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01/10/2024

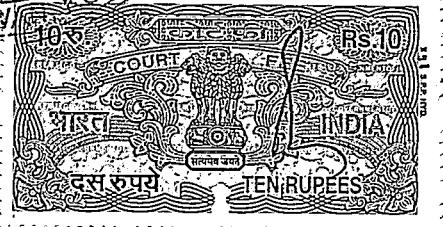


Page 1 of 2

FILING OF 2ND APPEAL BEFORE THE WEST BENGAL INFORMATION COMMISSION

U/S-19(3) of R.T.I. Act, 2005.

(Vide Circular No. 3008-WBIC/Admin-05/13, Dated: 20/08/2019)



1) Name of the Appellant: SRI SADHAN CHANDRA DHARA.

2) Complete Postal Address: S/O-LATE PULIN BIHARI DHARA,
(Attach self-attested copy of one address proof document) AT-AMBA PASCHIM, P.O.-SAMRAIPUR,
Viz. Bank Pass Book, EPIC, PAN, Driving Licence, P.S.-KHARAGPUR LOCAL,
Passport, AADHAR Card etc.) DIST.-PASCHIM MEDINIPUR, PIN-721301.

3) a) Contact No: 9775524807 / 8926441586.
b) E-mail id: shisuman@rediffmail.com.com

4) a) Date of filing of application for information under RTI Act: 22/02/2024. (Annex. -1, Page:1)
(A self-attested copy of RTI application should be attached)

b) Whether application fee paid: YES Y / N

i) If yes, mode of payment: COURT FEE

ii) If no, self-attested photocopy of relevant certificate issued by competent authority should be attached. NOT APPLICABLE

5) Name of State Public Information Officer / State Assistant Public Information Officer to whom the application was made and address:
THE BLOCK LAND & LAND REFORMS OFFICER & S.P.I.O. & ASSISTANT DIRECTOR,
KHARAGPUR-I BLOCK, PASCHIM MEDINIPUR,
NEW ADMINISTRATIVE BUILDING OF S.D.O.-KHARAGPUR,
AT & P.O.-KHARAGPUR, P.S.-KHARAGPUR TOWN,
DIST.-PASCHIM MEDINIPUR, PIN-721301.

a) Whether RTI Petition is transferred to another SPIO u/s 6(3) of the RTI Act,2005: NO Y / N
If yes, name & address of such authority:
(Please attach copy of transfer memo as above)

6) Gist of the information sought for:
A copy of the 'Conversion Certificate' was sought for, bearing Conversion Case No: 5/04, along with the xeroxed copies of the papers submitted at that time and authenticated copies of the Office Note/Order Sheet on which the entire proceedings of the said file works have been noted down/recorded by the then officials of the office of the B.L.&L.R.O., Kharagpur-I, in respect of the Conversion Case No: 05/04.

7) Have you received any response/information?

If so, attach a self-attested copy of the same. YES. After issuance of notice of hearing from the 1st appellate authority by mentioning a back date by the S.P.I.O. (Annex. -2, Page:2)

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20/09/2024
Sadhann Chandra Dhara /
27/09/2024

8) Date of filing 1st appeal: 11/06/2024. (Annex. -3, Page:3 & 4)
(A self-attested copy of 1st appeal along with proof of submission of the same should be attached)

9) Authority to whom the first appeal was made with address:

THE 1ST APPELLATE AUTHORITY & ADDL. DISTRICT MAGISTRATE &
DISTRICT LAND & LAND REFORMS OFFICER,
PASCHIM MEDINIPUR DISTRICT,
AT-KERANITOLA, P.O.-MIDNAPUR,
DIST.-PASCHIM MEDINIPUR, PIN-721101.

10) Decision of the 1st Appellate Authority, if any, including number and date of the order:

(A self-attested photocopy of the order of the 1st Appellate Authority should be attached)

Memo No: 4930/1(2) RTI(Appeal)/Kgp-I/17230/24, Dated: 18/07/2024. (Annex. -4, Page:5 to 6)

11) Grounds for 2nd appeal and the relief sought(specify):

A copy of the 'Conversion Certificate' & other connected papers was sought for in c/w Conversion Case No: 5/04. Unfortunately, the S.P.I.O. provided an evasive reply & the Appellate Authority also tried to save the S.P.I.O. by directing him to lodge General Diary of missing documents in case of non-availability even after ordering to form a search team to find out the same records. The S.P.I.O. finally did not comply the order of the Appellate Authority within four (4) weeks as per the order. The S.P.I.O. did furnish the sought information till date which is held by his office and despite being the issuing authority of the said 'Conversion Certificate', thereby violated several sections of the R.T.I. Act,2005.

12) If 2nd appeal is filed after 90 days from the date on which the decision of the 1st Appellate Authority was received or after 135 days from the date of filing of the 1st appeal, explain the reasons for the delay along with supporting documents: NOT APPLICABLE.

I, SRI SADHAN CH. DHARA, son/daughter of LT. PULIN BIHARI DHARA, aged 71 years, being an Indian Citizen, do hereby solemnly affirm that the statements made herein are true to my knowledge based on records and the rest are my submissions to the Hon'ble West Bengal Information Commission.

I also declare that this matter is not previously filed with this commission nor is pending with any Court or Tribunal or Authority.

Place: Kharagpur, Paschim Medinipur.
Date: 27/09/2024.

Sadhan Chandra Dhara
Signature of the appellant 27/09/2024.

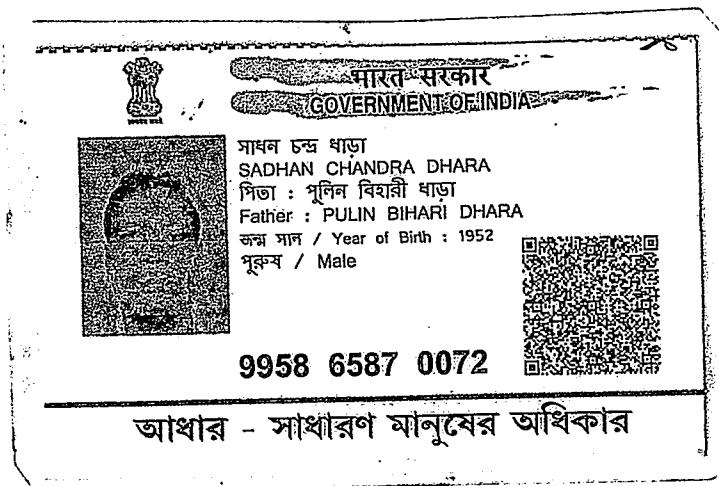
(Name of the appellant)

List of documents to be enclosed: -

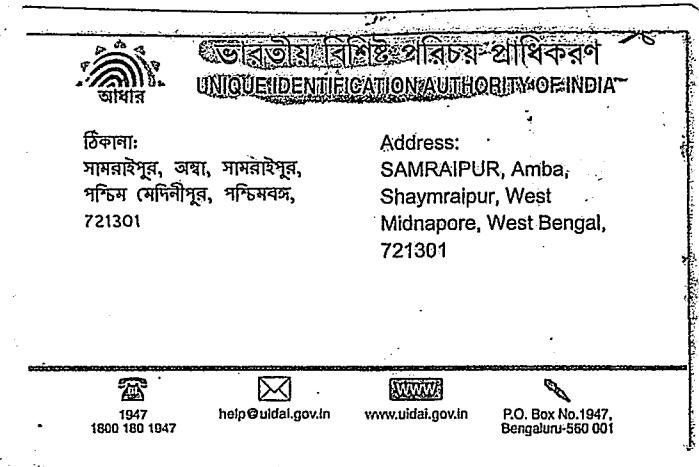
- a) Self-attested copy of address proof document.
- b) Self-attested copy of RTI application.
- c) Self-attested photocopy of proof of RTI fee payment or of BPL status.
- d) Self-attested copy of 1st appeal.
- e) Self-attested copy of all communications / replies received from the public authorities in Connection with the instant RTI applications.
- f) 2nd appeal in the format as above.
- g) Any other documents in support of the 2nd appeal.

NOTE:

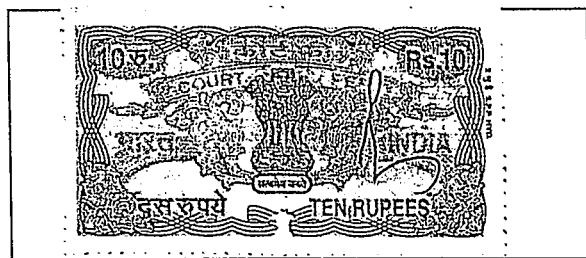
- 1) 2nd appeal is liable to be rejected if submitted without proper documents.
- 2) Separate 2nd appeal has to be filed in respect of each RTI application.



Sadhan Chandra Dhara
27/09/2024



To
 The S.P.I.O.,
 Office of the B.L. & L.R.O.,
 Kharagpur-I Block, Paschim Medinipur,
 New Administrative Building of S.D.O., Kharagpur,
 Kharagpur, Dist.-Paschim Medinipur,
 Pin-721301.



Requisite Court fee of Rs: 10/-is affixed

Sub: Submission of R.T.I. appeal under 'the R.T.I. Act, 2005'

Sir,

Whereas, the Sub-Section-(I) a) of Section-4 of 'the R.T.I. Act,2005' says as follows:

"Every public authority shall-----

a) *Maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated;"*

And Whereas, the Section-2(j) of 'the R.T.I. Act, 2005', reads as follows:

"Right to Information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to:

- (i) *Inspection of work, Documents, Records;*
- (ii) *Taking notes, Extracts or Certified copies of documents or records;*
- (iii) *Taking certified samples of material;*
- iv) *Obtaining information in the form of Diskettes, Floppies, Tapes, Video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device."*

And Whereas, the Section-8(3) of 'the R.T.I. Act, 2005', reads as follows:

"any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section."

And Whereas, 'the West Bengal Right to Public Services Act,2013', guarantees delivery of public services to the people of the state within the stipulated time limit for matters connected therewith and incidental thereto,

You are therefore requested to furnish the following information to the undersigned under 'the R.T.I. Act,2005':

- 1) Please transmit an *authenticated copy of the 'Conversion Certificate'* in connection with the prayer submitted to your office by Sri Sadhan Chandra Dhara, bearing Conversion Case No: 05/04, in connection with which the undersigned applicant received a notice, dated: 25/02/04, duly issued by the then BL& LRO, Kharagpur-I, for Inspection and Hearing (Copy attached) and the undersigned had attended the said hearing in your office and submitted the requisite papers on the scheduled dates.
- 2) Please transmit the *xeroxed copies of all the papers submitted to your office and are held under your custody since then.*
- 3) Please provide *xeroxed and authenticated copy/ies of the Office Note/Order Sheet/s on which the entire proceedings of the said file related works have been noted down/recorder by the officials of your office in respect of the said Conversion Case No: 05/04.*

The information sought covers *Sub-Section(j)of Section-2 & Sub-Section (3) of Section-8 of 'the R.T.I. Act,2005'*, and the public authority is obligated to transmit the information.

You are therefore requested to transmit the sought information within the stipulated time span as per Section-7(1) of 'the R.T.I. Act, 2005'.

With sincere thanks

Date: 22 /02/2024.

Place: Amba Paschim.

Enclo: Copy of the Notice.

Self-attested

Yours truly,

Sadhan Chandra Dhara, 22/02/2024.
 SADHAN CHANDRA DHARA.

S/O-Late Pulin Behari Dhara,

Sadhan Chandra Dhara At-Amba Paschim, P.O.-Samraipur,
 27/02/2024 P.S.-Kharagpur Local, Dist-Paschim Medinipur, Pin-721301.

MONTE CARLO

U/S 57 read with Section 50 & Sec. 4C

of W.B.I.R. Act. 1955

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ପାଇଁ ଆମେରିକାରେ ଫେରେ ନମ୍ବର :

9/08

∴ आठी वा :-

ସ୍ଵାତଂ : ଶ୍ରୀ-ହୃଦୀନ ଚନ୍ଦ୍ର ମହାପାତ୍ର
ନାୟକ-ପ୍ରାଣବିରାମ ପାତ୍ର

ଏତମ୍ଭାବୀ ପ୍ରାପନା ଦିନକେ ଜୀବାନୋ ଯା ହିତେହେ ଯେ ମିଥୁ ତଗଣୀ ନ ବର୍ଣ୍ଣିତ ହେବାକୁ ବାରିଜେ । ଶ୍ରୀ ଶାନ୍ତିର୍ଜନେନ୍ଦ୍ର ମେ ଶ୍ରୀ ପ୍ରମତ୍ତ ଶାନ୍ତିର୍ଜନେନ୍ଦ୍ର ପରମା

ଯେ ଜୀ ଦେଖନେ କରିଯାଇନେ ତେବେ ଆବଶ୍ୟକିତ କିମ୍ବା ଉପରେ ବାର୍ଷିକ ଅନ୍ତର୍ଭାବରେ ଆଗ୍ରା ହେଲାଯାଇଲା ।

କ୍ଷାତ୍ରିତ୍ୟାନ୍ତେ ତାଙ୍କିଥେ ଦେଖିଲା ୨୨ ଟୌଳ ମୟ୍ୟ ଅରଜିମିନ ଉଦ୍ଦତ୍ତ ହରେଯେ ଏବଂ

১০৪ নোটকে জন্মা ১২ প্রের অবস্থা নিয়ে যোকায়ে উচ্চ

କେବେଳ ପ୍ରୋବାନ୍ ଫିଲ୍ ଗୋଲିଥେ ଓ ଅମ୍ବେ ଅଂଶୁଷ୍ଟ କାନ୍ଦି ପତ୍ର ମି ଦର୍ଶାଇବେଳେ
କେବେଳ ପ୍ରୋବାନ୍ ଫିଲ୍ ଗୋଲିଥେ ଓ ଅମ୍ବେ ଅଂଶୁଷ୍ଟ କାନ୍ଦି ପତ୍ର ମି ଦର୍ଶାଇବେଳେ ।

ପ୍ରମଣୀ କ୍ଷେତ୍ର : -

ପ୍ରାଚୀର ନାମ ୧୩୫୩ :

ମାତ୍ର ବ୍ୟାଖ୍ୟାନରେ । ୧୯୮

ପାତ୍ରମାନ

ବୋଲା ଯେ :—

ପାଇଁ ୧୯୮୮ ଫେବ୍ରୁଆରୀ ୧୯୮୮ ୧୦୫ ୨

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ରାଜ୍ୟ ପାରିଷଦାରିକ

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ଅଭ୍ୟାସ ବଳ

आर्य : ००.००.००

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27/09/2024



ANNEX - 2. Page -



Government of West Bengal

Office of the Assistant Director and Block Land & Land Reforms Officer

Khargapur-I, Paschim Medinipur

bllrokgp1@gmail.com

Memo No. 672/RTI/2024

Date. KGP-I, 13th March, 2024

To

Mr. Sadhan Chandra Dhara
S/o Pulin Bihari Dhara
At Amba Paschim
PO Samraipur
PS Khargapur L
Dist. Paschim Medinipur
Pin- 721 301

Re: Furnishing information under RTI Act, 2005

Apropos of the subject cited above the reply in terms of furnishing information is that,

- 1.) As regards the authenticated copy of conversion certificate in c/w conversion case no. 05/2004 as sought for is not readily available and accessible after through searching of the office case records,
- 2.) The necessary xeroxed copies of connected papers may be provided subject to availability of the case records of the conversion case in question,
- 3.) The xeroxed and authenticated copy of the office note / order sheet of the said file may also be provided after availability of the said conversion case records.

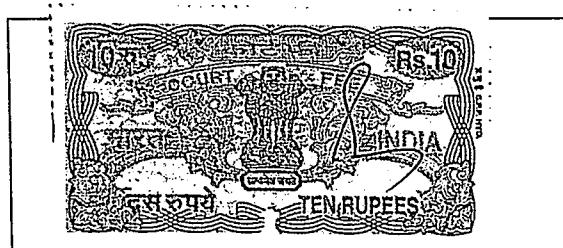
This is for your information.

SPIO & Assistant Director
& Block Land & Land Reforms Officer
Khargapur-I, Paschim Medinipur
Assistant Director &
Block Land & Land Reforms Officer
Kharagpur- I, Paschim Medinipur

Self-attested

Sadhan Chandra Dhara,
27/09/2024.

To
 The D.L. & L.R.O. and the Appellate Authority,
 Paschim Medinipur District,
 Keranitola, Midnapore Town,
 P.S.-Kotwali,
 Dist.-Paschim Medinipur,
 Pin-721101.



Requisite Court fee of Rs: 10/- is affixed.

Ref:

- 1) R.T.I. Appeal, dated: 22/02/2024, filed by Sri Sadhan Chandra Dhara, before the S.P.I.O. of the Office of the B.L. & L.R.O., Kharagpur-I Block, Govt. of West Bengal. (Copy attached as Annexure-1 along with all the annexures).

Subject: Submission of 1st Appeal before the Appellate Authority U/S-19(1) of 'the R.T.I. Act,2005' as the S.P.I.O.(the B.L. & L.R.O. of Kharagpur-I Block) has not replied to the R.T.I. Appeal, dated: 22/02/2024,(See Page-1 & 2 of the Annexure) within the period specified (period of thirty days) under Sub-Section-1 of Section-7 of 'the R.T.I. Act, 2005', as such case of non-receipt of reply shall be deemed to have been refused by the S.P.I.O. as explained in Sub-Section-2 of Section-7 of 'the R.T.I. Act,2005'.

Sir,

As the R.T.I. Appeal, dated: 22/02/2024, (Copy attached as Annexure- 1, Page-1) still stands unanswered by the S.P.I.O. (the B.L.&L.R.O. of Kharagpur-I Block) even after the expiry of the specified period, which, as per Sub-Section-2 of Section-7 of 'the R.T.I. Act,2005' shall be deemed to have been refused by the S.P.I.O., which also tantamounts to violation of 'the R.T.I. Act,2005' as the S.P.I.O. also:

"malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information". (Sub Section: 1 of Section: 20-Penalties- of 'the R.T.I. Act,2005').

Hence, this 1st Appeal is placed before you as per Section-19(1) of 'the R.T.I. Act, 2005' and failing to comply which, the 2nd Appeal will be placed before the Hon'ble W.B. State Information Commissioner U/S-19(3) for obtaining the sought information & also for imposing penalties upon the concerned officer, for the reasons as specified earlier.

Once again, the R.T.I. Appeal cum queries is/are given hereunder within the boxes for compliance:

You are therefore requested to furnish the following information to the undersigned under 'the R.T.I. Act,2005':

- 1) Please transmit an authenticated copy of the 'Conversion Certificate' in connection with the prayer submitted to your office by Sri Sadhan Chandra Dhara, bearing Conversion Case No: 05/04, in connection with which the undersigned applicant received a notice, dated: 25/02/04, duly issued by the then BL& LRO, Kharagpur-I, for Inspection and Hearing (Copy attached) and the undersigned had attended the said hearing in your office and submitted the requisite papers on the scheduled dates.
- 2) Please transmit the xeroxed copies of all the papers submitted to your office and are held under your custody since then.
- 3) Please provide xeroxed and authenticated copy/ies of the Office Note/Order Sheet/son which the entire proceedings of the said file related works have been noted down/recorded by the officials of your office in respect of the said Conversion Case No: 05/04.

The information sought falls under Sub-Section(j)(i) of Section-2 of 'the R.T.I. Act,2005', which reads as 'the Inspection of work, Documents, Records' which are accessible by any citizen of India for the purpose of 'inspection of work' and Section-8(3) of 'the R.T.I. Act,2005', which reads as "any information relating to any occurrence ,event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under Section-6 shall be provided to any person making a request under that section" and the public authority is obligated to transmit the sought information.

You are therefore requested to transmit the sought information within the stipulated time span as per 'the R.T.I. Act, 2005'.

Thanking you

Date: 11/06/2024.

Place: Amba Paschim.

Enclo: As stated.

Self- attested

Yours truly,

Sadhan Chandra Dhara .
 (SADHAN CHANDRA DHARA.
 S/O-Late Pulin Behari Dhara.

At-Amba Paschim, P.O.-Samraipur, P.S.-Kharagpur Local,

Sadhan Chandra Dhara Dist-Paschim Medinipur, Pin-721301.)

27/09/2024



Government of West Bengal
Office of the District Land & Land Reforms Officer
Paschim Medinipur.

At - Keranitola, P.O. - Midnapur, Dist - Paschim Medinipur, PIN - 721101.

Email ID :- dilro.mid@gmail.com / reportadmin@gmail.com

Memo No. 4136 /RTI(Appeal)/Kgp-I/17230/2024.

Dtd. 26/6/24

To
The Block Land & Land Reforms Officer
Kharagpur-I, Paschim Medinipur.

Sub: Hearing Notice of RTI Appeal Cases No.17/2024
In the matter of Sadhan Ch. Dhara.

Whereas it appears that one Sadhan Ch. Dhara on 12.06.2024 has preferred for Appeal U/S. 19(1) of Right to Information Act.,2005 made before this end.

&

Whereas on perusal of memo of appeal it appears that instant appeal is against inaction of your office in reference to his petition dtd. 22.02.2024.

Hence, you are being directed to dispose of the matter immediately and attend the chamber of undersigned on 11.07.2024 at 1.30 P.M., with a report on status of action taken without fail.

Enclo:As stated.

1st Appellate Authority
U/S.19(1) of R.T.I. Act, 2005

Additional DistrictMagistrate and
District Land & LandReforms Officer
PaschimMedinipur

Memo.No. 4136/1(1) RTI(Appeal)/Kgp-I/17230/2024.

Dtd. _____

Copy forwarded to :

1. Sadhan Ch.Dhara,S/o. Lt. Pulin Behari Dhara at Amba Paschim, P.O. Samraipur, P.S. Kharagpur Local, Dist. Paschim Medinipur, Pin: 721301 , Mob.No. 9679192769, for information and requested to attend the hearing with documentary evidences.

1st Appellate Authority
U/S.19(1) of R.T.I. Act, 2005

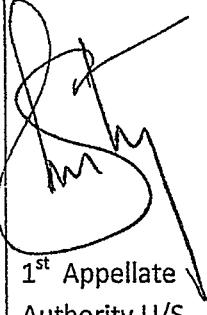
Additional DistrictMagistrate and
District Land & LandReforms Officer
PaschimMedinipur

Sadhan Chander Dhara
27/09/2024.

District Paschim Medinipur.

No.RTI (Appeal) - 17/Kgp-I /2024.

Nature of Case: A proceeding U/S 19(1) of Right to information Act,2005 (Herein after will be referred as RTI Act,2005).

Serial Number & date of order	Order and signature of officer	Note of action taken on order
<p>1 11.07.2024 Corrected & Dictated by me :-  1st Appellate Authority U/S 19(1) of R.T.I. Act, 2005 & ADM and DL & LRO., Paschim Medinipur</p>	<p>The Case record is put up. Whereas it appears that One Sadhan Chandra Dhara has preferred for 1st Appeal on 12.06.2024 , U/s.19(1) of RTI Act, 2005 being aggrieved with inaction of Block Land & Land Reforms Officer, Kharagpur-I, in reference to his petition dtd.22.02.2024 under Provision of RTI Act, 2005.</p> <p>On hearing Sumankalyan Dhara, S/o. Shri.Sadhan Chandra Dhara (instant appellant) and one Surojit Das, R.I., attached to the office of the Block Land & Land Reforms Officer, Kharagpur-I, are found present and heard properly.</p> <p>On hearing of both parties and examination of case records, it appears that on 22.02.24, the instant appellant has prayed for information through 3 (three) point queries before BL&LRO.,Kharagpur-I and in ref. BL&LRO.,Kharagpur-I prepared a reply vide memo. No. 672/RTI/2024. Dtd. 13.03.24 which was received by him on 08.07.24.</p> <p>Now, on perusal of instant application U/s.6(1) of RTI Act, 2005, it appears that the instant appellant has prayed for information related to permission for conversion of land classification and in reply BL&LRO.,Kharagpur-I has informed him that 'such case records was not readily available and the said information will be provided to him whenever the case records can be traced out'.</p> <p>Now, I am inclined to hold that such evasive reply of BL&LRO., Kharagpur-I is totally un-called for and disposal of instant petition beyond the statutory time frame U/s. 7(1) tantamount to be deemed refusal.</p> <p>Now, I do hereby order to BL&LRO.,Kharagpur-I to constitute a search team in order to trace out the conversion case records question & provide the desired information to the instant appellant at free of cost immediately from the date of communication of this order. If such case records can not be traced out at all then he will lodge a General Diary at the local police station and intimate the same to instant appellant. The entire exercise must be completed within 4(four) weeks from the date of communication of this order under intimation to this end without fail.</p> <p>Hence, this instant appeal stands to be allowed and disposed of.</p> <p>Dealing Assistant, lets communicates this order to all interested parties in due manner.</p> <p style="text-align: right;">1st Appellate Authority U/S 19(1) of R.T.I. Act, 2005 Additional District Magistrate & District Land & Land Reforms Officer Paschim Medinipur</p>	

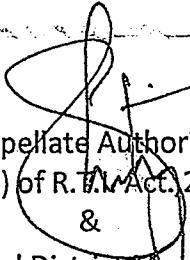
Self-attested
Sadhan Chandra Dhara.
27/09/2024

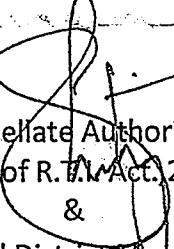
Memo.No. 4930/1(2) RTI(Appeal)/Kgp-I/17230/24.

Dtd. 18-07-24.

Copy forwarded to :

1. The Block Land & Land Reforms Officer, Kharagpur-I, for information and taking necessary action.
2. Shri. Sadhan Chandra Dhara, S/o. Pulin Bihari Dhara at Amba Paschim, P.O. Samraipur, P.S. Kharagpur(L), Dist. Paschim Medinipur, for information.


1st Appellate Authority
U/S 19(1) of R.T.M Act. 2005.


Additional District Magistrate &
District Land & Land Reforms Officer
Paschim Medinipur

Self-attested

Sadhan Chandra Dhara
27/09/2024.