

NAGALAND INFORMATION COMMISSION
AGRI-FARM COLONY, LANE-6, H/NO. AFC-578
NAGALAND, KOHIMA-797001
Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in



No. NIC/APPEAL-25/2022-23

Dated Kohima, the 29th September, 2022

Appellant : i) Shri. Abi Senotsu,
Duncan Basti, Dimapur,
Mobile No. 7005838989

Respondents : (i) The Deputy Commissioner & FAA,
Office of the Deputy Commissioner,
Chumoukedima, Nagaland.

(ii) The Addl. Deputy Commissioner & PIO,
Office of the Deputy Commissioner,
Chumoukedima, Nagaland.

iii) The Addl. Deputy Commissioner & PIO,
Office of the Deputy Commissioner,
Dimapur - 797112, Nagaland.

iv) The District Land Records & Survey Officer (now Deputy
Director),
Office of the District Land Records and Survey Officer, Dimapur-
79712, Nagaland.

v) The Junior Engineer,
Office of the Executive Engineer, PWD (Housing) Division,
Dimapur, Nagaland.

Public Authority : Office of the Deputy Commissioner, Chumoukedima, Nagaland.

Date of hearing : 07.09.2022 at 12:00 Noon.

Date of Decision : 29.09.2022.

Present:

1. Shri. Abhinav Shivam, IAS, Deputy Commissioner & FAA, Office of the Deputy Commissioner, Chumoukedima, Nagaland, Mobile No. 9415457000.
2. Dr. Kuzonyi Wideo, ADC & PIO, Office of the Deputy Commissioner, Chumoukedima, Nagaland, Mobile No. 9366802911.
3. Smti. Mhalo Humtsoe, ADC & PIO, Office of the Deputy Commissioner, Dimapur - 797112, Nagaland, Mobile No. 9436013739.
4. Shri. Zhaphizo, District LRSO (now Deputy Director), Office of the District Land records And Survey Officer, Dimapur – 797112, Nagaland, Mobile No. 9862444753.
5. Er. Arnok, Junior Engineer, Office of the District Land records And Survey Officer, Dimapur – 797112, Nagaland, Mobile No. 9402679210.
6. The applicant (now appellant), Shri. Abi Senotsu, Duncan Basti, Dimapur-797112, Nagaland, Mobile No. 7005838989.
7. Shri. D. Kamei, K. Sachu Colony, Dimapur – 797112, Nagaland, Mobile No. 7627950896.

FACT OF THE CASE

The applicant (now appellant) Shri. Abi Senotsu, had submitted an RTI application dated *NIL* along with an application fee of Rs. 10/- paid in cash addressed to the PIO of Planning & Co-ordination Department, Nagaland, Kohima, seeking the following information for 2014-2020 *pertaining to acquisition of land of Nuhenuo Ciesotsu at Jharnapani for the 4-Lane highway project:*

- i. *The survey report pertaining to the acquisition of land measuring 100x100 ft.*
- ii. *Details of the RCC building and other structures standing on the said land.*

On receipt of the RTI application, Er. Nitoli Sema, Executive Engineer, PWD (H) Division, Dimapur had, vide letter **No. EE/HD/TB-RTI/2014/822** dated **18.09.2020**, submitted the information for details of buildings and other structures in respect of Smti. Nuhenuo Ciesotsu to the Revenue-cum-Resettlement Officer, O/o the Deputy Commissioner, Dimapur in response to her letter **No. REV-35/RTI-18-D/7818-19** dated **09.09.2020**.

On receipt of the above letter, Smti. Mhalo Humtsoe, Revenue-cum-Resettlement Officer, O/o the Deputy Commissioner, Dimapur had, vide letter **No. REV-35/RTI-18-D/9829-31** dated **19.09.2020** forwarded the letter and enclosure received from the SDO (C) & APIO, O/o the Deputy Commissioner, Dimapur vide letter **No. RTI-10/2018-D/7729-31** dated **07.09.2020** to the District Land Records & Survey Officer, Dimapur with a request to furnish the information sought under **para 1** of the application **on or before 21.09.2020** for onward submission to the applicant.

In response to the letter **No. REV-35/RTI-18-D/9829-31** dated **19.09.2020**, Shri. Zhaphizo, District Land Records & Survey Officer, Dimapur had, vide letter **No. LRSO/D/RTI/2010-11/3545** dated **21.09.2020** forwarded to the Revenue-cum-Resettlement Officer, O/o the Deputy Commissioner, Dimapur, the report submitted by the Surveyor in regard to the RTI case.

On receipt of the above letter, Smti. Mhalo Humtsoe, Revenue-cum-Resettlement Officer, O/o the Deputy Commissioner, Dimapur had, vide letter **No. Rev-35/RTI-18-D/7958** dated **22.09.2020** forwarded the replies in para-wise to the SDO (C) & APIO, O/o the Deputy Commissioner, Dimapur, in response to his letter **No. RTI-10/2018-D/7729-31** dated **07.09.2020**.

On receipt of the above letter, Smti. V. Lovitoly Sema, ADC & PIO, O/o the Deputy Commissioner, Dimapur had, vide letter **No. RTI-10/2018-D/8291** dated **30.09.2020** forwarded the reply to the applicant.

Since the information furnished was unsatisfactory, the applicant had submitted a First Appeal dated **27.10.2020** to the Deputy Commissioner & FAA, Dimapur, Nagaland stating that the required information was not given.

And since there was no response to his First Appeal from the FAA, the applicant had submitted a Second Appeal dated **07.04.2021** to this Commission.

On receipt of the Second Appeal by the applicant, the Commission had, vide directive **No. NIC/GEN/RTI-19/19 (Vol-II)/1349** dated **14.07.2021**, directed the FAA to hear the First Appeal **within 45 days**.

In compliance to the directive of the Commission, Shri. Rajesh Soundarajan, IAS, Deputy Commissioner & FAA, Dimapur had, on **25.08.2021**, heard the First Appeal of the applicant wherein the PIO, O/o the Deputy Commissioner, Dimapur, was directed to furnish the following information to the applicant **on or before 2nd September, 2021 positively** in consultation with the Revenue Officer, Dimapur.

- i. *Survey report indicating the acquired land and area in sq. ft. along with all the documents pertaining to the acquisition of the said land.*
- ii. *Detailed estimate report of the structures assessed by PWD (H) as sought by the applicant.*

In compliance to the directive of the FAA, Shri. Thejavizo Nakhro, NCS, Revenue-cum-Resettlement Officer, O/o the Deputy Commissioner, Dimapur had, vide letter **No. REV-35/RTI-18D/3180** dated **25.08.2021** submitted the reply in para-wise manner to the SDO (C) & APIO, O/o the Deputy Commissioner, Dimapur in reference to his letter **No. RTI-14/2020-D/FA/3038-40** dated **20.08.2021**.

In compliance to the directive of the FAA, Shri. H. Atokhe Aye, ADC & PIO, O/o the Deputy Commissioner, Dimapur had, vide letter **No. RTI-14/2020-D/FA/3277-80** dated **01.09.2021**, furnished the information to the applicant.

On being dissatisfied with the information furnished by the PIO, the applicant had again submitted Second Appeal dated **22.11.2021** to this Commission stating that the concerned public authority had still not furnished the required information sought.

On receipt of the Second Appeal, the Commission had, vide letter No. **NIC/GEN/RTI-19/17 (Vol-II)/1486** dated **22.02.2022** conveyed its views on the matter as below to the applicant (now appellant):

- i. *As per the report of DLRSO vide letter Nos. **LRSO/D/TECH-3/2011-12/161** dated **01.08.2014** & **LRSO/D/TECH-NHDP/2010-11/1241** dated **25.02.2017**, a total of 3000 sq. ft. only was surveyed and acquired.*
- ii. *As per the Executive Engineer, PWD (H) report vide letter No. **EE/HD/TB-RTI/2014/223** dated **24.08.2021**, there was no mention of RCC building except for one hill type building, kutcha house, retaining wall, and toilet & septic tank which had been assessed and damages paid.*

Since there was no response of the applicant regarding his satisfaction or non-satisfaction, the Commission had decided to hear the above mentioned second appeal giving opportunity of being heard to all the parties on **23rd August, 2022 (Tuesday) at 12:00 Noon in the Hearing Room of the Nagaland Information Commission, Agri-Farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima** and had 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.

1. The Deputy Commissioner & FAA, Dimapur, Nagaland.
2. The concerned PIO, O/o the Deputy Commissioner, Dimapur, Nagaland.
3. Shri. Zhaphizo, District Land Records & Survey Officer & PIO, Dimapur, Nagaland.
4. Smti. Nitoli Sema, Executive Engineer & PIO, PWD (H), Dimapur, Nagaland.
5. The applicant (now appellant), Shri. Abi Senotsu, Duncan Basti, Dimapur (M/No. 7005838989).

However, on receipt of the above notice for hearing on 23.08.2022, Shri. Sachin Jaiswal, IAS, DC, Dimapur had, vide letter No. DCD/CON/RTI/2022/2088 dated 22.08.2022 requested for adjournment of the hearing date to a future date on account of the visit of the Hon'ble Union Finance Minister, Government of India to Nagaland from 22nd to 24th August, 2022. He further informed that after the bifurcation of the Dimapur district, the relevant files pertaining to the case has been transferred to the district of Chumoukedima and was not presently available with his office.

The Commission had accepted the request and had vide letter of even No. dated 26.08.2022 rescheduled the hearing on 07.09.2022 at 12:00 noon.

OBSERVATIONS AND FINDINGS:

During the hearing, the applicant(now appellant) submitted that he had filed the RTI application on behalf of Smti. Nuhenuo Ciesotsu since she was not satisfied with the amount of compensation received from the Government, though her land was measuring 100 ft. x 100 ft.

Shri. Zhaphizo, the District Land Records and Survey Officer, Dimapur, Nagaland (now Deputy Director) submitted that the survey was conducted in the presence of the land owner (Smti. Nuhenuo Ciesotsu) along with LRSO, PWD(H), District Administration and the Village Council. He further explained that the land owner may be having 100 ft x 100 ft (i.e 10,000 sq ft) of land but since the requirement of land by the NH was only 3000 sq. ft., only the required area of land was surveyed.

Shri. Arnok, Junior Engineer, PWD (H) informed that since his Executive Engineer, PWD (H) was sick, he represented her. He also stated that the land survey was jointly conducted and survey report submitted to the Office of the Deputy Commissioner, Dimapur, Nagaland, vide NO.EE/HDTB-RTI/2014/823 dated 24.08.202.

The applicant (now appellant) stated that after submission of the First Appeal dated **27.10.2020** since there was no positive reply from the FAA, he had submitted the Second Appeal **07.04.2021** to the Nagaland Information Commission. He stated that the FAA had a hearing of his first appeal on 25.08.2021 and after the hearing the information was received on 01.09.2021, however, there was no copy of satellite imagery. The LRSO stated that map was given to the applicant (now appellant) and had produced a copy during the hearing before the Commission.

Shri. Abhinav Shivam, IAS, Deputy Commissioner & FAA, Office of the Deputy Commissioner, Chumoukedima, Nagaland attended the hearing since the matter in question falls under the jurisdiction of Chumoukedima District which was newly created and bifurcated from Dimapur District. He had, vide letter No DC-CMD/LR-15/RTI/2022/1286 dated 06.09.2022 submitted to the Commission that he had received thirteen (13) files pertaining to the 4 Lane NH from the Office of the Deputy Commissioner, Dimapur, however, since the file containing the RTI filed by Mrs. Nuhenuo Ciesotsu was not received, the office was not in a position to furnish the information sought. He, however, stated that information had already been furnished earlier and as per the satellite map, there was no RCC Building and though the applicant (now appellant) has claimed 100 ft x 100 ft i.e 10000 sq ft, the government had acquired only the required area of her land i.e. 3000 sq. ft. and hence cannot give unlimited satisfaction.

The applicant (now appellant) stated that he had received the compensation in two occasions against the total area of 3000 sq. ft. as shown below:-

Area	Rate	Amount received
1590 sq. ft	@ Rs. 40/-	Rs. 63,600.00
1410 sq. ft.	@ Rs. 40/-	Rs. 56,400.00
3000 sq. ft.		Rs. 1,20,000.00

Further, the applicant (now appellant) stated that since he had received the satellite imagery produced by the LRSO during the hearing, he had expressed his satisfaction.

The Commission observed that though the RTI application was transferred from office to office, there was no delay at each level in furnishing the information to the applicant (now appellant).

DECISION:

On the above observations and findings, since whatever documents which were not furnished earlier had been handed over to the applicant (now appellant) during the hearing and that the applicant (now appellant) had expressed satisfaction with the information so received and also with the explanation given by the respondents, the Commission had decided to declare the appeal case as **closed**.

Decision pronounced in the presence of both the parties on 07.09.2022 at 12:00 noon.

Copies be given to:-

1. Shri. Abhinav Shivam, IAS, Deputy Commissioner & FAA, Office of the Deputy Commissioner, Chumoukedima, Nagaland, Mobile No. 9415457000.
2. Dr. Kuzonyi Wideo, ADC & PIO, Office of the Deputy Commissioner, Chumoukedima, Nagaland, Mobile No. 9366802911.
3. Smti. Mhalo Humtsoe, ADC & PIO, Office of the Deputy Commissioner, Dimapur - 797112, Nagaland, Mobile No. 9436013739.
4. Shri. Zhaphizo, District LRSO (now Deputy Director), Office of the District Land records And Survey Officer, Dimapur – 797112, Nagaland, Mobile No. 9862444753.
5. The applicants (now appellants), Shri. Abi Senotsu, Duncan Basti, Dimapur-797112, Nagaland, Mobile No. 7005838989.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website.
7. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

Authenticated true copy:

(Worhonhung Ezung)
Deputy Secretary