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No. NIC/APPEAL-28/2024-25 *1604*

Dated Kohima, the 21st April, 2025

Appellant : Shri. Yanghore B. Sangtam,
Forest Ward,
Kiphire, Nagaland,
Mobile No. 9612328214 / 7005234844.

Respondents : (i) Dr. Zasekuolie Chusi, IAS,
Commissioner & Secretary & FAA,
Land Revenue Department,
Nagaland, Kohima.

(ii) Shri. C. Danted Phom,
Joint Secretary & PIO,
Land Revenue Department,
Nagaland, Kohima.

(iii) Shri. Lanuyapang,
Under Secretary & APIO,
Land Revenue Department,
Nagaland, Kohima.

Public Authority : Land Revenue Department, Nagaland, Kohima.

Date of hearing : 15.04.2025 at 11:00 AM.

Date of Decision : 21.04.2025

Present:

1. Dr. Zasekuolie Chusi, IAS, Commissioner & Secretary & FAA, Land Revenue Department, Nagaland, Kohima, Mobile No. 8787636505.
2. Shri. Lanuyapang, Under Secretary & APIO, Land Revenue Department, Nagaland, Kohima, Mobile No. 9862414051.
3. Shri. Tsarise, Secretariat Assistant, Land Revenue Department, Nagaland, Kohima, Mobile No. 7005725590.
4. The applicant (now appellant), Shri. Yanghore B. Sangtam, Forest Ward, Kiphire, Nagaland, Mobile No. 9612328214 / 7005234844.

FACT OF THE CASE

An applicant, Shri. Yanghore B. Sangtam, Forest Ward, Kiphire, Nagaland had submitted a RTI application dated 03.10.2024 along with an application fee of Rs. 10/- only addressed to the PIO, Land Revenue Department, Nagaland, Kohima seeking the following information: -

1. *Kindly furnish me in xerox copy of the sanction amount and the year for construction of DLSO office at Kiphire.*
2. *Kindly furnish me in xerox copy of the Sale Deed agreement along with the area/measurements of land which the department has already purchased at Kiphire.*

3. *Kindly furnish me in xerox copy of the Department spot inspection report in detail.*
4. *Kindly furnish me in xerox copy of the re-proposal send by the Department Land Revenue to Planning & Transformation for outright purchase of building cum-residence instead approved new office construction.*
5. *Kindly furnish me in xerox copy of the approval order for outright purchase of building cum-residence by Department Planning & Transformation.*
6. *Kindly furnish me in xerox copy the tentative duration for completion of new office construction building.*
7. *Kindly enlighten me by the department under what circumstances/ issues the construction of new office building has been diverted to outright purchase of building cum-residence. Do we not deserve a brand new office building?*

On receipt of the above RTI application on 03.10.2024, Shri. C. Danted Phom, Joint Secretary & PIO, Land Revenue Department, Nagaland, Kohima had, vide letter No. LR-7-153/RTI/2015 (Pt)/219 dated 01.11.2024 furnished the information to the applicant. However, on not being satisfied with the above reply of the PIO, the applicant had submitted a First Appeal dated 05.11.2024 addressed to the Commissioner & Secretary & FAA, Land Revenue Department, Nagaland, Kohima.

On receipt of the First Appeal dated 05.11.2024 on 09.11.2024, Dr. Zasekuolie Chusi, IAS, Commissioner & Secretary & FAA, Land Revenue Department, Nagaland, Kohima had, after hearing of the First Appeal with the concerned parties, passed his decision vide No. LR-7-153/RTI/2015(Pt) dated 17.12.2024 wherein he had clarified on the following clarifications sought by the applicant (now appellant) during the hearing: -

- i. *How the land at Kiphire was acquired? What was the source of funding, whether the purchase was approved by the SLAA, why the government has abandoned the land and went for outright purchase instead of constructing a new building at the already purchased land.*

To which the Department informed/ clarified that the land was purchased by the former Parliamentary Secretary, Shri. L. Khumo on behalf of the Government. There is no official record with the Department with regard to the source of funding. The decision for outright purchase is the sole decision of the SLAA.

- ii. *How the State Land Acquisition Authority (SLAA) cleared for outright purchase of the building when an amount of Rs. 1,00,00,000 (One Crore) was sanctioned for construction of a new building? Under what process, the SLAA has approved for the outright purchase of the building? Was there any inspection from the SLAA?*

The SLAA being the highest decision making Authority in the State in the matter of Land Acquisition/ Requisition/ Allotment and even on outright purchase, it is therefore, beyond the purview of the Land Revenue Department to question the decision of the SLAA.

- iii. *Why the Public Information Officer failed to provide the factual report of the spot verification report?*

The Government did not give any Official order/ approval for inspection of the building. The letter written by the Director, Directorate of Land Records & Survey stating spot verification report has not yet officially received by the Government. Hence, the question of the PIO not providing the factual report does not arise.

Further, he had directed the Department to furnish all relevant records/facts available with the Department to the appellant as per his request and declared the matter as disposed of.

In compliance to the FAA's directive, Shri. Lanuyapang, Under Secretary & APIO, Land Revenue Department, Nagaland had, vide letter No. LR-7-153/RTI/2015(PT) dated 19.12.2024, furnished the additional information to the applicant (now the appellant). However, since the applicant was still not satisfied with the additional information furnished by the APIO, he had submitted a Second Appeal dated 20.01.2024 before the Commission.

Since the applicant (now appellant) is still not satisfied with the additional information furnished by the public authority, the Commission has decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on **15th April, 2025 (Tuesday) at 11:00 AM** in the **Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, Below NBCC Convention Centre, New Capital Complex, Nagaland, Kohima** and had also directed the following parties to appear before this Commission and **to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

1. Dr. Zasekuolie Chusi, IAS, Commissioner & Secretary & FAA, Land Revenue Department, Nagaland.
2. Shri. C. Danted Phom, Joint Secretary & PIO, Land Revenue Department, Nagaland.
3. Shri. Lanuyapang, Under Secretary & APIO, Land Revenue Department, Nagaland.
4. The applicant (now appellant), Shri. Yanghore B. Sangtam, Forest Ward, Kiphire, Nagaland, Ph. No. 9612328214 / 7005234844.

OBSERVATIONS AND FINDINGS:

The Commission was informed that Shri. C. Danted Phom, Joint Secretary & PIO, Land Revenue Department, Nagaland, Kohima had recently retired from service and hence he did not appear for the hearing.

The Commission observed that the PIO had replied to the applicant as per the queries sought in his RTI application dated 03.10.2024. The FAA had also clarified during the hearing of the First Appeal and subsequently, the PIO had even furnished the replies raised by the applicant in his first appeal. Though additional information or supplementary documents cannot be sought at the time of appeals (either first or second appeal), or even if additional information is sought at the time of appeal, it should not be entertained or admitted, however the FAA had already given sufficient clarifications during the first appeal hearing and had directed to furnish further information on the non-satisfaction on the replies to Query Nos. 1, 2, 3, 5 and 6 raised by the applicant in his first appeal. Accordingly, the replies were furnished however the applicant (now the appellant) was still not satisfied and wanted *complete information*.

During the hearing, the applicant (now the appellant) submitted that he was not satisfied with the replies to his queries except **Query Nos. 4 and 7**, and hence sought **further details/clarifications**. Since the applicant (now the appellant) was not satisfied with the replies to **Query Nos. 1, 2, 3, 5 and 6** and was satisfied with **Query Nos. 4 and 7**, the Commission heard the appeal relating to **Query Nos. 1, 2, 3, 5 and 6**.

The applicant (now the appellant) pointed out that to his **query No. 1**, the PIO had furnished him a copy of the Sanction Order dated 22.03.2024 for rupees one crore only (Rs. 1.00 Cr) for the construction of District Land Records & Survey (DLRS) Office cum Residence at Kiphire during 2023-24, however, as per the additional information furnished on the direction of the FAA, the amount allocated was rupees two crores and eighty lakhs only (Rs. 2.80 Cr) and since the amount for the outright purchase decided by the State Land Acquisition Authority (hereafter SLAA) report was rupees two crores and sixty lakhs only (Rs. 2.60 Cr), he had therefore questioned about the difference of rupees twenty lakhs only (Rs. 20.00 lakhs).

Dr. Zasekuolie Chusi, IAS, Commissioner & Secretary & FAA, Land Revenue Department, Nagaland, Kohima, stated that the clarifications and additional information were given with good intention and that he stuck to whatever information had been furnished earlier. He further stated that the proposed amount was Rs. 2.80 crores, however the amount was negotiated at Rs. 2.60 Cr.

Regarding **Query No. 2**, the applicant (now the appellant) stated that he had received only the Sale Deed Agreement dated 15.06.2016, however, the Department seemed not having any records except the Sale Deed.

The FAA stated that Late Shri. L. Khumo, the then Parliamentary Secretary representing Government of Nagaland (purchaser) had executed the Sale Deed on **15.06.2016**, however the said Sale Deed was received only after his demise and there is no other records other than this Sale Deed.

Regarding **Query No. 3**, the applicant (now the appellant) stated that as per the PIO's reply dated 01.11.2024, there was no such Spot Inspection report however as per the letter vide No. DLRS/TECH/NEWDIST/2022-01/321 dated 04.03.2024 written by the Director, Land Records & Survey, Nagaland, Dimapur to the Secretary, Land Revenue Department, Nagaland, Kohima, Spot Verification was carried out on 13.02.2024 which was not in favour of the Department. Also showing copies of the photographs of the land and the building, and the location on Google map during the hearing, the applicant (now the appellant) stated that the Director's Inspection Report and the photographs are in consonance and added that the present plot is located remotely from the DC Office and near to the reserved forest.

The FAA stated that there was no direction from the Government to carry out Spot Verification. The Director must have done at his own level but that was not official and the Govt. has not received the correspondence communicated by the Directorate of Land Records and Survey regarding the spot verification report of 13.02.2024.

On being asked by the applicant (now the appellant) as on what basis did the DC, Kiphire had given the NOC in spite of the Director's spot verification report, the Commission upheld the decision dated 17.12.2024 of the FAA on the first appeal hearing stating that the State Land Acquisition Authority (SLAA) being the highest decision making Authority in the State headed by the Chief Minister himself in the matter of Land Acquisition/ Requisition/ Allotment and even on outright purchase, no Department or even this Commission itself has authority to question. Further, the Commission observed the lapses in the public authority regarding the Spot Verification.

Regarding **Query No. 5**, the applicant (now the appellant) pointed out that as per the SLAA report at Agenda 42/40 for outright purchase of land with 2 storied building for the LRSO office at Kiphire, the measurement of the land was $120 \times 110 = 13,200$ Sq. ft. however since the Application dated 21.02.2024 submitted by the vendor, Shri. Sejongmong T. Sangtam to DC, Kiphire for No Objection Certificate (NOC) proposing his land and the NOC dated 21.02.2024 issued by the DC, Kiphire for outright purchase of the above land and building was measuring $100 \times 110 = 11,000$ Sq. ft. he had therefore questioned about the missing 2000 Sq. ft.

The FAA stated that based on the NOC given by the DC, Kiphire, the Sale Deed dated 30.11.2024 was entered between the Government (purchaser) and the vendor, Shri. Sejongmong T. Sangtam with the same area of the land which is measuring $(100 \times 110 = 11,000$ Sq. ft.), whereas the area recorded in the SLAA minutes was $(120 \times 110$ Sq. ft.), which might be due to some clerical error and can be rectified after following due process.

Regarding **Query No. 6**, the applicant (now the appellant) questioned that even after outright purchase of the land no date has been fixed for completion of the new building construction.

The FAA stated that as per the DPR for 2017, the project was supposed to be completed within 24 months, however, the project was not materialised and the project was ultimately converted to outright purchase as per the decision of the Govt. vide SLAA. He further informed that the first allocation was earmarked only in 2023-24.

On the above explanation, the applicant (now the appellant) stated that he was satisfied and had understood the jurisdiction of the Commission.

The Commission observed that as far as furnishing of information is concerned, the public authority had furnished sufficient information whatever available with the public authority and had further given clarifications and explanations, and for which the applicant (now the appellant) had expressed his satisfaction. However, if there is any non-satisfaction beyond furnishing of information, the applicant (now the appellant) has the liberty to approach appropriate forum.

No delay observed in giving the reply.

DECISION

On the above observations and findings, since the applicant (now the appellant) had expressed his satisfaction with the information and additional information furnished and the clarifications and explanations given by the public authority, and that there is no delay observed in giving the reply, the Commission declared the appeal case as **closed**.

Decision pronounced in the presence of both the parties on 15.04.2025 at 11:00 AM.

Copies be given to:

1. Dr. Zasekuolie Chusi, IAS, Commissioner & Secretary & FAA, Land Revenue Department, Nagaland, Kohima, Mobile No. 8787636505.
2. Shri. Lanuyapang, Under Secretary & APIO, Land Revenue Department, Nagaland, Kohima, Mobile No. 9862414051.
3. The Computer Programmer, Nagaland Information Commission for uploading on the website.
4. The applicant (now appellant), Shri. Yanghore B. Sangtam, Forest Ward, Kiphire, Nagaland, Mobile No. 9612328214 / 7005234844.
5. Office Copy.

Sd/-

KEVISA KENSE (IAS Retd.)
Chief Information Commissioner

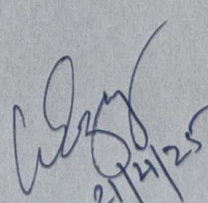
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T. KEKONGCHIM YIMKHIUNG
State Information Commissioner

Sd/-

NOSAZOL CHARLES
State Information Commissioner

Authenticated true copy:


(Worhonthung Ezung)
Deputy Secretary