OFFICE OF THE ADM (SOUTH)/ FIRST APPELLATE AUTHORITY (RTI)
REVENUE DEPARTMENT : GNCTD : DISTRICT - SOUTH
M.B. ROAD : SAKET : NEW DELHI

Appellant	:	**Tripta Kumari**
Respondent	:	**SPIO/SDM (Hauz Khas)**
Under Section	:	**19(1) RTI, Act, 2005**

No. 1037/FAA/South/2016/ 509-11 **Dated:** 25/04/16

ORDER

This order shall dispose-off the present appeal filed by Smt. Tripta Kumari (through Shri Sudesh Kumar) R/o T-43, DCM School Marg, New Rohtak Road, New Delhi, on 29.03.2016 under the provisions of the Right to Information Act, 2005.

Notice for hearing was issued to the concerned. The matter was taken up for hearing on 12.04.2016, wherein, there was no representation on behalf of the appellant and Shri Adeep Sethia, APIO/ Tehsildar (Hauz Khas) was present for the respondent SPIO. The documents placed on record were perused. The appeal in the present case has been filed due to furnishing of an unsatisfactory reply to the RTI Application dated 27.01.2016. The APIO (Hauz Khas) pleaded that appropriate information was provided to the applicant on the basis of records available vide letter dated 18.03.2016.

I, have considered the contentions of the parties & records placed before me. In the present case, RTI application was filed with the O/o SDM (Mehrauli) on 20.01.2016. The application after consideration was transferred u/s 6 (3) of the RTI Act, 2005 to the O/o SDM (Hauz Khas) vide letter dated 03.02.2016 received in Hauz Khas Sub Division on 26.02.2016. A reply was provided to the applicant vide letter dated 18.03.2016. The applicant had sought that "whether the property no. 5A/1, Toot Sarai, Malviya Nagar, New Delhi, was re-numbered from Khasra No. 68 to Khasra No. 121 under Jamabandi in the year 2011 in your revenue records". The respondent SPIO informed the applicant that "no information with regard to property nos. is recorded in the revenue records".

The reply of the SPIO is found to be clear & specific, as no information w.r.t. property nos. is ever recorded in the revenue records. It would be relevant to quote here that u/s 2 (j) of the RTI Act, 2005, only information as held by or under the control of the public authority can constitute a right to information for which a citizen can claim access. This cannot be contrued to demand creation of information.

In addition to above, it is noticed that the APIO(Hauz Khas) while providing the reply to the RTI application has mentioned the Deptuty Commissioner (South) to the First Appellant Authority of the District, which tantamounts to providing wrong information to the applicant. Since, this is the first case in which this anamoly has been noticed, he is advised to be more

careful in future, while providing information/reply under the RTI Act, 2005.

In view of the above discussed, the appeal is hereby dismissed being devoid of merits.

The Appellant shall be at liberty to approach the Central Information Commission, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066, if he is not satisfied with the present order.

Issued under my hand and seal on this 21st April, 2016.

(RICHA)
ADM(South)/FAA

Addl. District Magistrate (South) GNCTD

To,

1). Smt. Tripta Kumari (through Shri Sudesh Kumar) R/o T-43, DCM School Marg, New Rohtak Road, New Delhi.

2). The SPIO/SDM (Hauz Khas), GNCTD.

3). The Programmer (NIC) O/o DM (South), with the direction to upload this order on the website of District – South.