



TRIPURA INFORMATION COMMISSION

P.N. COMPLEX: GORKHABASTI, AGARTALA

Complaint No. TIC- 36 OF 2008 - 09

Smt. Anima Sen (Roy)

C/O Sri Sujay Roy

Indranagar - Jagatpur Road

Indranagar, Agartala

Cell Phone No- 9436167096.....Complainant

Vs.

Mr. Molem Uddin Ahmed, Sub-Divisional Magistrate, Udaipur Sub - Division,
Udaipur, South Tripura (State Public Information Officer).....Opposite Party

ORDER

Dated, 22.12.2008

The complainant Smt. Anima Sen(Roy) appeared.

2. OP Mr. Moslem Uddin Ahmed, Sub-Divisional Magistrate (SDM), Udaipur Sub – Division, Udaipur and the SPIO appeared. His written representation dated 01.12.2008 sent by fax and also by post received by this Commission on 01.12.2008 and 05.12.2008 respectively are put up today and attached to records. A copy of written representation of the OP is furnished to the complainant.

3. Heard oral submissions made by the complainant and the OP. The complaint is disposed of with the following findings and orders:-

(i) The case of the complainant is that she submitted on 20.10.2008 two written requests accompanied by separate application fee of Rs. 10/- for each addressed to the SDM, Udaipur Sub-Division, and the Tehasildar, R.K.Pur Tehasil, Udaipur seeking certain information under the RTI Act, 2005 (for short the Act), which were entertained by the SDM, Udaipur being the SPIO. The information sought for are summarized below:-

- (a) The basis of the permission given for pouring the pond belonging to Late Nalini Ranjan Sen within the Udaipur Nagar Panchayat area.
- (b) If it was illegally done, whether the pond could be restored to its original position? If not the reasons therefor.

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(c) To supply a copy of the land records pertaining to the Plots No- 2934, 2935 & 2913 of Khatian No- 1477.

(ii) In response to the said written requests, the OP in his written representation submitted that since the particulars of the information sought for did not disclose the name of the revenue mouja where the pond in issue was situated, it was rather difficult for him to identify the said land and provide the required information to the complainant. So, he sent by post two letters on 14.11.2008 asking the complainant to furnish the name of the revenue mouja, in which the pond in issue was situated and the Khatian pertained. But, the complainant did never respond to his said letters. Consequently, no information could be provided to the complainant. However, the OP verbally submitted before this Commission that if the complainant furnishes adequate particulars of the information as required by her, there will be no difficulty to provide the information to the complainant.

(iii) In reply to the written representation of the OP, the complainant verbally submitted that she did not receive the letters in issue of the OP for furnishing the name of the revenue mouja at all till date. However, she expressed that she has no document with her to identify the pond in issue in term of the revenue records and sought for the assistance of the OP to identify the records of rights, in which the said pond was recorded and the Khatian pertained.

(iv) After appreciation of the submissions placed by both the parties, we find that since the particulars of the information sought for by the complainant were inadequate to identify the records pertaining to the information and in view of the fact that the OP being the SPIO has already informed the complainant to make necessary amendments in the particulars of the information, the OP being the SPIO committed no contravention of the provisions of the Act. However, in the interest of natural justice, we consider it expedient to direct the complainant to make necessary amendments in the particulars of the information sought for by her under two written requests in issue taking necessary assistance of the OP and to enable the latter to provide the information.

(v) It is, therefore, ordered that within 5 days from the date of passing of this order, the complainant shall appear before the OP in latter's office, and taking necessary assistance from him, make amendments of the particulars of the information to enable the OP to identify the records

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pertaining to the information sought for. Thereafter, the OP being the SPIO, within a period of 15 days from the date of such amendments of the written requests in issue by the complainant, shall dispose of the written requests strictly in adherence to the provisions of the Act and the Tripura Right to Information Rules, 2008 and a report of compliance be sent to this Commission by the OP forthwith.

4. Let copy of this order be sent to the complainant and the OP. Also send a copy of this order to the District Magistrate & Collector, South Tripura District, Udaipur and the Chief Secretary, Government of Tripura being the head of the Public Authority.

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

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

No. 1561-64

Dated, 22.12.2008

Copy to:-

- 1.Smt. Anima Sen (Roy), C/O Sri Sujay Roy, Indranagar - Jagatpur Road, Indranagar, Agartala (Complainant).
- 2.Mr. Moslem Uddin Ahmed, Sub-Divisional Magistrate, Udaipur Sub - Division, Udaipur, South Tripura (State Public Information Officer).
- 3.The District Magistrate & Collector, South Tripura District, Udaipur, South Tripura.
- 4.The Chief Secretary, Government of Tripura, Agartala (Head of the Public Authority).

22/12/08

(S.C.Saha)
Secretary

Tripura Information Commission