

No. S.A. 88/2022 – MIC
MIZORAM INFORMATION COMMISSION
MIZORAM NEW CAPITAL COMPLEX
KHATLA, AIZAWL

Mr. Zairemmawia, : *Appellant*
S/o Thankima (L),
Falkawn,
Ph: 8730921655
Mizoram, Aizawl.

Ms. Lalnunpuii, : *Respondent*
State Public Information Officer (SPIO),
&
Deputy Director (Adm),
Land Revenue & Settlement Department,
Mizoram, Aizawl.

ORDER
(17.08.2022)

1. Mr. Zairemmawia, Falkawn submitted an RTI application to the SPIO, Directorate of Land Revenue & Settlement on 11.02.2021 seeking information on 4 (four) points with regard to Certificate of Land Lease No. MISC 23 of 1989 in respect of Dr. CVL Auva, Dawrpui Vengthar:-

- i) A chung a tarlan Land Lease siam nana lehkha thehluh zawng zawng.
- ii) A chung a tarlan Land Lease 1.4.2019 thleng Land Lease period a ni a, Lease period zawh hnu ah renew a ni leh tawh em?
- iii) Land Lease hi renew a nih chuan Land Lease ang thoin a ni em?
- iv) Land Lease renew nana document thehluh leh Signature petu zawng zawng an signature nen ka dil e.

2. Ms. Lalnunpuii, SPIO & Deputy Director (Adm), Directorate of Land Revenue & Settlement sent an interim reply dated 19.05.2021 stating that even after a thorough search, they were unable to locate the file but assured that they will try to provide information sought at the earliest. Feeling aggrieved, the appellant submitted a letter dt. 16.03.2022 to the Chief Information Commissioner (CIC) with a request to help him get the required information. In reply, he was informed to prefer First Appeal to the Departmental Appellate Authority (DAA), Land Revenue & Settlement Department as per Section 19 (1) of the RTI Act, 2005.

3. As required, he preferred First Appeal to Mr. R. Zarzosanga, DAA/Secretary, LR&S on 31.03.2022. However, as he did not receive any reply from the DAA, the appellant submitted Second Appeal dt. 18.07.2022 to the CIC. Summon has been issued to both the appellant and respondent to appear before the Chief Information Commissioner on 16.08.2022 (Tuesday) at 11:00 AM. As scheduled, hearing was held in the office chamber of the CIC wherein Mr. Lalnunmawia Chuaungo, CIC and Mr. Zoramawia, IC were present. The duly authorized representative of the appellant viz Ms. Lalremsangi Fanai and the respondent Ms. Lalnunpuii were also present.

4. In the hearing, Ms. Lalremsangi Fanai requested the Commission to help Mr. Zairemmawia in getting the required information sought in his RTI application dt. 11.02.2021.

5. Ms. Lalnunpuii, SPIO, LR&S department informed with regret that despite a thorough search, they were unable to locate the connected files/documents required for furnishing information to the appellant. She also informed that for renewal of miscellaneous land lease, there is no prescribed form and the department can directly renew the land lease without obtaining prior recommendation/approval of the concerned Village Council. She also apologized for not taking any action by the Departmental Appellate Authority (DAA) on his behalf.

6. After hearing both the parties, the Commission observed that: -

- i) It is apparent that the record exists somewhere in the department/directorate as the renewal of Land Lease Certificate was issued only recently on 21.02.2019 duly signed by the Assistant Director, Directorate of Land Revenue & Settlement department, Aizawl.
- ii) Section 19(6) of the RTI Act, 2005 provides that the DAA should dispose of the appeal within thirty days of the receipt of the appeal. In exceptional cases, the DAA may take forty-five days to dispose of the appeal subject to the condition that he shall record in writing the reasons for delay in deciding the appeal. However, Mr. R. Zarzosanga, DAA/Secretary, LR&S department has not furnished any reply with regard to the First Appeal dt. 31.03.2022 which is against the spirit of the RTI Act, 2005

In view of the above, the Commission hereby directs that the SPIO, Directorate of Land Revenue & Settlement shall locate the relevant document/papers and provide the information, free of cost, within 14 (fourteen) days from the date of issue of this order.

The matter is disposed of accordingly. Copy of the decision to be given free of cost to the parties.



(ZORAMMAWIA)
Information Commissioner
Mizoram Information Commission



(LALNUNMAWIA CHUAUNGO)
Chief Information Commissioner
Mizoram Information Commission

