

NAGALAND INFORMATION COMMISSION

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No.NIC/Appeal-3/2018-19.

Dated Kohima, the 23rd February, 2019.

Sub: **Closing Order for Appeal Case.**

WHEREAS, under Section 19 of the RTI Act, 2005 and in accordance to the Nagaland State Information Commission (Appeal Procedure) Rules-2005, the Commission had received a Second Appeal dated 09.07.2018 from Shri. Ngunyuzo, CH.No.153, Village Road, Near Govt. Primary School, Medziphema Village, Dimapur-797106, Nagaland, Mobile No.9383047889 against the non-response of the First Appellate Authority, O/o the Deputy Commissioner, Dimapur, Nagaland to his first appeal dated 22.05.2018 which was submitted against incomplete and misleading information furnished by the Additional Deputy Commissioner & PIO, Dimapur, Nagaland in response to his RTI application dated 02.04.2018.

AND WHEREAS, the applicant, Shri. Ngunyuzo, had earlier submitted an RTI application vide letter dated 02.04.2018 addressed to the PIO, O/o the Deputy Commissioner, Dimapur, Nagaland alongwith an application fee of `10/- in cash and copy of Aadhar Card seeking the following information pertaining to 4-Lane Highway, NH-29 within Medziphema Village area:-

1. *Name of the land owners of plot No.133, Plot No.134, Plot No.135, Plot No.136 and Plot No.137.*
2. *Length and breadth of each of the above mentioned plot and the formula adopted for the measurement of each plot.*
3. *Whether the measurement was done manually by pulling chain/ measurement tape or was measured through GPS system?*
4. *Whether the plot acquired were above the highway or below the highway. If any area is acquired below the highway, kindly indicate which plot/ plots were below the highway.*
5. *Kindly furnish a map of the area acquired.*

AND WHEREAS, on receipt of the RTI application dated 02.04.2018 on the same day, Ms. Kemciyile, SDO (C) & APIO had, vide letter No.RTI-7/2018-D/31-33 dated 02.04.2018 forwarded the RTI application to the Revenue Officer, O/o the Deputy Commissioner, Dimapur to furnish the information on or before 09.04.2018 for onward submission to the applicant.

AND WHEREAS, Shri. Atsungba Walling, Revenue-cum-Re-Settlement Officer, O/o the Deputy Commissioner, Dimapur had, vide letter No.REV-10/2010-D/PT-III/205 dated 04.04.2018 forwarded the letter along with its enclosures to the Land Records & Survey Officer (LRSO), Dimapur which he had received from the SDO (C) & APIO with a direction to furnish the information sought by Shri. Ngunyuzo and submit to him on or before 09.04.2018 for onward submission to the SDO (C) & APIO.

AND WHEREAS, Shri. Zhaphizo, Land Records & Survey Officer, Dimapur had, vide letter No.LRSO/D/RTI/2010-11/1210 dated 12.04.2018 forwarded the information (Surveyor report and map) relating to query Nos. 1, 2, 3, 4 and 5 to the Revenue Officer, O/o the Deputy Commissioner, Dimapur which was furnished by the Surveyor, O/o the Land Records & Survey Officer, Dimapur.

AND WHEREAS, on receipt of the information from the LRSO, Shri. Atsungba Walling, Revenue-cum-Re-Settlement Officer, O/o the Deputy Commissioner, Dimapur had, vide letter No.REV-10/2010-D/PT-III/736 dated 25.04.2018 forwarded the information to the SDO (C) & APIO, O/o the Deputy Commissioner, Dimapur.

AND WHEREAS, Smti. Sara S. Jamir, ADC & PIO, O/o the Deputy Commissioner, Dimapur had, vide letter No.RTI-7/2018-D/952 dated 30.04.2018 (but signed on 25.04.2018) furnished the information to the applicant (now appellant) as sought by him.

AND WHEREAS, on receipt of the information furnished by the ADC & PIO, the applicant (now appellant) had, vide letter dated 22.05.2018 submitted a first appeal to the First Appellate Authority stating that the information was not satisfied since it was incomplete and misleading, as any area cannot be calculated without any dimension, i.e. without a specific length and breadth.

AND WHEREAS, the first appeal dated 22.05.2018 was received by the Public Authority on the same day as evidenced on body of the first appeal, however since there was no response to his first appeal dated 22.05.2018 from the First Appellate Authority, O/o of the Deputy Commissioner, Dimapur within the stipulated time limit, the applicant (now appellant) had, vide letter dated 09.07.2018 preferred a second appeal before the Commission.

AND WHEREAS, on receipt of the second appeal dated 09.07.2018, since the first appeal was not heard, the Commission had, vide letter of even No. dated 26.07.2018 directed the Deputy Commissioner & FAA, Dimapur to take up the first appeal by hearing the parties i.e., the applicant (now appellant) and the PIO concerned and pass decision within one (1) month from the date of receipt of the directive and after the hearing of the first appeal to submit a copy of the decision on the first appeal to the Commission.

AND WHEREAS, Shri. Sushil Kumar Patel, IAS, Deputy Commissioner & FAA, Dimapur, Nagaland had, vide Circular No.RTI-8/2018-D/3660-63 dated 07.08.2018 (but signed on 06.08.2018) issued a circular for a meeting with the Revenue Officer and the applicant (now appellant) on 09.08.2018 at 11:30 A.M. in the office chamber of the Deputy Commissioner, Dimapur regarding the first appeal.

AND WHEREAS, Shri. Sushil Kumar Patel, IAS, Deputy Commissioner & FAA, Dimapur, Nagaland had, vide letter No.RTI-8/2018-D/3723 dated 09.08.2018 submitted to the Commission stating that the first appeal hearing was held on 09.08.2018 at 11:30 A.M. with the applicant (now appellant) and the matter had been **dissolved** as it had already been submitted to the applicant (now appellant), Shri. Ngunyuzo. A copy of the attendance sheet and all relevant documents were also enclosed.

AND WHEREAS, since a copy of the FAA decision was not received, the Commission had, vide letter of even No. dated 04.09.2018 directed the Deputy Commissioner & FAA, Dimapur to submit a copy of the decision on the First Appeal dated 22.05.2018 which was heard on 09.08.2018 at 11:30 A.M. and with a copy to the applicant (now appellant).

AND WHEREAS, since the Commission did not receive any reply from the FAA, the Commission had, vide letter of even No. dated 06.10.2018 reminded the Deputy Commissioner & FAA, Dimapur to submit a copy of the decision of the FAA on the First Appeal dated 22.05.2018 which was heard on 09.08.2018 at 11:30 A.M. at the earliest for further necessary action and also to confirm the satisfaction or non-satisfaction of the information furnished to the applicant (now appellant) within twenty (20) days from the date of receipt of the reminder and with a copy to the applicant (now appellant).

AND WHEREAS, in compliance to the above directive of the Commission dated 06.10.2018, Shri. Sushil Kumar Patel, IAS, Deputy Commissioner & FAA, Dimapur, Nagaland had, vide Order No.RTI-8/2018-D/4888-90 dated 09.08.2018 submitted that the Hearing was conducted basing on the Technical Report submitted by the Land Records & Survey Officer (LRSO), Dimapur vide letter No.LRSO/D/RTI/2010-11/1210 dated 12.04.2018, whereby the formula for measurement of land was calculated in total sq.ft. using tape with reference to GPS for all other land acquisition made for NH-4 lane project. Further, since the Land Records & Survey Officer, Dimapur is the competent authority for any survey works, the FAA was not in a position to give any more clarification above the LRSO technical survey report and had accordingly disposed of the matter/case.

AND WHEREAS, Shri. Albert Ezung, ADC & PIO, O/o the Deputy Commissioner, Dimapur had, vide letter No.RTI-8-2018/D/6526 dated 16.10.2018 (but signed on 15.10.2018) informed the Commission that the office had already submitted the Hearing Order No.RTI-8/2018-D dated 09.08.2018 vide registered post receipt No.457909253IN dated 13.09.2018, however a copy of the Hearing Order in respect of Shri. Ngunyuzo, Medziphema Village was re-submitted again.

AND WHEREAS, on receipt of the decision of the FAA, the Commission had, vide letter of even No. dated 22.01.2019 directed the Deputy Commissioner & FAA, Dimapur to confirm the satisfaction or non-satisfaction of the applicant (now appellant) in written within twenty (20) days from the date of receipt of the directive.

AND WHEREAS, Shri. Albert Ezung, ADC & PIO, O/o the Deputy Commissioner, Dimapur had, vide letter No.RTI-8-2018/D/9696 dated 08.02.2019 forwarded a copy of the satisfaction letter dated 04.02.2019 to the Commission which was submitted by the applicant (now appellant), Shri. Ngunyuzo stating that he was satisfied with the FAA report.

AND WHEREAS, since there was no delay and all the above compliances have been received from the Public Authority and that the applicant (now appellant) had also submitted his satisfaction with the information so furnished to him as well as the FAA report/ decision, the Commission has decided to close the Appeal case.

NOW THEREFORE, it is notified to all the parties that this Appeal case is hereby declared as closed:-

- i. Shri. Sushil Kumar Patel, IAS, former Deputy Commissioner & FAA, Dimapur, Nagaland.
- ii. Shri. Albert Ezung, ADC & PIO, O/o the Deputy Commissioner, Dimapur, Nagaland.
- iii. Shri. Zhaphizo, Land Records & Survey Officer, O/o the Land Records and Survey Officer, Dimapur, Nagaland.
- iv. The applicant (now appellant), Shri. Ngunyuzo, Medziphema Village, Dimapur, Nagaland.

Sd/-

CHANBEMO LOTHIA
Chief Information Commissioner

No.NIC/Appeal-3/2018-19.

Dated Kohima, the 23rd February, 2019.

Copy to:

1. The PPS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The PA to the State Information Commissioner (K), Nagaland Information Commission for kind information of the SIC (K).
3. The PA to the State Information Commissioner (R), Nagaland Information Commission for kind information of the SIC (R).
4. Shri. Sushil Kumar Patel, IAS, former Deputy Commissioner & FAA, Dimapur, Nagaland.
5. Shri. Albert Ezung, ADC & PIO, O/o the Deputy Commissioner, Dimapur, Nagaland.
6. Shri. Zhaphizo, Land Records & Survey Officer, O/o the Land Records and Survey Officer, Dimapur, Nagaland.
7. The applicant (now appellant), Shri. Ngunyuzo, CH.No.153, Village Road, Near Govt. Primary School, Medziphema Village, Dimapur-797106, Nagaland, Mobile No.9383047889.
8. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
9. Office Copy.

(WORHONTHUNG EZUNG)
Secretary