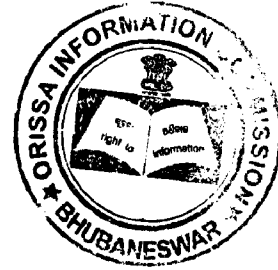


BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

Present: Prof. Radhamohan, SIC
Dated 22nd August of 2006



Complaint Case No 87/ 2006

Sri Deepak Kumar,
C/o-Dr.Budhadev Dey,
H.No-153-C,
Neogi Colony,
Mangalabag,
Cuttack-753001.....Complainant

-VRS-

1. Public Information Officer,
Collectorate,
Cuttack
2. 1st Appellate Authority,
Collectorate,
Cuttack.....Opposite Parties

Decision

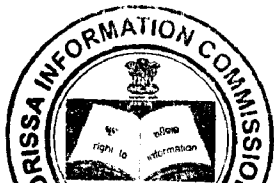
1. The Complainant and both the Opposite Parties are present. Heard both parties in detail.
2. It reveals from the contents of the case record as well as the submissions of the parties that the Complainant submitted his application u/s 6 of the Right to Information Act, 2005 (Act for short) before the Public Information Officer (Opposite Party) No-1 on 21/01/06 for getting information about the present status of Khata No 132, Plot No-6, Area AC. 0-08 decimals pf village Bidyadharpur in Cuttack town..
3. The Public Information Officer (OP) No-1 vide her letter No-6 dated 30/01/06 intimated the Complainant that no award has been passed in respect of Plot No-6 as there are encroachments for which proper enquiry is going on and soon-after the enquiry is completed the award will be passed in favour of the proprietor of Plot No-6 Smt. Asharani Kumar after which payment of the compensation will be made. As indicated earlier, the application for information is dated 21/01/06. Whereas the Public Information Officer (OP) No-1 has responded thereto within 9 days by giving reply. Thus no delay has been caused by the Public Information Officer (OP) No-1 in attending to the application for information filed by the Complainant u/S 6 of the Act. The Complainant further alleges that as yet he has not received any information about the so called inquiry indicated by the Public Information Officer in her letter

No-6 dated 30/01/06. Both the Opposite Parties submit before the State Commission that the information sought for by the Complainant was ready within the time limit prescribed under section 7(1) of the Act but the Complainant did not turn up in spite of telephonic intimation to him. For which they took steps for display of the fact that the information needed by the Complainant is ready in their office notice board. It is seen from the copy of the application u/S 6 of the act filed by the Complainant before the Public Information Officer that the Complainant has indicated his desire therein to receive the information in person from the Public Information Officer and to facilitate thereof he has given his telephone and cell phone numbers in his said application. Rightly, the Public Information Officer contacted the Complainant over phone, but the latter did not turn up. The 1st Appellate Authority-Opposite Party No-2 has also observed in his decision dated 16/03/06 that the information was ready but the Complainant did not turn up. In view of the above admitted factual back drops none of the Opposite Parties can be faulted to have violated any of the provisions of the Act. On the contrary the information has not been received by the Complainant due to his own lapses.

4. Both the Opposite Parties show the letter of the Land Acquisition Office (Civil), Cuttack wherein it has been clearly mentioned that Plot No-6 of Bidyadharpur has been proposed to be withdrawn from the ambit of the Land Acquisition proceeding and proposal has also been initiated with the Appropriate Authority. The photo copy of the joint inquiry report and the sketch map of Plot No-6 has been furnished by the Land Acquisition Officer along with her report.
5. After having heard both the parties, the State Commission feels it appropriate to direct both the Opposite Parties to hand over the information along with the joint inquiry report and the sketch map to the Complainant which they complied in presence of the State Commission. As held earlier, commission of any lapses or violation is not attribute able to any of the Opposite Party
6. Therefore the case of the Complainant is disposed of.

Pronounced

Given under the hand and seal of the State Commission, this the 22nd day of August, 2006.



Man Mohan
SIC