

CENTRAL INFORMATION COMMISSION

August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

F. No. CIC/KY/A/2014/001219-YA

Date of Hearing : 16.11.2017
Date of Decision : 16.11.2017
Appellant/Complainant : Anjali Seth
Respondent : PIO /L&DO
Through:- Sh. N K Sinha-Section
Officer, L&DO
Information Commissioner : **Shri Yashovardhan Azad**

Relevant facts emerging from appeal:

RTI application filed on : 27.05.2014
PIO replied on : 16.06.2014
First Appeal filed on : 23.08.2014
First Appellate Order on : 18.09.2014
2nd Appeal/complaint received on :

Information sought and background of the case:

Vide RTI application dated 27.05.2014 sought for inspection of record and supply/inspection of record of L&DO pertaining to allotment made, lease executed, applications made, copies of office noting, decision taken, including the record of Settlement Commissioners, and related documents/information with regard to the plot bearing No.5, Feroz Gandhi Marg, Lajpat Nagar – III, New Delhi. The appellant also sought to know about the current occupier of the said plot. etc. PIO vide letter dated 16.06.2014 informed the appellant as under:

“..I am to refer to your RTI application dated 27.05.2014 on the above mentioned subject and to say that from the available record, it is seen that it has not been conclusively established as to who is the rightful owner of the aforesaid property. As such, your request for inspection of the file and providing the documents cannot acceded to...”

Being dissatisfied, the appellant filed an appeal. The FAA upheld the decision of PIO. The appellant approached the Commission.

Feeling aggrieved, the appellant approached the Commission.

The Second Appeal was dismissed by the Commission vide its order dated 11.03.2015 by taking a view that respondents have provided the requisite information in terms of Section 2(f) of the RTI Act.

The appellant preferred a Writ Petition before the Hon'ble High Court. The Ld. Single Judge of the Hon'ble High Court of Delhi vide his final judgement /order dated 10.08.2017 allowed the said WP(C) 5585 of 2015 with the following directions :

“It is apparent that the CIC has failed to apply its mind to the controversy in question. It appears that the impugned order has been passed in complete ignorance of the facts of the present case and on the basis of a template available with the CIC. The petitioner has provided the necessary grounds for contesting the decision of the CPIO to deny the inspection and information sought by her. She had provided cogent reasons to canvass that the information as sought by the petitioner was not exempt from disclosure. CIS was required to examine the same and deal with the contentions advanced by the petitioner.

The endeavour of the petitioner was to seek information with regard to allotment of the said property in question, considering that there is a controversy regarding the allotment of the property. In this context, such information could not be denied on the ground that it was not established whether the petitioner's grandmother was the rightful owner of the property in question.

In view of the above, the impugned order is set aside and the matter is remanded to the CIC to consider the petitioner's application and pass a reasoned order within a period of eight weeks from today.”

Relevant facts emerging during hearing:

Only the Respondent has appeared during the hearing to the exclusion of the appellant. The Respondent submitted that the backdrop of the instant RTI case is rather complicated since the property/land in question has changed hands multiple number of times by way of valid as well as invalid transfer documents. Today multiple claimants to the same property have approached the Court and various cases are pending in different Courts. The appellant who has contested the case in the High Court refuses to appear before the Respondent whenever called for a meeting. Likewise she has not appeared for the hearing today as well.

Decision:

In view of the peculiar circumstances of the case, the Commission hereby directs the Respondent to submit a complete status of all the pending

litigations with respect to the property in question located at Feroz Gandhi Marg, Lajpat Nagar-III, New Delhi and also any other relevant documents pertaining to the property in question. This submission from the Respondent shall reach the Commission within two weeks of receipt of this order.

Registry of this Bench is directed to issue fresh Notice of hearing in order that the appellant is provided another opportunity of being heard.

(Yashovardhan Azad)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(R.P.Grover)
Designated Officer

Copy to:-

