

(7)

RTI Appeal for denial to copies and Access to Tenant Verification Forms

Date: 25/09/2017

To.
Sh. Milind Mahadeo Dumbere
First Appellate Authority,
DCP, North West Delhi,
Ashok Vihar, Delhi-110052

*N.W. North-West Distt.
No. 2534/2017-25/9/17*

DCP	_____
Addl.DCP-I	_____
Addl.DCP-II	_____
ACP	_____
Insp. Admn.	<input checked="" type="checkbox"/>
Branch	<u>RTI APPEAL</u>

First appeal on Reply to RTI Application U/S 19, of RTI Act, 2005

1. Please refer to my RTI application dated 23/08/2017 vide ID No. 2719 (copy enclosed). This RTI application along with IPO of Rs 10/- was given to the office of PIO on 23/09/2017 personally.
2. The information sought in the RTI was denied by the SHO/Mukherjee Nagar of this district vide ID No. 2719/17/9265 dated 18/09/2017 (copy enclosed)
3. As per report of SHO the information demanded was denied on the basis of section 8(1)(j) of RTI Act, 2005, and on the ground of non mentioning of the relationship.
4. Under the RTI application dated 23/08/2017 vide ID No. 2719, I have mentioned that myself Gagan Kapoor, Son of Late Sh. Ram Swaroop kapoor, R/o A-198, IInd Foor Derawal Nagar, Delhi 110009 and I want the Copies of tenant verification forms applied by my father Late Sh. Ram Swaroop Kapoor for the property No. 1139, Dr. Mukherjee Nagar. Since I have mentioned my relationship therefore denial by the SHO on the basis of not mentioning the relationship does not hold valid.

5. Regarding the second objection on the basis of **Section 8(1)(j) of RTI Act, 2005:** which says as follows : **Section 8(1)(j) in The Right To Information Act, 2005**

"information which relates to personal information the disclosure of which has not relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."

Reply / Grounds of Appeal

1. The property House No. 1139, Dr. Mukherjee Nagar, Delhi-110009, mentioned in the RTI was of Late Sh. Ram Swaroop Kapoor who died intestate on 05/06/2017 i.e., without having any will and leaving behind the following legal heirs :
 - (i) **Smt. Meera Kapoor alias Meera Devi**, wife of Deceased R/o 1139, Dr. Mukherjee Nagar, Delhi -110009 and
 - (ii) **Mrs. Hema Sethi**, daughter of the deceased married to Sh. Alok Sethi, R/o A-8/26, IInd Floor Rana Partap Bagh, Delhi -110007 and
 - (iii) **Mr. Gagan Kapoor**, elder son of the deceased, Residing at A-198, IInd Floor, Derawal Nagar, Delhi -110009 and (98115-95823)
 - (iv) **Mr. Gaurav Kapoor**, younger son of the deceased, R/o 1139, Dr. Mukherjee Nagar, Delhi -110009 and
 - (v) **Mrs. Ruchi Dhawan**, daughter of the deceased, married to Sh. Chetan Dhawan, R/o 1489, Pocket C – 1, Vasant Kunj, Delhi - 110070 and
 - (vi) **Mrs. Monika Arora**, daughter of the deceased, married to Sh. Harsh Arora, R/o 1424, Dr. Mukherjee Nagar, Delhi-110009.
2. Gaurav Kapoor, Younger son of the deceased has prepared a forged will (assumed) and claims that the full property was transferred to him by the deceased. The will is not a registered will hence no effect unless he got it probate in his favour.
3. He had filed a false suit in The Rohini Court (by creating false evidence) for the injunction against Sh. Gagan Kapoor for creating third party interest in the property in The Court room No. 214, in The Court of SCJ Sh. Sidharth Mathur on 21 Sept, 2017. But The Court has ordered unless the will gets probate none of the party can create third party interest without the consent of another party. We have mentioned in the court that we reserve the right to proceed against Sh. Gaurav Kapoor in the criminal case as per the procedure of the law. Court has not accepted his will for claiming ownership of the property. We have applied for the copy of the judgment in the said Court.
4. As per Hindu Sucession Act, all the legal heirs have equal right in the property, So I am also one of the legal heir and therefore 1/6th owner of the said property.
5. The Right to information which is recognized as a fundamental right includes the right to information assessable under the Act which is held by or under the control of any public authority which includes the right to inspect documents and records.

6. Section 8(1)(j) provides exemption for "personal information" and "invasion of privacy" which can be invoked for name, address, occupation, physical and mental status like, marital status, sexual relationship, and for his financial status like Income tax returns, personal health reports as these are of personal nature and every individual has a fundamental right of privacy.
7. Giving property on Rent or employing a servant at home is not a personal affair. It may affect the society. Several laws are required to fulfilled for the welfare of the society and maintain law and order. Therefore, Tenant and servant verification is the a public activity or interest, on which subject information can be saught from the public offices for the maintenance of law and order and it does not breach the privacy of any person therefore exemption under section 8(1)(j) could not be claimed on that.
8. As per Delhi Police Citizen Charter, Tenant verification is required to maintain law and order and also for prevention and detection of crimes. Tenant verification forms are government / Police property and therefore it is not a private record and can be demanded under RTI.
9. The information sought cannot be denied on any grounds that the said disclosure of information would cause unwarranted invasion of the privacy of some individual and as of now I am also one of the legal heirs and every right to know about the commercial and public activities happening on it.
10. On the above grounds, I request you to kindly provide me access to the records and give me copies of all the tenant verification forms submitted for the said property till to date and I am ready to pay the fee which is required to be paid under the RTI Act for the above record and copies.

Prayer

It is Most respectfully prayed to you to grant me the access to the records and kindly provide me the copies of the tenant verification forms of the property no. 1139, Dr. Mukherjee Nagar, Delhi-110009.

Delhi

Dated: 25/09/2017



Applicant

Lagan Kapoor
98115-95823