

CENTRAL INFORMATION COMMISSION

Appeal No. CIC/WB/A/2006/00266
Right to Information Act 2005 – Section 19

Appellant: Shri Shubh Inder Singh

Respondent: Land & Development Office, Ministry of Urban Development.

Facts:

Shri Shubh Inder Singh s/o Late Col. Joginder Singh of East Patel Nagar, New Delhi through an application of 10.1.06 sought the following information:

1. The matter of the present lessees/owners of property No. E-2/11, East Patel Nagar, New Delhi.
2. Attested copies of Lease and Conveyance Deeds executed subsequent to the original Lease Deed dated 22.11.1950 along with their registration details.
3. Attested copy of application dated about 28/29th March 1966 submitted by Smt. Iqbal Kaur widow of Sardar Bahadur Sardar Sital Singh in response to Letter No. L&DO/MO/PS-1/5391 dated 22.01.1966.
4. Attested copy of mutation/substitution order in the name of Smt. Sneha Lata consequent upon the death of her husband Shri Prithvi Raj on 5.1.02 and the attested copy of application seeking mutation/substitution in her name along with requisite documents such as Affidavit, Indemnity Bond, copy of Will, No Objection Certificates etc.
5. Attested copy of other mutation/substitution orders passed by the L&DO in respect of Property No. E-2/11 East Patel Nagar, New Delhi subsequent to 10.1.2000.
6. Attested copy of latest agreement/lease deed entered into with the Lessor/Chief Commissioner, Delhi/L&DO in respect of Property No. E-2/11, East Patel Nagar, New Delhi.
7. Attested copy of allotment letter issued to late Sardar Bahadur Sardar Sital Singh in Feb. 1950 in respect of the Bungalow Plot No. E-2/11, East Patel Nagar, New Delhi measuring 800 sq. yds.

8. Attested copies of sanctioned building plan No. Bg.15 (292) 50 of the single storey Bungalow constructed on Plot No. E-2/11, East Patel Nagar, New Delhi.
9. Attested copy of supplemental deed dated 4.2.71 executed between the President of India and S/Shri G.S.Chopra, Joginder Singh Chopra along with the slip attached in respect of an unnumbered property situated at East Patel Nagar.

A response was received through a letter of 28/11/05 from Shri V. Sreekumar PIO and PRO, L&DO, New Delhi giving the following information:

“ ½ share in the property stands substituted in the joint names of Shri Prithvi Raj & Smt. Sneh Lata, son and daughter of Late Smt. Dhan Devi and Smt. Mohan Devi respectively and the other ½ share in the name of Shri Joginder Singh vide this office letter No. L&DO/PS-III/678 dated 31.7.2003. A copy of the same is enclosed.”

Regarding the remaining information, request was rejected u/s “8(j)” of the RTI Act. Further information was sought by Shri Shubh Inder Singh vide his letter of 15.12.05 from PIO Shri V.Sreekumar, in response to which vide letter of 12.1.06 the latter replied as follows:

- (i) The share of co-lessee Shri Prithvi Raj in property No. 2/11 East Patel Nagar has not yet been substituted in the records of this office since no request has been received in this office.
- (ii) As per record of this office, ½ share in the property stand substituted in joint names of Shri Prithvi Raj and Smt. Sneh Lata and other ½ share in the name of Shri Joginder Singh vide letter No. L&DO/PS-III/55 dated 10.1.2000 jointly. It was clearly indicated in the said letter that sub division of the property would not be allowed at any stage. If Smt. Sneh Lata has made any wrong statement in this regard, you may bring it to the notice of the MCD authorities.
- (iii) 2/E/11, East Patel Nagar and E-2/11, East Patel Nagar are one and the same property.

Dissatisfied with this information Shri Shubh Inder Singh moved his first appeal complaining that the PIO be deemed to have refused the applicant's

request for complete and correct information with regard to Lessees and owners of the property **now measuring 726.66 sq. yds (previously 800 sq. yds.)**

The matter was heard on 22.9.06. The following are present: -

1. Shri Shubh Inder Singh, appellant
2. Appellate Authority & Additional Commissioner Shri Rakesh Kumar
3. Shri V.Sreekumar, then CPIO
4. Shri S.S.Mahati
5. Shri A.Bhattacharya, present CPIO

The Deputy L&DO vide letter of 20.9.06 has filed the respondents' reply to the appeal notice, to which Shri Shubh Inder Singh submitted his rejoinder before us in the hearing. He specifically drew our attention to paragraph 5 of his rejoinder, which reads as follows:

“That on 14.12.1972 mutation was effected in respect of **‘Half portion of property No. 2/11, East Patel Nagar (measuring 120 ft. x 30 ft.) New Delhi’** in the joint names of the alleged vendees **jointly with Joginder Singh (who owns the other half)** (written by hand as an afterthought) on the basis of an unilateral application dated 2.6.71 submitted by Smt. Mohan Devi seeking mutation of **one half portion** of property No. 2E/11, East Patel Nagar, New Delhi. The then Assistant Settlement Commissioner, with malafide and ulterior motives has not specified the grounds on which the purported portion of the property presently in illegal occupation of Smt. Sneh Lata, has been designated as separate property nor has he explicitly specified the nature and extent of interest of Lt. Col. Joginder Singh in the **‘other half’**. It is also important to mention that the then Assistant Settlement Commissioner, Shri C.J.Motwani did not endorse a copy of this order to Lt. Col. Joginder Singh. True copy of mutation order dated 14.12.1972 is attached as Annexure B.”

It was clarified to appellant Shri Shubh Inder Singh that the mandate of the RTI Act is only to ensure that the information as exists be provided. The legality of action taken can be agitated not before this Commission but before the designated judicial authority.

It was also clarified to respondents that while there is no section 8(j) of the Act, section 8(1)(j) might not be used for denying information on grounds of the invasion of privacy if it is already in the public domain. Therefore, information sought in the original application on points 7, 8 & 9 was not justifiably denied. Besides statements recorded by a public authority of a private party, unless specifically designated as “confidential” which could lead to invocation of sec. 11 of the Act, cannot be denied on grounds of private information removed from public interest. The examination by the public authority in itself constitutes the public interest.

DECISION NOTICE

The information now required by appellant Shri Shubh Inder Singh is a confirmation that the L&DO have provided complete information of the names of the lessees/holders of the land and building of the property now measuring 720.66 sq.yds. /602.56 sq.mtrs. and previously 800 sq.yds/668.9 sq.mtrs., a true copy of lay out plan of which was submitted by appellant Shri Shubh Inder Singh to the C.P.I.O. in his letter of 17.1.06. Although both CPIO and Appellate Authority in the L&DO have clarified shares of various parties, it has not been clarified as to the size of property of which this is the share. Basically, therefore, there has been a lack of understanding by the officials of L&DO of the requirement of appellant Shri Shubh Inder Singh, which has led to a lack of clarity in the information provided.

It has, however, now been clarified before us that the shares described in the response of PIO Shri V. Sreekumar to the clarification sought on 25.11.05 through PIO's letter of 12.1.06 and in the decision on first appeal dated 8.2.06, are that in the records of the L&DO, the shares are in the property of 800 Sq.Yds/668.9 sq. mtrs., modification in size as a result of acquisition not having been brought on their record Present CPIO Shri Bhattacharya will send a confirmation of this position to appellant Shri Shubh Inder Singh within one week of the issue of this Decision Notice.

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

22.9.2006