



The State Information Commission, Kerala
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AP.No.421/2007/SIC
(File No.3130/G2/2007)

Shri.Jinto Mathew,
Moothedathu,
Arakkulam.P.O,
Pin-685 591.

}

Appellant

Vs

Public Information Officer and
District Collectorate,
Kottayam.

}

Respondent

ORDER

Shri.Jinto Mathew is the appellant/requester in this case. Ext A1 was the request preferred by him before the Public Information Officer of the Collectorate, Kottayam. The same is reproduced for the sake of continuity of discussion.

"kqN\ : tIm«bw kvs]jyÂ ap³kn^v em³Uv
ss{S_qWenÂ\n¶v Nm-n
hÂ;n aqt^-S^-v Ad;pfw F¶ Bfn\v \ÂInb 1976pse
217pmw \¼Â]Xn"psImSp;Â kÂ«n^ñ;äv.

F\n;v sU]yq«n IfIvSÂ em³Uv ss{S_qWÂ B^oknÂ
\n¶v tIm«bw kvs]jyÂ em³Uv ss{S_qWensâ kÂ«n^ñ;än\v
\ÂInb PUvPvsaâv.

2. Nm-nhÂ;n 1971pÂ 101pmw \¼Â Bbn \ÂInb At]£.

3. 1975pse 68pmw \¼À kztaXbmbpÅ \S]Sn Cu
D`chpIfpss
ASbmfs ,Sp`nb tIm ,n FSp`v XcWsa¶v
At]fn;p¶p" ' .

The request was dated 30.10.2006. On the 28th of November 2006, he had received an information from the Public Information Officer. It was reported that the information requested by him was not available. He had mentioned the number of one reference as 101/71 of Special Land Tribunal Kottayam. It was a reference in relation to the property of Thodupuzha Sreekrishna Swami Devaswom Land and not land mentioned by the appellant. SMP 68/75 file was also not traceable. The requester again had approached the Appellate Authority. The date of his first appeal was not mentioned in the appeal. However, the same was disposed of on 22.1.2007. Further intimating him that the case was remanded to the Public Information Officer for fresh disposal. Accordingly, he was asked to produce certain documents to prove his possession. The appellant thereafter preferred the second appeal before the Commission aggrieved by the order of remand by the Appellate Authority.

The question that arises for consideration is whether the information is available or not?

Both the Public Information Officer and Appellate Authority had appeared before the Commission on 30.11.2007. The document mentioned as the first one *ie.*, the judgement of the Munisiff Land Tribunal pronounced on 6.4.76 is 30 year old document which could not be traced out. It was further submitted by the Appellate Authority that the Office of the Munisiff Land Tribunal were abolished on 14.10.1998 and the recovery of these documents were impracticable. The second item of document mentioned in Ext A1 request was not with regard to the landed property of Mr.Chandy Varkey but it related to another Sreekrishna Swami Devasom. The third and the last document requested by the appellant in Ext A1 was a *suomoto* proceeding initiated by Land Tribunal in 1975. After much research, it was submitted that this document was also not traceable because of the antiquity. A detailed affidavit was filed by the PIO and ADM. However, the documents were of more than 30 years old. The original office had been abolished and the appellant was not in a position to furnish the correct number of the documents also.

The Commission had sympathetically considered the prayer of the appellant and had instructed the appellant to move the Dy.Director (Land Records) specifying the correct number and date of records required by him. Because the documents are not available based on the affidavit, the appeal is dismissed.

Dated this the 6th day of December, 2007.

Authenticated copy

Secretary to Commission