

100543 (A)
31/05/2024



To,

West Bengal Information Commission
11 A, Mirza Galib Street,
Khadya Bhaban,
Kolkata-700 087

Subject: Second Appeal under Section 19(3) of Right to Information Act, 2005

Date: 15/05/2024

Name and Address of the appellant:

Shailendra Prasad
SHAIENDRA PRASAD
S/O- GULLU BHAGAT
VILL- AMRAPARA
PO- AMRAPARA
DIST- PAKUR
Pincode: 814111

Name and Address of the CPIO:

Deputy District Land & Land Reforms Office, Birbhum
Suri,
West Bengal 731101

Date of submission of RTI request: 02/03/2024 ✓

Date of RTI reply: No response received

Name and Address of the FAA:

Additional District Magistrate & DL & LRO, Birbhum
PO+PS : Suri, Birbhum
West Bengal,
India, 731101

Date of submission of FA request: 11/04/2024 ✓

Date of FA reply: No response received

A
W
30/5/24

Brief facts of the case:

1. The Applicant had filed a RTI Application seeking information on the following grounds:

Please provide the following information under section 2(f) and 2(j) of the RTI act:

1) A certified photocopy of the documents which I have received information " Deed No 1134 Dated 07/12/1962, Pritam Payari was recorded against KB KHATIAN 06 against plot no 2450, mouza Nalhti, JL no 53" from your office through Vide Memo No 547/BL&LRO/NALHTI-1/2023.

2. However, there was no response from the concerned Public Information Officer (PIO) of the Public Authority to the RTI Application within the mandatory period of 30 days from the date of receipt of the application.

3. The Applicant, then proceeded to file a First Appeal u/s 19 of the Right to Information Act against the no-response of the PIO to the application.

4. However, there was no response from the concerned First Appellate Authority (FAA) of the Public Authority to the First Appeal.

Grounds for Prayer or Relief:

1. As there is no reply from the PIO within 30 days from the date of the RTI Application and also no reply from the First Appellate Authority within 30 days from the date of the First Appeal, a second appeal is being filed under section 19(3) of the Right to Information Act within the mandatory time period of 90 days. The copy of the RTI application and first appeal have been annexed herewith as Annexure 1 and Annexure 2.

The applicant has not been provided with any response/reply from the concerned PIO. The present appeal is a case of No Response to the RTI. The applicant has not been provided with any response/reply from the concerned FAA. The present appeal is a case of No Response to the First Appeal. As there has been no response from the concerned PIO and FAA, the question of the

acknowledgment copy/proof does not arise as the applicant has not been provided with one by the concerned authorities. The applicant has duly filed the RTI application through speed post having India Post tracking number ED618286486IN and First Appeal through speed post having India Post tracking number ED240158926IN.

2. The failure of the PIO as well as the FAA to respond to the application within the specific time frames as provided under the Act is a violation of Section 5(3), 5(4) and 5(5) which mandates that the PIO is to make all efforts to ensure that the requested information is properly furnished to the applicant.

3. The denial of information by the PIO is in violation of the provisions of the RTI Act, tantamounting to deemed refusal in terms of Section 7(1) of the RTI Act which makes the PIO liable for penal action under Section 20(1) of the RTI Act. The PIO has clearly failed to discharge its duties and obligations in the letter and spirit of the Act.

4. The information sought by the applicant in the RTI Application is very much a part of the information maintained by the concerned public authority falling under the definition of section 2(f) of the RTI Act and the PIO and FAA have no reasons whatsoever, of refusing to provide the information. In fact, their failure to even reply to the application highlights the fact that the application has been dealt with in a negligent and apathetic manner.

5. Various orders have been passed by the Hon'ble Central Information Commission to the effect that a no response from the PIO and the FAA calls for strict action against the concerned officer along with directions to be issued for the disclosure of the information sought at the earliest.

6. In the CIC decision of F.No.CIC/SS/A/2014/000013-Y and F.No.CIC/YA/A/2014/000349 in the case of Shri M. Ramanathan versus Social Welfare Dept. dated 27.01.2015, it was directed to the concerned department to disclose the information to the applicant as there was no reply from the PIO and also no order was passed by the First Appellate Authority. The following observations had been made in the aforementioned CIC decision:

"In file nos. CIC/SS/A/2014/000013-YA and CIC/YA/A/2014/000349, the PIO/ Director, O/o Directorate of Social Welfare, Puducherry is directed to furnish information to the appellant in response to his RTI applications dated 30.07.2013 & 13.09.2013, within three weeks of receipt of this order, under intimation to

the Commission. The information shall be provided as is available on record and as per the provisions of the RTI Act. Secretary to Government (Welfare - Social Welfare), Puducherry is directed to take note that the PIO and the FAA have not dealt with the above RTI applications at all. This is for information and necessary action as deemed fit. Show cause notice is issued to the present PIO/Director, O/o Directorate of Social Welfare, Puducherry for not providing information to the appellant within prescribed time. He is further directed to send a copy of this order to the erstwhile PIO/Director, O/o Directorate of Social Welfare, Puducherry, who did not provide information to the appellant within prescribed time in response to the RTI applications."

7. In the matter titled Pankaj Bansal vs CPIO, Railway Board bearing no.CIC/CC/A/2016/000546-AB, the Central Information Commission has observed that:

"On perusal of the case record, it was seen that that there is no reply from the public authority concerned. The cryptic remarks of the CPIO "that the matter referred to ESO/CRB" has no meaning under the provisions of the RTI Act. There is no proof that the said RTI application was transferred u/s 6(3) of the RTI Act. In the absence of such documentary evidence, it was concluded that it is a straight case of non-compliance of the RTI Act on the part of the CPIO concerned. The Commission notes that the appellant's RTI applications had not been handled properly and even the first appeal had not been disposed of due to which he had not received complete and timely information. For the detriment caused he deserves to be compensated, therefore in exercise of the powers vested in the Commission under section 19(8) (b) of the RTI Act, the Commission directs the department to compensate the appellant by an amount of Rs.5000/- for the inconvenience and detriment caused to him."

In the above mentioned order passed by the CIC on 22.05.2017, it has been clearly observed that in cases where no response has been provided by the PIO and FAA, it is an act of gross negligence on the part of the concerned officers towards the implementation of the RTI Act.

8. Furthermore, in terms of the above mentioned order, in the present case, the PIO is liable to provide the information sought by the applicant/appellant, free of cost and complete in all respects.

9. As the application of the applicant/appellant has not been handled properly and even the first appeal has not been disposed off accordingly, the concerned PIO is liable to face penal action. The applicant has suffered detriment, mental

agony and harassment for not receiving timely and complete information and deserves to be compensated u/s 19(8)(b) of the RTI Act.

Prayers or Relief Sought:

I appeal to you to kindly direct the concerned PIO to provide the correct and relevant information to the undersigned at the earliest, that is complete in all respects. I also humbly appeal to the Hon'ble Commission to levy penal/punitive action against the concerned officer for failing to provide a timely response and compensating the undersigned/appellant for the detriment caused for the reasons mentioned in the appeal above. The Hon'ble Commission may also pass any other or further orders in the interest of justice.

Verification:

I, Shailendra Prasad hereby state that the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter is not previously filed with this commission nor is pending with any Court or tribunal or authority

Yours sincerely



Shailendra Prasad

Enclosures:

Annexure 1 - Copy of the original RTI Application.

Annexure 2 - Copy of the original First Appeal Application.

**Copy To,
The Public Information Officer
Deputy District Land & Land Reforms Office, Birbhum
Suri,
West Bengal 731101**



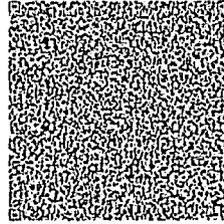
भारत सरकार
Government of India

भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India

नामांकन क्रम/ Enrolment No.: 0000/00287/55739

To
प्रकाश कांडपाल
Prakash Kandpal
DHARMANAND KANDPAL
Room No.5, First Floor, 36B/9
12 Bhai Gali
Near Sukha Kooaan
Kishan Garh, New Delhi
Vasnt Kunj Pkt-a
South West Delhi Delhi - 110070
9350252425

Signature Not Verified
DHARMANAND KANDPAL
Room No.5, First Floor
36B/9, 12 Bhai Gali
Near Sukha Kooaan
Kishan Garh, New Delhi
Vasnt Kunj Pkt-a
South West Delhi Delhi - 110070
9350252425



आपका आधार क्रमांक / Your Aadhaar No. :

2571 9348 8337
VID : 9169 0344 1388 0455

मेरा आधार, मेरी पहचान



भारत सरकार
Government of India



प्रकाश कांडपाल
Prakash Kandpal
जन्म तिथि/DOB: 08/02/1980
पुरुष/ MALE

2571 9348 8337
VID : 9169 0344 1388 0455

मेरा आधार, मेरी पहचान



भारत सरकार
Government of India



सूचना / INFORMATION

- ❑ आधार पहचान का प्रमाण है, नागरिकता का नहीं।
- ❑ आधार विशिष्ट और सुरक्षित है।
- ❑ सुरक्षित वस्तुआर कोड/ऑफलाइन एक्सएमएल/ऑनलाइन प्रमाणीकरण का उपयोग करके पहचान सत्यापित करें।
- ❑ आधार के सभी रूप जैसे आधार पत्र, पंजीसी कार्ड, e-आधार और एम-आधार समान रूप से मान्य हैं। 12 अंक की आधार संख्या के स्थान पर आभासी (वर्चुअल) आधार पहचान (VID) का भी उपयोग किया जा सकता है।
- ❑ 10 साल में कम से कम एक बार आधार अपडेट जरूर करें।
- ❑ आधार आपके विभिन्न सरकारी और गैर-सरकारी योजनाओं/सेवाओं का लाभ उठाने में मदद करता है।
- ❑ आधार में अपना मोबाइल नंबर और ई-मेल आईडी अपडेट रखें।
- ❑ आधार सेवाओं का लाभ उठाने के लिए स्मार्टफोन पर mAadhaar ऐप डाउनलोड करें।
- ❑ आधार/बायोमेट्रिक्स को लॉक/अनलॉक करने की विशेषता का उपयोग सुरक्षा सुनिश्चित करने के लिए करें।
- ❑ आधार (पत्र/ नंबर) चाहने वाली संस्थायों को उचित सहमति लेने के लिए बाध्य किया गया है।
- ❑ Aadhaar is a proof of identity, not of citizenship.
- ❑ Aadhaar is unique and secure.
- ❑ Verify identity using secure QR code/offline XML/online Authentication.
- ❑ All forms of Aadhaar like Aadhaar letter, PVC Cards, eAadhaar and mAadhaar are equally valid. Virtual Aadhaar Identity (VID) can also be used in place of 12 digit Aadhaar number.
- ❑ Update Aadhaar at least once in 10 years.
- ❑ Aadhaar helps you avail various Government and Non-Government benefits/services.
- ❑ Keep your mobile number and email id updated in Aadhaar.
- ❑ Download mAadhaar app on smart phones to avail Aadhaar Services.
- ❑ Use the feature of lock/unlock Aadhaar/biometrics to ensure security.
- ❑ Entities seeking Aadhaar are obligated to seek due consent.

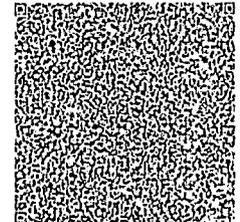


भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India



पता:
धर्मानंद कांडपाल, कमरा संख्या 5, प्रथम तल, 36B/9,
12 भाई गली, निकट-सूखा कूआन, क़िशन गार्ह, नई दिल्ली,
वसंत कुंज पकट-1, साउथ वेस्ट दिल्ली,
दिल्ली - 110070

Address:
DHARMANAND KANDPAL, Room No 5, First
Floor, 36B/9, 12 Bhai Gali, Near Sukha
Kooaan, Kishan Garh, New Delhi, Vasnt Kunj
Pkt-a, South West Delhi,
Delhi - 110070



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VID : 9169 0344 1388 0455

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विजय कुमार भगत
भारत

पता:

S/O: विजय कुमार भगत,
49, अमरपारा बाजार,
अमरपारा बाजार, पाकुड़,
झारखण्ड - 814111

Address:

S/O: Vijay Kumar Bhagat, 49,
Amrapara bazar, Amrapara Bazar,
Pakur,
Jharkhand - 814111

7348 9817 2647

Aadhaar - Aam Admi ka Adhikar

The Right to Information Act, 2005

First Appeal for State Government

I.D No _____ Date: _____ [For office use]

To,

The First Appellate Authority under RTI Act

Additional District Magistrate & DL & LRO, Birbhum
PO+PS : Suri, Birbhum
West Bengal,
India, 731101

Sir,

As I am aggrieved by no decision of State Public Information Officer, I hereby file this appeal for your kind decision.

1. Details of appellant

1.1 Full Name: Shailendra Prasad

1.2 Full Address:

SHAIENDRA PRASAD
S/O- GULLU BHAGAT
VILL- AMRAPARA
PO- AMRAPARA
DIST- PAKUR
Pincode: 814111

1.3 Phone/Cell No: 7903311980

1.4 Email ID: er_shai2009@rediffmail.com

2. Details of State Public Information Officer (SPIO)

2.1 Name/Designation: Public Information Officer

2.2 Full Address:

Deputy District Land & Land Reforms Office, Birbhum
Suri,
West Bengal 731101

3. Details of RTI application to SPIO

Date of Application: Saturday, March 2nd 2024

Mailed on : 02/03/2024 by Registered Post No.: ED618286486IN

Date of receipt by SPIO: 07/03/2024

4. Particulars of payment of filing fee:

Paid Rs.10/- by bank draft/pay slip/IPO No: By Court Fee Stamp

5. Details of information sought:

Please provide the following information under section 2(f) and 2(j) of the RTI act:

1) A certified photocopy of the documents which I have received information " Deed No 1134 Dated 07/12/1962, Pritam Payari was recorded against KB KHATIAN 06 against plot no 2450, mouza Nalhti, JL no 53" from your office through Vide Memo No 547/BL&LRO/NALHTI-1/2023.

6. Particulars of Decision of SPIO:

No response received

7. Brief facts of the case:

Please provide the following information under section 2(f) and 2(j) of the RTI act:

1) A certified photocopy of the documents which I have received information " Deed No 1134 Dated 07/12/1962, Pritam Payari was recorded against KB KHATIAN 06 against plot no 2450, mouza Nalhti, JL no 53" from your office through Vide Memo No 547/BL&LRO/NALHTI-1/2023.

8. Reasons/grounds for this appeal:

1. As there was no reply from the Public Information Officer, to the RTI application dated 06/03/2024 within 30 days, an appeal is preferred before the First Appellate Authority under the Section 19 (1) of the Right to Information Act, 2005.

2. Under the RTI Act, 2005, a PIO is obliged to provide access to information to a citizen unless as stipulated by Section 7 (1), furnishing of such information is covered by one of the exemptions provided under Section 8 or Section 9 of the RTI Act.

3. The PIO has failed to discharge its duties and obligations and has adopted a lackadaisical approach towards dealing with the RTI application by not responding within 30 days of the application.

4. The PIO has failed to inform the applicant as to why this information has not been disclosed to the applicant and its reasons thereof. Section 4 (1) (d) of the RTI Act clearly lays down that every public authority shall have to disclose the reasons for its decisions to the affected persons.

5. It is obligatory upon the PIO to disclose the information as requested by the applicant. The request of the applicant squarely falls within the definition of right to information under Section 2 (j) of RTI Act read with Section 2 (f) and 2 (i) relating to the definition of information and record. The applicant in his RTI application has clearly enumerated the information which he desires and there is no ground whatsoever for the PIO to not to provide him the complete information.

9 Any other information in support of appeal:

No

10 Prayer/relief sought for:

The PIO may be directed to furnish information requested in the RTI application as available in the files/records and made available to the applicant.

11. Personal Presence at hearing: NO

12. Enclosures:

Photocopies of original RTI application with its enclosures, postal proof of mailing

13. Declaration:

I hereby state that the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter is not previously filed with any information commission nor is pending with any Court or tribunal or authority.

Signature of appellant



Monday, April 15th 2024

**The Right to Information Act 2005
Application for obtaining information**

From

Shailendra Prasad
SHAIENDRA PRASAD
S/O- GULLU BHAGAT
VILL- AMRAPARA
PO- AMRAPARA
DIST- PAKUR
Pincode: 814111

To

The Public Information Officer
Deputy District Land & Land Reforms Office, Birbhum
Suri,
West Bengal 731101

SUB : Certified photocopy of the documents which I have received information " Deed No 1134 Dated 07/12/1962, Pritam Payari was recorded against KB KHATIAN 06 against plot no 2450

Dear Public Information Officer:

Under the Right to Information Act 2005, Section 6, I need some information. The details of the information are as follows

1. Details of the applicant

Name: Shailendra Prasad
Email: er_shai2009@rediffmail.com
Address: SHAIENDRA PRASAD S/O- GULLU BHAGAT VILL- AMRAPARA PO- AMRAPARA DIST- PAKUR Pincode: 814111
Phone: 7903311980

2. Period to which the information relates: 2023-2024

3. Details of Information

Please provide the following information under section 2(f) and 2(j) of the RTI act:

1) A certified photocopy of the documents which I have received information " Deed No 1134 Dated 07/12/1962, Pritam Payari was recorded against KB KHATIAN 06 against plot no 2450, mouza Nalhti, JL no 53" from your office through Vide Memo No 547/BL&LRO/NALHTI-1/2023.

4. Application fee details

Encl. Application Fee of Rs 10/- By Court Fee Stamp

5. Below Items are for your kind information and consideration

- a. As per section 6(3) of the RTI Act 2005, In case, the requested information is held by another public authority, I request the PIO to transfer the application or part of it within FIVE days and immediately inform me about such transfer.
- b. As per section 7(3) of the RTI Act 2005, In case, there are further fee required to provide the requested information, I request the PIO to inform me of the additional fee amount along with the calculations made to arrive at the amount.
- c. As per section 7(8)(iii) and 7(3)(ii) of the RTI Act 2005, I request the PIO to inform me of the particulars of First Appellate Authority.

6. Declaration

I declare that I am a citizen of India.

Yours faithfully,



Friday, March 1st 2024

1236389

Hearing on 23-02-2026

State Chief Information Commissioner West Bengal < scic-wb@nic.in >

Fri, 30 Jan 2026 11:07:15 AM +0530

To "ASHIM PAL"<dllro-bir@birbhum.gov.in>

Cc "er_shai2009"<er_shai2009@rediffmail.com>

Please find the attachment, for further details visit our website

West Bengal Information Commission

1 Attachment(s)

WBIC-RTI-A-100543-1504-202...

16.3 KB

Hearing postponed to 19-03-2026

State Chief Information Commissioner West Bengal < scic-wb@nic.in >

Tue, 17 Feb 2026 3:49:19 PM +0530

To "ASHIM PAL"<dllro-bir@birbhum.gov.in>

Cc "er_shai2009"<er_shai2009@rediffmail.com>

Please find the attachment, for further details visit our website

West Bengal Information Commission

1 Attachment(s)

POSTPONED TO 19-03-2026....

515.2 KB