such records are available, the factual status should also be intimated to the SDM, Kanchanpur within the said period so that the latter being the SPIO can intimate such facts to the complainant in due course.

Decision:

11. In fine, the complaint is allowed on contest with the following orders:-

- (i) The Director of Land Records & Settlement, Government of Tripura shall send a copy of the order of allotment of land issued in favour of the complainant in the year 1966 under jhumia rehabilitation scheme in mouja Kanchanpur under Kanchanpur Sub-Division along with the land statement after consulting the old records of the said mouja lying with his office record room within a period of 15 days from the date of passing of this judgment and order to the OP 2, the SDM, Kanchanpur Sub-Division. If no such records are found available after vigorous search, the factual status should also be intimated to the SDM, Kanchanpur Sub-Division so that he can intimate the same to the complainant.
- (ii) The OP 2 the SDM, Kanchanpur Sub-Division being the SPIO, after receipt of the information from the Director of Land Records & Settlement, Government of Tripura as mentioned in order No.(i) above, he shall furnish the same to the complainant within a period of 7 days from the date of receipt of such information free of charge since the information could not be provided to the complainant by the SPIO within the statutory period as prescribed by the Act.

12. Let copy of this judgment and order be sent to the complainant, the OPs and the Director of Land Records & Settlement, Government of Tripura. Also send a copy of this judgment and order to the District Magistrate & Collector, North Tripura District and the Chief Secretary, Government of Tripura being the head of the Public Authority of the Revenue Department.

13. Pronounced.

Sd/-
(D.K.Daschaudhuri)
State Information Commissioner

Sd/-
(B.K.Chakraborty)
(State Chief Information Commissioner)

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Authenticated

(S.C.Saha)
Secretary

Tripura Information Commission



Tripura Information Commission
P. N. Complex: Gorkhabasti : Agartala

 Complaint No TIC -24 of 2008-09/1568-72

Dated, 26.12.2009

Copy to:-

- 1.Sri Shibali Chakma, Vill. & P.O. - Kanchanpur, Pin- 799270, North Tripura (Complainant).
- 2.The Sub Divisional Magistrate, Dharmanagar Sub - Division, Dharmanagar, North Tripura (State Public Information Officer) - OP 1.
- 3.Sri Narayan Deb Barma, Sub Divisional Magistrate, Kanchanpur Sub - Division, Kanchanpur, North Tripura (State Public Information Officer)- OP 2.
- 4.The Director of Land Records & Settlement, Government of Tripura, Agartala.
- 5.The District Magistrate & Collector, North Tripura District, Kailashahar.
- 6.The Chief Secretary, Government of Tripura, Agartala (Head of the Public Authority of the Revenue Department).

(S.C.Saha)
Secretary

Tripura Information Commission