



The State Information Commission, Kerala
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Complaint No 261/2006/SIC

Shri.Kunjiraman.M,
Mudappilavil,
Oravil.P.O.
Naduvanoor, Kozhikode-673 614.

}
Petitioner

Vs

State Public Information Officer and,
Additional District Magistrate,
Kozhikode.

}
Respondent

ORDER

The requester had preferred a complaint before the State Information Commission with the following allegation.

There was a boundary dispute between him and one Smt.Janaky with regard to a property in resurvey No. 5/1A of Balussery Village. As per a direction of the Revenue Divisional Officer, Calicut, there was a survey of the said property and re-fixation of the boundary, preparing a sketch and plan. The requester was demanding the sketch and plan repeatedly from the Survey Office and finally he had sought for this document under the RTI Act. Ext A1 was the request thus made before the Public Information Officer, Calicut Collectorate u/s.6 of the RTI Act. The same was reproduced below:-

"Rm³ 18.9.2004 \v tImgnt;mSv kÀtÆkq{]-v ap¼msI sImSp-
]cmXnbpsS ASnØm\~nÂ FSp- \S]SnbpsSbpw apgph³ ^bensâbpw

Øe`nsâ kvsI`nsâbpw 1m`nsâbpw kmfys,Sp`nb]IÃ,pw AXncv
]p\Ã\nÃ@b D`chpw A\phZn`p Xcm³ At]fn;p¶p".

The remarks of the Public Information Officer was called for. In the remarks, it was submitted that the information was finally collected from the concerned offices and was furnished to him on 19.9.2006. The requester had received the information mentioned in Ext A1 on 23.9.2006. There was some delay in furnishing the information. Detailed remarks and affidavit was also filed. The Public Information Officer was summoned and was heard in person.

The questions that arise for consideration are (i) whether the information was furnished to the requester? (ii) whether the delay caused was properly explained by the Public Information Officer so as to extenuate him from penalty?

A reading of Ext A1 would make it clear that the sketch and plan required in this request was to be collected from the Office of the Survey Superintendent Calicut and also from the Survey Superintendent Quilandy. The remarks submitted by the District Collector in this case was marked as Ext A2. It was dated 30.11.2006. It was submitted that immediately on receipt of this request, the concerned 'J' Section of the Collectorate was alerted. On 10.8.2006 the report was received. But it did not contain the required plan and sketch. It was received from the Taluk Office, Quilandy only on 12.9.2006. Immediately, intimation was given to the requester to receive the document and finally the requester received the documents on 23.9.2006. Thereafter, there was no complaint.

Now the question was regarding delay. The request was dated 3.8.2006. The information was given on 19.9.2006 and the requester acknowledged the same on 23.9.2006. The delay that can be actually computed was 16 days. The Public Information Officer who was holding the additional charge of the District collector had appeared and had preferred a detailed affidavit. Top priority was given to request under RTI Act. In between the days 3.8.2006 and 19.9.2006 there were 15 holidays. Therefore, these holidays could not be counted because the information was to be collected from the Taluk Office, Quilandy, Survey Supdt.office Quilandy and 'J' Section of the Collectorate. Furthermore, there was a delay in despatch from 21.8.2006 to 25.8.2006 ie. for four (4) days. Disciplinary action was taken against the fair copy Superintendent for taking 4 days delay in the despatch. It was also submitted in the detailed affidavit that during the relevant period, the Additional District Magistrate and Deputy Collector was the only PIO of the Revenue District in Calicut. Moreover, he was holding the additional charge of the District Collector. Personal supervision was there and in spite of the 15 days holidays the information was furnished within a reasonable time. It was true that the delay was 16 days out of which the office was closed for various holidays for 15 days. The RTI Act does not make any allowance for holidays. But in the light of information that would have been collected from other Sub-Offices, there was inevitable delay in sending

communication, receiving the same back etc. There was earnest attempt on the part of the PIO. In the affidavit he would say that he was due to retire on the 31st of May 2007 (By this time he had retired from service). Therefore, there was satisfactory explanation for the delay. If at all there was any delay in the Section the explanation of the concerned Officer was to be obtained even without he intervention of the Commission.

Therefore, the Commission finds that these are extenuating situations to condone the delay. Therefore, the file is closed. No further action.

Pronounced by the Commission on this the 1st day of December, 2007.

Authenticated copy

Secretary to Commission