

CENTRAL INFORMATION COMMISSION
Appeal Nos.CIC/WB/A/00298,300-301 dated 12/05/2006

Right to Information Act 2005 – Section 19

Appellant: Shri G.B.Singh

Respondent: D.D.A.

Facts:

These are three cases in which information was sought from PIO Shri BS Jaglan, OSD (Res & Lands) by Shri G.B. Singh, Coordinator of the Coordination Committee Forum of Sukh Vihar, Gagan Vihar and Mausam Vihar, as follows:

1. a) Status of District Park situated between Mausam Vihar & Sukh Vihar as was awaited by the Chief Engineer, E-Zone, DDA, Vikas Minar vide their letter No.CE [EZ]/1/3/2004/2473, dated 17-9-04; b) Whether the thereabouts particularly north of plot number 33 of Mausam Vihar as per conveyance Deed is still District Park . If there is any change, details thereof.
2. Copy of Rule under which transfer of Plot No.3, IMD Coop. H.B. Society Ltd was ordered and mutation was made in favour of Smt. Veena w/o Room Chand vide order No.12(7)/79/CS/DDA/IMD/12331, dated 5-12-1989 and directed the Society to change the records by superceding powers of Registrar of Coop Society vested as pr Delhi Coop. Societies Act.
3. Whether duly allotted Khasras of land namely Khasra Nos.35/3/1/1, 35/3/2/1, 35/3/3/1/, 35/3/8/1/1, 235/3/8/2/1 which was allotted after Hon'ble Apex Court decree dated 23-7-4 vide Delhi Admn. letter No.F-13(20)/70-L&B dated 9 Oct. 1974 has ever been changed, and if so, details including change of land use.

Appellant Shri G.B. Singh complained that he received no reply to his appeal in case No 3 above i.e. relating to information sought regarding Khasra numbers, and in fact PIO Shri Jaglan had claimed that the file was misplaced. However, appellant argued that file had in fact been traced and produced in court. On the other applications appellant Shri G.B. Singh was dissatisfied with the responses received both from the PIO and in appeal. The matter was heard on 22-9-2006. The following were present:

Appellant:

- i) Shri G.B. Singh
- ii) Shri J.P. Mangalik
- iii) Shri B.K. Mehta

Respondents:

- i) Shri A.K. Jain, Commissioner (Plg) DDA
- ii) Shri S.P. Pathak, Director (Plg) DDA
- iii) Shri B.S. Jaglan, OSD (RL)/PIO
- iv) Shri K.S. Budgujar, Dy. Director (LM)/PIO

DECISION NOTICE

In the case of File No. CIC/WB/A/2006/00300 (serial No. 1 above) two questions were raised – (a) the status of District Park situated between Mausam Vihar and Sukh Vihar and (b) The status of Property north of plot No. 33 of Mausam Vihar in view of a conveyance deed of 29.7.03. As held by the Appellate Authority in the order conveyed by Jt. Director (Plg) on 24.2.06 to appellant Shri G.B.Singh, the information sought had been conveyed vide letter of CPIO dated 24.1.06. This letter had clearly indicated approved lay out plans of Mausam Vihar Cooperative House Building Society and subsequent land use of this strip under the Master Plan for Delhi 2001 and the Zonal Development Plan of Zone 'E' of 1998. Although the specific question of land - Plot No. 33 has not been specifically answered in his letter of 24.1.06 by Shri S.B. Pathak, Director (Planning), Shri Pathak during the hearing re-emphasized that the information provided pertain to all the land covered by this strip. In our view, if there has been any incorrect departure from this plan, appellant Shri G.B.Singh will have to seek recourse, not through this Commission, but from the regular mechanism for

rectification of errors or through the Grievance Redressal Machinery. We are satisfied that in this matter the information available to the Public Authority has been provided.

In the case of File No. CIC/WB/A/2006/00298, (S. No. 2 above) the information sought is specifically a copy of the Rule under which transfer of plot No. 7, IMD Cooperative House Building Society was ordered and mutation made. Although Appellate Authority Shri R.K.Singh, Commissioner (LD) has indeed clarified that the policy in question under which this was done is covered u/s 6 & 7 of the Perpetual Sub Lease Deed executed with the allottee, which comes under the rules made under the D.D.A. Acts. The specific rule has not in this case been cited. CPIO Shri Jaglan will, therefore, provide specific copy of the rule to appellant Shri G.B.Singh free of charge, within one week of date of issue of this order.

In the case of F.No. CIC/WB/A/2006/00301, (S No 3 above) the information sought was whether duly allotted Khasras of land named in the application had ever been changed and asked for details including change of land use. In this matter the plea that the concerned file is not traceable in the Branch of the DDA, has been challenged by appellant Shri G.B.Singh who during the hearing has presented before us a copy of an interim order No. CDKKD/Delhi of 13.2.2006 i.e. almost simultaneous to the reponse of PIO Shri B.S.Jagalan to the application, in which file bearing No. is stated to have been produced by the DDA during cross examination. While appellant Shri G.B.Singh has pleaded that No. 30 on the interim orders cited above, is a misprint for 13 which is the number of the original file, there is reasonable ground for doubt whether the file continues to be untraced.

In this matter we also find that the appeal has not yet been disposed of. The Appellate Authority is, therefore, directed to dispose of the appeal within 15 working days of the issue of this order. PIO Shri Jaglan has during the hearing invited the appellant Shri G.B.Singh to visit his office on a mutually convenient date, assist in tracing this file and placing this file before

the Appellate Authority for his orders. This may now be done in order to ensure timely compliance with these directions.

Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)

Chief Information Commissioner

22.9.2006

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.

(L.C.Singhi)

Addl. Registrar

27.9.2006