

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

Appellant : K C Rana
Respondent : SPIO/SDM (Hauz Khas)
Under Section : 19(1) RTI, Act, 2005
No. 1032/FAA/South/2016/515-17 Dated: 25/04/16

ORDER

This order shall dispose-off the present appeal filed by Shri K C Rana, General Secretary, The Khirki Village Residents Welfare Association, 132, Khirki Village, Malviya Nagar, New Delhi - 110 017, on 18.03.2016 under the provisions of the Right to Information Act, 2005.

Notice for hearing were issued to the concerned. The matter was taken up for hearing on 12.04.2016, wherein, the appellant was present in person 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 his RTI Application. 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. The background of the case is that an RTI application was filed on 09.10.2015, to which no reply was received by the applicant. Accordingly, an appeal was filed u/s 19 (1) of the RTI Act, 2005. The said appeal was disposed-off vide order dated 15.02.2016, wherein, the SPIO/SDM (Hauz Khas) was directed to provide appropriate reply/information to the appellant within 07 days of the issue of the order. In compliance, the respondent SPIO provided a pointwise reply to the appellant vide letter dated 07.03.2016. Now, the present appeal has been filed on the grounds of non-satisfaction over the information provided by the concerned SPIO. The appellant had sought information on 10 points related to Village Khirki, New Delhi, which are discussed hereunder for the sake of clarity :-

Sr No	Information Sought	Reply provided by the SPIO	Observations
1	Status of Kh. No. 20 measuring (17-07)	Status Report is not covered under the RTI Act.	The reply of the SPIO is found to be appropriate.
2	Status of kadimi rasta attached between Khasra No. 78 abadi and Khasra No. 20.	Status Report is not covered under the RTI Act.	The reply of the SPIO is found to be appropriate.

3	Area of well alongwith boundaries located in Khasra No. 20	The area of the well can be informed, if Khasra No. is specified.	The applicant had mentioned Khasra No. 20 in his application, hence, the information sought could have been provided, as per records.
4	Copies of latest khasra girdawari/jamabandi of Khasra No. 20 and Kadimi rasta alongwith copy of sizra-aks.	Copy of the Girdawari is enclosed. Since the record is in urdu, the Halqua Patwari cannot offer further comments, however, the record is open for inspection.	Copy of Girdawari had been enclosed, hence, the reply is found to be appropriate.
5	Copy of last & latest demarcation report.	The report can be obtained from the Record Room, on application in CA-I Form and deposit of requisit fee.	Since, the record is reported to be presently consigned with the Record Room, the reply is found to be appropriate.
6	List of encroachers, if any, detected at the time of demarcation of Khasra No. 20	No such information is available in records.	The reply is found to be appropriate.
7	Whether permanent point has been fixed of 'Rasta' & Khasra no. 20 at the time of demarcation	The demarcation report can be obtained from the Record Room, on application in CA-I Form and deposit of requisit fee, which contains the information sought.	Since, the record is reported to be presently consigned with the Record Room, the reply is found to be appropriate.
8	How much area of Khasra No. 20 are available intact from the encroachers at the time of demarcation	The demarcation report can be obtained from the Record Room, on application in CA-I Form and deposit of requisit fee, which contains the information sought.	Since, the record is reported to be presently consigned with the Record Room, the reply is found to be appropriate.
9	Whether the demarcation of Kh. No. 20 was done after the established of 'Kadimi Rasta'	The demarcation report can be obtained from the Record Room, on application in CA-I Form and deposit of requisit fee, which contains the information sought.	Since, the record is reported to be presently consigned with the Record Room, the reply is found to be appropriate.
10	Width of Kadimi Rasta as per 'Sizra Aks', 'Masavi of 1908-09. Describe Kh. No. & area thereof.	The demarcation report can be obtained from the Record Room, on application in CA-I Form and deposit of requisit fee, which contains the information sought.	Since, the record is reported to be presently consigned with the Record Room, the reply is found to be appropriate.


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 construed to demand creation of information. Besides, in the present case, application was filed by Shri K C Rana as General Secretary, The Khirki Village Residents Welfare Association, 132, Khirki Village, Malviya Nagar, New Delhi – 110 017. As per the decision of the Hon'ble CIC in Case No. CIC/AT/2006/00443 dated 12.12.2006, Madhumilan Syntax Ltd. VS State Bank of Hyderabad – CIC/PB/A/2008/553-SM (CIC), the Right

to Information is a right conferred on the citizens of India only that too to the individuals. The expression used in the Act, thus, a company, firm, association or persons or trusts etc., are not treated as citizens and only a natural born citizen is entitled to information under the RTI Act, 2005. The concerned SPIO could have declined information under section 3 of the RTI Act, as the applicant in the present case had applied as General Secretary of a Resident Welfare Association.

In view of the above discussed, the appeal is hereby dismissed with no further orders.

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.


(RICH A)
ADM(South)/FAA

To,

- 1). Shri K C Rana, General Secretary, The Khirki Village Residents Welfare Association, 137 Khirki Village, Malviya Nagar, New Delhi – 110 017.
- 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.

