

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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No.NIC/Appeal-17/ 2018-19.

Dated Kohima, the 12th April, 2019.

Sub: Notice for Hearing on 7th May (Tuesday), 2019 at 11:30 A.M.

WHEREAS, under Section 19 of the RTI Act, 2005, the Nagaland Information Commission had, received a second appeal dated 15.03.2019 from Shri. Bendangnuken A, Advocate, D.C. Court, Dimapur, Nagaland, Mobile No.8416043504 against the non-satisfaction of the decision of the Deputy Commissioner & FAA, Dimapur, Nagaland to his first appeal dated 09.07.2018 which was submitted against the non-satisfaction of the information furnished by Shri. Albert Ezung, Additional Deputy Commissioner & PIO, O/o the Deputy Commissioner, Dimapur, Nagaland in response to his RTI application dated 19.06.2018.

AND WHEREAS, the applicant, Shri. Bendangnuken A, had earlier submitted an RTI application vide letter dated 19.06.2018 addressed to the PIO, O/o the Deputy Commissioner, Dimapur, Nagaland alongwith an application fee of `10/-, seeking the following information:-

1. *Certified true copies of Jamabandis, Agreement, Sale Deed/ Gift Deed, Newspaper Publications, NOCs, Trace Map etc, carried out till date from Dag No.268, Block No.4, Mouza, No.2 of class B, area measuring 0-3-7, 896 sqms. Land belong to Smti. Chumbamongla Ao W/o Late I. Aliemba Ao which was mutated to her name in 2010 (Mutated and transferred vide case No.M-149/10/10171-72 dated 22nd November, 2010).*

AND WHEREAS, on receipt of the RTI application dated 19.06.2018 on the same day, Shri. Albert Ezung, ADC & PIO, O/o the Deputy Commissioner, Dimapur, Nagaland had, vide letter No.RTI-7/2018-D/2291 dated 28.06.2018 forwarded to the applicant (now appellant) the reply which was given by Smti. Mhalo Humtsoe, Revenue Officer, O/o the Deputy Commissioner, Dimapur vide letter No.REV-10/2010-D/PT-FILE/II/2137 dated 26.06.2018 to the SDO (C) & APIO, O/o the Deputy Commissioner, Dimapur stating that the information sought under Sl.No.1 Agreement Deed, Newspaper publication, NOCs, Trace Map under Patta No.71 Dag No.268 at Block No.4 cannot be made available from the Record as of now.

AND WHEREAS, on receipt of the above information furnished by the ADC & PIO, Dimapur, the applicant (now appellant) had, vide letter dated 09.07.2018 submitted a first appeal to the First Appellate Authority, O/o the Deputy Commissioner, Dimapur stating that he was not satisfied with the information.

AND WHEREAS, on receipt of the first appeal dated 09.07.2018 on the same day, Shri. Sushil Kumar Patel, IAS, Deputy Commissioner & FAA, Dimapur, Nagaland had, heard the case on 03.08.2018 at 2:00 P.M. and on 12.09.2018 at 1:00 P.M., and after the hearings passed decision vide Order No.RTI-8/2018-D/5889-92 dated 03.10.2018 directing the Revenue Officer to submit all the relevant documents pertaining to the First Appeal filed by Shri. Bendangnuken A, vide No.RTI-8/2018-D/4933 dated Dimapur, the 13th Sept. 2018. He stated that since the information sought by the applicant was not available in the Revenue Record Branch, the Revenue Officer of the Deputy Commissioner office could submit only the Chitha for surveyed villages, vide letter

No.REV-10/2010-D/pt-file/11/5755 dated Dimapur, 28th Sept. 2018. Further, the FAA warned that in the event of failure to furnish information due to poor maintenance of records in future, the Surveyor in-charge of Revenue Records Branch (Record Keeper) should be held responsible and penalty would imposed as per the provision of the RTI Act.

AND WHEREAS, on not being satisfied with the above decision of the Deputy Commissioner and FAA, the applicant (now appellant) had, vide letter dated 15.03.2019 submitted second appeal before the commission.

AND WHEREAS, the Commission has decided to hear the appeal case giving opportunity of being heard to all the parties on **7th May, 2019 (Tuesday) at 11:30 A.M.** in the **Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima.**

NOW THEREFORE, it is notified that the following parties are directed to appear before this Commission and also **to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing:-

- i. The Deputy Commissioner & FAA, Dimapur, Nagaland.
- ii. The Additional Deputy Commissioner & PIO, O/o the Deputy Commissioner, Dimapur, Nagaland.
- iii. The Revenue Officer, O/o the Deputy Commissioner, Dimapur, Nagaland.
- iv. The SDO (C) & APIO, Dimapur, Nagaland.
- v. The Surveyor (Record Keeper), Revenue Record Branch, O/o the Deputy Commissioner, Dimapur, Nagaland.
- vi. The applicant (now appellant), Shri. Bendangnuken A, Advocate, D.C. Court, Dimapur, Nagaland.

Sd/-

CHANBEMO LOTH

Chief Information Commissioner

Dated Kohima, the 12th April, 2019.

No.NIC/Appeal-17/2018-19.

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. The Deputy Commissioner & FAA, Dimapur, Nagaland.
5. The Additional Deputy Commissioner & PIO, O/o the Deputy Commissioner, Dimapur, Nagaland.
6. The Revenue Officer, O/o the Deputy Commissioner, Dimapur, Nagaland.
7. The SDO (C) & APIO, Dimapur, Nagaland.
8. The Surveyor (Record Keeper), Revenue Record Branch, O/o the Deputy Commissioner, Dimapur, Nagaland.
9. The applicant (now appellant), Shri. Bendangnuken A, Advocate, D.C. Court, Dimapur, Nagaland, Mobile No.8416043504.
10. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
11. Office Copy

(WORHONTHUNG EZUNG)

Secretary