

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

**Present: Hon'ble Shri D.N.Padhi, SCIC
and
Prof. Radhamohan, SIC**

Date: 22nd January, 2008

Complaint Case No. 74 of 2007

Surendra Kumar Behera
Plot no.-770,
Jharpada,
BhubaneswarComplainant

-Vrs-

Public Information Officer
Office of the Tahasildar,
BhubaneswarOpposite Party

Decision

1. Complainant Surendra Kumar Behera is absent. His absence is condoned under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rule, 2006. Both the former and present PIOs of Bhubaneswar Tahasil, Debasis Mohanty and Dharanidhar Nanda respectively are present. The present PIO has filed his written showcause memorandum which is perused and taken to record. Heard the Opposite Parties and perused the record.

2. This case was last heard by the State Commission on 18/09/07. Upon hearing the PIO, the State Commission had observed in order dated 18/09/07 that form A application of the Complainant dated 16/11/06 had been responded to by the PIO vide letter No. 152 dated 19/12/06. In the said reply the PIO had intimated the Complainant that the information sought for related to plot no. 770 of village Jharpada which is not within the territorial jurisdiction of Bhubaneswar Tahasil. The State Commission found delay of 2 days in the office of the PIO after deducting, the maximum of 30 days



transaction time as prescribed under Section 7(1) of the RTI Act, 2005 (Act for short).

3. It is submitted by both PIOs present today that all information relating to the matter of demarcation of plot no. 770 vide Demarcation case No. 617 of 2000 have been supplied to the Complainant. The information sought for being related to a Demarcation case should not have been made cognizable under the Act as the said case is to be disposed of strictly in accordance with the prescribed guidelines relating to such quasi-judicial matters.
4. Upon hearing both the PIOs, the State Commission is of the considered opinion that the small delay of 2 days in providing the reply to the Complainant has not been actuated by any malice, ill will or questionable motive. Hence the State Commission taking into consideration that all information regarding the Demarcation case have been provided to the Complainant alongwith the Amin report and the sketch map, there is no need to prolong this case. Both the PIOs are exonerated and the case of the Complainant is allowed. Inform the Complainant.

Pronounced

Given under the hand and seal of the State Commission, this 22nd day of January, 2008.


Hon'ble SCIC

22.1.08



SIC