

DESPATCHED
On... 02/06/2020



STATE INFORMATION COMMISSION, KERALA
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Proceedings of the Appeal Petition No.1332(6)/2015/SIC
(File No.8520/SIC-Gen5/2015)

PRESENT

Vinson M. Paul, Chief Information Commissioner

Sri. K.K.Mathew,
House No. XVI/346,
Karimpanackal,
M.C. Road, Chengannur,
Kottayam – 689 121.

} Appellant

1) The State Public Information Officer &
Deputy Tahasildar (HQ),
Taluk Office, Chengannur,
Kottayam.

2) Appellate Authority & Tahasildar,
Taluk Office, Chengannur,
Kottayam.

} Respondents

Date of application u/s 6(1)	02/01/2015
Date of reply furnished	22/01/2015
Date of 1 st appeal	18/02/2015
Date of decision on the 1 st appeal	16/03/2015
Date of filing 2 nd appeal	20/05/2015
Date of receipt of 2 nd appeal in the Commission	21/05/2015

ORDER

Appeal Petitioner Sri. K.K.Mathew, represented before the Commission that the 1st Respondent gave evading answers on his application. Hence an appeal was filed before the 2nd Respondent. However, wrong, evading and

insulting answers were provided to the questions raised by him in the application.

2. In the application filed before the 1st Respondent, the Appellant stated that he was enclosing the certified copy of document No. 4449/1952 and that he wanted the following information as per the above document:

- i. Name of the seller
- ii. Name of the buyer
- iii. Area of the land before and after resurvey
- iv. Survey number before and after resurvey and so on numbering to 6 items.

Reply to the above application was furnished by the 1st Respondent stating that the information sought in items 1 & 2 were available in the document itself and hence seeking such information is a misuse of the RTI Act. With regard to items 3 to 6, he was informed that the information sought were not available in that office.

3. The Appellant filed his first appeal before the 2nd Respondent stating that the information sought by him were based on document No. 4449/1952 and hence the information sought by him should be furnished. The above appeal was disposed by the 2nd Respondent stating that the information sought by the Appellant in items 1 & 2 were incorporated in the document supplied by the Appellant and hence the information given by the 1st Respondent with regard to the above items was in order. With regard to items 3 & 4, it was stated that the information sought were incorporated in form 7 furnished to the Appellant vide 14901/11 dated 6/3/2015. With regard to items 5 & 6, the Appellant was informed that the information sought could be furnished by

the Village Office. Appellant was also informed that he could examine the file personally.

4. On scrutinizing the appeal petition and connected documents, the Commission finds that the information sought by the Appellant in items 1 & 2 of his application were ingrained in the document furnished by him before the 1st Respondent. It is not the responsibility of the Respondents to cull out the information from the document supplied by the Appellant. As such, the Commission does not find any lapse on the part of the Respondents. With regard to items 3 & 4, the Appellant was informed by the 1st Respondent that the information sought were not available in that office. However, the 2nd Respondent stated that the above information were available in form 7 supplied to the Appellant on 6/3/2015. The above answer would establish that the information sought by the Appellant in the above items were available in the office of the 1st Respondent. Hence, the Commission directs the 1st Respondent to furnish the information sought by the Appellant in the above items. With regard to items 5 & 6, the first Respondent stated that the information sought were not available in that office. The 2nd Respondent, while disposing of the appeal, stated that the information sought in those items would be furnished by the Village Officer and for the above purpose, his application was forwarded to the Village Office.

5. From the above, it is evident that the then 1st Respondent had not furnished appropriate answers with regard to items, 3, 4, 5 & 6 in the application of the Appellant. It would mean that the 1st Respondent had not taken adequate care while furnishing reply to the Appellant. The above lapses amount to denial of information sought by the Appellant, warranting penal action under section 20(1) of the RTI Act. Therefore, the Commission provisionally decides to initiate penal action under the above section against

the then 1st Respondent. He is directed to furnish his explanation within 20 days of receipt of this order lest the Commission should be constrained to issue final orders under the above section on the presumption that he has no explanation whatsoever to offer. If the above Respondent wants to represent anything in person before the Commission, the same should be stated specifically in his explanation.

6. The Commission provisionally disposes of this appeal petition as stated above on the 11th day of May, 2020.

Sd/-
Vinson M. Paul
Chief Information Commissioner

Authenticated Copy



Additional Secretary(law)

