



सूचना का
अधिकार
RIGHT TO
INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

.....
(Before the Hon'ble Information Commissioner Mr Dani Gamboo)

AN APPEAL UNDER SECTION 19 (3) OF RTI ACT, 2005.

APIC-No. 867/2023(Appeal)

Shri Brami Tamai
MOW & Associates near
Kidzee School Niti Vihar Itanagar
Papumpare District
A.P Pin: 791111. (M) 6009818187

Appellant

Versus

1.The PIO
Directorate of Land Management Deptt
Govt. of AP, Itanagar
Papumpare District
Arunachal Pradesh
Pin: 791111.

Respondents

2. The FAA Cum Director
Land Management Deptt.
Govt. of AP, Itanagar
Papumpare District
Arunachal Pradesh.
Pin: 791111.

Date of hearing: 24.05.2024

JUDGEMENT / ORDER

This is an appeal filed under sub-section (3) of the Section 19 of the RTI Act. 2005. Brief fact of the case is that the appellant Shri Brami Tamai on 3.3.2023 filed an RTI application in Form-A to the PIO Directorate of Land Management GoAP Itanagar, whereby, seeking various information as quoted in Form-A application.

Appellant being not received the information from the PIO, filed the First Appeal before the First Appellate Authority on 02.08.2023.

Appellant again having not received the required information from FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on 06.09.2023. The appellant has not attached any order of decision or response from the FAA against which appeal is preferred.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No. 859/2023 and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 24.05.2024. Notice of hearing dated 01.05.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 24.05.2024 the FAA Cum Director of Land Management Department did not attend in person, though she was represented with authorisation letter by Shri Taken Doke, Deputy Director Land Management Department. The appellant did not appear in person, he is represented by Shri Dekam Gingio with written authorisation from appellant. The PIO, Directorate of Land Management Department is absent.

Heard the parties present.

The representative of the appellant states that neither information document has been furnished to him by the PIO nor FAA has heard his appeal to dispose off the case at his / her level. So, he filed 2nd appeal to the Arunachal Pradesh Information Commission and prayed for necessary action.

The representative of the FAA could not substantiate of any action taken on the appeal file by the appellant by First Appellate Authority.

As laid down at para-38 of the Guidelines for the FAA issued by the GoI and the State Govt. OM No. AR-111/2008 Dated 21st August, 2008,.. adjudication on the appeals under RTI Act is a quasi-judicial function. It is, therefore, necessary that the Appellate Authority should see to it that the justice is not only done but it should also appear to have been done. In order to do so, the order passed by the appellate authority should be a speaking order giving justification for the decision arrived at.

On perusal of the case file, it is observed that there is no action on record taken by the FAA on the first appeal filed by the appellant. Letter correspondences on the matter taken place between PIO, Directorate of Land Management and PIO of Deputy Commissioner, Lohit District, Tezu office dated 16.3.2023 and 17.04.2023.

The PIO further written to the appellant on 31.05.2023 requested him (appellant) to pursue the PIO, DC's office Tezu on the matter. After lapse of two months the appellant filed appeal to first appeal to FAA on 02.08.2023. Apparently FAA has not heard the appeal to dispose of the case.

Therefore, the First Appellate Authority (FAA) Director of Land Management Department, GoAP Smt. Mamta Riba, following the principle of natural justice, shall conduct hearing giving fair and equal opportunity to both the appellant and the PIO and thereafter pass reasoned and speaking order on merit within three weeks from the date of receipt of this order. Hence, this appeal is remanded to the First Appellate Authority (FAA), the Director of Land Management, GoAP, Itanagar.

In view of the above facts and circumstances I find this appeal is fit to be disposed of and closed at commission with liberty to the appellant to file appeal afresh if aggrieved by the decision of the FAA. And, accordingly, this appeal stands disposed of and closed once for all.

Judgement / Order pronounced in the Open Court of this Commission today this 24th day of May 2024. Each copy of the Judgement / Order be furnished to the parties.

Given under my hand and seal of this Commission / Court on this 24th day of May' 2024.

Sd/-
(Dani Gamboo)
State Information Commissioner
APIC, Itanagar

Memo No.APIC-867/2023/1629
Copy to:

Dated Itanagar the 30th May' 2024.

1. Smt. Mamta Riba FAA cum Director, Land Management Deptment, GoAP Itanagar, Arunachal Pradesh. Pin: 791111.
2. The PIO, Directorate of Land Management Department, GoAP Itanagar Arunachal Pradesh. Pin: 791111.
3. Shri Brami Tamai MOW & Associates near Kidzee School Niti Vihar Itanagar Papumpare District A.P (M) 6009818187 Pin: 791111.
4. Computer Programmer APIC, Itanagar to upload in APIC website and mail to all concerned in their departmental email id.
5. Office copy.


Registrar / Dy.Registrar
Deputy Registrar
APIC, Itanagar
Arunachal Pradesh Information Commission
Itanagar