

**BEFORE STATE INFORMATION COMMISSION HARYANA,
CHANDIGARH.
APPEAL UNDER SECTION 19(3) OF THE RIGHT TO INFORMATION ACT,
2005.**

**SHOW CAUSE NOTICE NO. 09/09 U/S 20(1) OF THE RTI ACT
In Case No.2216 of 2009.**

Shri Lehri Singh,
S/o Sh. Bholu Ram,
Vill Balour, Tehsil Bahadurgarh,
Distt Jhajjar, Haryana.

...Appellant.

Versus

1. First Appellate Authority-cum-Administrator, HUDA, Rohtak.
2. SPIO-cum-Land Acquisition Officer, Rohtak.
3. District Town Planner, Bahadurgarh, Jhajjar.

...Respondents.

Present

1. Sh. Virender Lathar, Land Acquisition Officer, Rohtak on behalf of the respondents.

Facts:-

This matter has arisen in pursuance of the earlier orders passed by the Commission in this case on 14/1/09 and interim orders passed on 25/3/2009.

In the hearing held on 25/3/09 the LAO, Rohtak had informed the Commission that he did not receive the show cause notice dated 21/1/09 and hence could not file the reply. A copy of the notice dated 21/1/09 was, therefore, furnished to him at the time of the hearing. However, he brought on record the report of an enquiry conducted by him with regard to the non receipt of objection under section 5 (A) in the office of LAO, Faridabad. A report given by Sh. Rajesh Kumar, Section Officer and accepted by him dated 6/2/09 was taken on record. He was, however,

asked to send a proper detailed report on this matter. In pursuance of these directions a detailed reply has been sent by the LAO, Rohtak vide his letter dated 1/4/09 which is available on record. It has been mentioned in this reply that after the deposit of Rs.330/- on 1/7/08 a copy of the notification and Sajra Plan was given to the appellant on the same day namely 1/7/08. Dissatisfied with the information given to him the appellant again requested the office to provide some information and some documents (5A objections) where demanded from him on 1/8/08. After receipt of the documents from him the genuineness of the documents were verified from LAO, Faridabad on 24/9/08. Vide letter dated 16/10/08, the LAO, Faridabad confirmed that the documents (5A objections) were not received in his office. However, on 9/9/08 information pertaining to District Town Planner, Bahadurgarh was provided to the appellant directly under intimation to the LAO. The appellant filed an appeal with the Administrator, HUDA on 29/7/08 and even though the First Appellate Authority was the Additional Director, Urban Estates, the directions given by Administrator, HUDA were complied with.

The LAO has further clarified that he assumed office on 12/11/08 by which time the request of the appellant as well as the directions of the Administrator, HUDA had been complied with by supplying the requisite information. The appellant filed his appeal before the Commission and on receipt of notice on 11/12/08, Sh. Ram Kumar, Naib Tehsildar appeared before the Commission on 14/1/09. The orders passed by the Commission on 14/1/09 have been complied with in full. As desired the enquiry was got done from the Section Officer of his office and the appellant could not provide the original receipt of the claimed document. Smt. Mukesh Rani who was looking after the receipt seat also denied having received those documents. It has further been clarified that the office of LAO has no authority to release any land except to make recommendations to the competent authority. It has also been pointed out that some delay took place because of the uncertainty and frequent transfer of the Land Acquisition Officer posted at Rohtak. He has further clarified that ever since 12/11/08 the work regarding RTI cases is going on smoothly and requests for information are being replied within the

stipulated period. A request has, therefore, been made that the penal proceedings may be dropped.

The Commission has carefully considered this matter and has also gone through the report submitted by the Section Officer, Shri Rajesh Kumar dated 6/2/09. A perusal of these documents makes it clear that the appellant has been unable to prove that he submitted the objections under section 5 (A) in the Faridabad office. The information as directed by the Commission in its order dated 14/1/09 has been furnished and the orders of the Commission have been fully complied with. The Commission, therefore, feels that there is no need to continue with the penal proceedings in this case. Consequently proceedings initiated against Sh. Virender Lather, LAO, Rohtak under section 20(1) of the RTI Act are here by dropped.

Announced. To be communicated.

Place: Chandigarh
Dated: 28.5.2009.

(G. Madhavan)
Chief Information Commissioner,
Haryana, Chandigarh.

