

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

Present: Hon'ble Shri D.N.Padhi, SCIC
Date: 3rd February, 2009
Complaint Case No.687/2007



Rajanikanta Patra,
At- Srivihar Chhak,
Lane No.1,
Near Harachandi Mandir,
Bhudan Nagar, Penthakota,
Puri – 752002
Puri DistrictComplainant

-Vrs-

Public Information Officer,
Office of the Orissa Bhoodan Yagna Samiti,
Qrs. No. C/ 13,
Block No. 3,
IRC Village,
Bhubaneswar – 751015.....Opposite Party

Decision

1. Both the parties are absent on call. The absence of the Complainant Rajanikanta Patra is condoned under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. On 22/10/08 when the matter was last heard, Rajani Kanta Biswal, Administrative Officer and Jagadish Parija, Junior Clerk, office of the Orissa Bhoodan Yagna Samiti, Bhubaneswar were present and had taken note of the case being posted to today for hearing. Despite that they are absent without any intimation. This is a serious dereliction and should not be repeated. Perused the case records. This complaint arises out of petition dated 31/05/2007. This matter has been heard twice earlier on 09/05/08 and 22/10/08.

2. The complaint petition dated 05/06.07 filed by the Complainant reveals that in form A application dated 19/02/07, he wanted to know in whose name plot no.50/56 Ac 0.55 under Hal Khata no.2 of mouza Balukhanda was recorded in the Revenue record and whether the said plot corresponded to the Sabik khata no.233 and Plot no.1201.
3. During the hearing on 22/10/08, Rajani Kanta Biswal, Administrative Officer, office of the Orissa Bhoodan Yagna Samiti, Bhubaneswar pleaded that he had informed Tahasildar, Puri in writing (who is the custodian of the required information) to provide the information as directed by the State Commission in order dated 09/05/08. Upon hearing both the parties, the State Commission had directed the Administrative Officer of the Public Authority to urgently collect the required information from the Tahasil Office, Puri and supply the same to the Complainant on or before 06/11/08, free of cost, since the maximum prescribed period of 30 days had elapsed since long. He was also directed to report compliance early to the State Commission.
4. From the record available, it was found that the PIO, Tahasil Office, Puri vide his letter no.10497 dated 30/10/08 (memo copy endorsed to the State Commission) had furnished the required information to the Administrative Officer, Bhoodan Yagna Samiti, Bhubaneswar for onward transmission to the Complainant. A copy of the said letter alongwith the enclosures has also been forwarded to the Complainant in the subsequent memo.
5. The single point of information, as required, has been furnished by the Tahasil Office, Puri to the Complainant Rajanikanta Patra. It is inferred that the absence today of the Complainant is an indication of acceptance of the information received by him.

6. The record indicates that the form A application of the Complainant was on 19/02/07 (which was received in the Public Authority on 01/03/07) regarding the ownership of the Plot no. 50/56 Ac 0.55 under Hal Khata no.2 of Mouza Balukhanda. The PIO had also responded on 22/03/07 intimating that the information sought for by the Complainant were not available in his office and could be available with the person authorized to maintain the Record of Rights, though he could have transferred the RTI application under Section 6 (3) of the RTI Act, 2005 to the Tahasildar, Puri. As there is no delay in the initial reply with reference to the form A application dated 19/02/07 (received on 01/03/07) of the Complainant, there are no orders on penalty. The PIO is exonerated and the matter is disposed of and closed. Inform both parties.

Pronounced in Open Proceedings

Given under the hand and seal of the State Commission, this 3rd day of February, 2009.




SCIC
3-2-09

77