

Case No. S.A. 278/2025-MIC

Thanchungnunga,
Zotlang, Aizawl.

...Appellant

Vs

1. Srinivas Sadi, IAS,
SPIO & SDO(S),
Deputy Commissioner's Office, Aizawl.

...Respondents

2. Lalhriatpuia,
DAA & Deputy Commissioner,
Deputy Commissioner's Office, Aizawl.

RTI application filed on	:	30.08.2025
SPIO replied on	:	26.09.2025
First Appeal filed on	:	26.09.2025
DAA issued order/replied on	:	NIL
Second Appeal received on	:	28.10.2025

Date & Time of hearing	:	14.11.2025 at 12:00 Noon.
Date of decision	:	14.11.2025

The Chief Information Commissioner and the Information Commissioner presided over the hearing.

FACTS OF THE CASE:

1. The appellant sought information from the respondent SPIO as follows: -

- 1) Lengpui airport bula mi pariat hnen atanga ram 47,90,990 sq ft a zau (approximately 50 lac sq ft), Deputy Commissioner, Aizawl in a acquire sak ram neitute hming pum leh address chipchiar (full postal address) min pe turin ka dil e.
- 2) Heng ram, DC,Aizawl in a acquire te LSC copy leh a mal malin geo coordinates nen map min pe turin ka dil e.
- 3) Heng ram acquire te hi Riverine Forest Area chhunga an awm leh awm loh finfiah (verified) a ni em? An nih loh chuan enge a chhan?
- 4) Heng ram acquire na pawisa te hi ram neitute hnenah eng niah nge pek a nih? Pawisa pekna (credit na) bank account number, bank leh branch hming min pe turin ka dil e.

2. The SPIO denied information for points No 1, 2 & 4 of the application on grounds of it being third-party information.
3. The appellant, not satisfied with the reply received from the SPIO, preferred First Appeal stating that the information asked for is directly connected to transactions involving land acquisition in public interest and expenditure of public funds, the same is not covered by private information disclosure exemption under Section 8 of RTI Act, 2005 and that the SPIO's reply lacks detailed reasoning for invoking Section 8 of the RTI Act, 2005 and it is not clear as to how the disclosure would cause an unwarranted invasion of privacy.
4. As the DAA was silent on the matter, Second Appeal was preferred to MIC. Summons were issued to the appellant and respondents to appear before the Commission on 14.11.2025 (Friday) at 12:00 Noon. As scheduled, hearing was held where the appellant, accompanied by Pu Lalthuamlia and the respondents were present in person.
5. The appellant reiterated the contents of his RTI application and submitted that the denial of information on the basis of 'third-party information disclosure' appears to be flawed and that the disclosure of the information sought is essential in the interest of the public as acquisition of land is a public activity performed in public interest.
6. The DAA stated that they can furnish the names of the land owners. However, since the ownership of the lands are already in the hands of the Indian Air Force (IAF), they cannot provide copies of the LSCs. The SPIO also mentioned that they believe that the information sought comes under Section 8(1)(g) of the RTI Act and its disclosure could potentially endanger the lives of the account holders.

OBSERVATIONS:

1. The SPIO responded within the stipulated period. However, he failed to quote the relevant Section of the RTI Act and provide a more detailed reason for denying the information sought. Under the RTI Act, the State Public Information Officer (SPIO) must provide a clear and detailed explanation when denying access to information on the grounds that it concerns a third-party. The SPIO should have indicated the specific provision under which the information is exempted, explaining how its disclosure would affect the confidentiality, privacy, or commercial interests of the third-party concerned. The SPIO

must also describe whether any public interest justification for disclosure was considered and why it was found insufficient. Additionally, if the third party was consulted under Section 11, the SPIO should briefly mention the steps taken during that process. Such detailed reasoning ensures transparency in decision-making and allows the applicant to understand the basis of the denial and exercise the right to appeal if necessary. Mr. Srinivas Sadi, IAS is advised to be more careful while disposing of RTI applications.

2. The relevant provisions of Section 8 in this case may be seen as follows: -

Section 8(1)(d) – “information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information”

Section 8(1)(j) – “information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.”

3. The Commission took note of the observations made by Hon’ble Courts that are of similar nature to this case. The Delhi High Court in the case of General Manager Finance Air India Ltd & Anr Vs. Virender Singh (LPA No. 205/2012, Decided On: 16.07.2012)

“8. The RTI Act, as per its preamble was enacted to enable the citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. An informed citizenry and transparency of information have been spelled out as vital to democracy and to contain corruption and to hold Governments and their instrumentalities accountable to the governed. The said legislation is undoubtedly one of the most significant enactments of independent India and a landmark in governance.”

“9. The exemption from disclosure provided for in Section 8 has to be seen in the said light. Section 8 is an exception to the otherwise regime of transparency and disclosure brought about by the Act. Naturally, the exemption cannot be allowed merely on the ground thereof being raised. It is for the public authority claiming exemption to lay foundation, of the information falling in one of the exempted categories.”

The Allahabad High Court (Lucknow Bench) vide Writ Petition No. 3262 (MB) of 2008, in the case of Public Information Officer, Chief Minister's Office, Civil Secretariat, Government of U.P Vs State Information Commission and Others., held as under:

"The perusal of the provisions of Section 8 reveals that there are certain information contained in sub-clause (a),(b),(c),(f),(g) and (h), for which there is no obligation for giving such an information to any citizen, whereas information protected under sub-clauses(d), (e) and (j) are though protected information, but on the discretion and satisfaction of the competent authority, that it would be in larger public interest to disclose such information, such information can be disclosed. These information thus are having limited protection, the disclosure of which is dependent upon the satisfaction of the competent authority that it would be in larger public interest as against the protected information intended to disclose such information."

With regard to Section 11(1) of the RTI Act, 2005, reliance can be made to the Hon'ble Supreme Court judgment in R.K Jain V Union of India (2009) 8 SCC 273), wherein it was held as under:

"...Any information sought by the Applicant in which third party information is asked, wherein third party may plead a privacy defence and the proper question would be as to whether divulging of such an information is in the public interest or not. whether the private defence is to prevail or there is an element of overriding public interest which would outweigh the private defence. The authority may take any decision but consideration is always given to public interest."

4. The Commission is of the view that an LSC (Land Settlement Certificate) is not considered third-party information under the RTI Act. In this case, ownership of the land is already with the Government and the LSCs are no longer the properties of individuals. Land records containing ownership, boundaries, and transaction details are public records and are neither private information nor third-party information. These records are maintained by public authorities for transparency and must be made accessible to the public under the RTI Act, as their primary purpose is to serve as evidence of ownership and for public notification. Further, transaction details of purchase of land by the government is not third-party information when such information forms part of publicly maintained land and revenue records. This includes sale deeds, acquisition notifications, registry details, ownership history, compensation awards, and encumbrance certificates, which are considered public records and are accessible through RTI applications.
5. The Commission has also observed that several Departmental Appellate Authorities neither conduct hearing nor furnish replies to their First Appeals. Pu Lalhriatpuia is

directed that he shall conduct hearing and, in every case inform the date of hearing at least seven (7) clear days before the date fixed as per Rule 7(5)(a) of the Mizoram RTI Rules, 2010. Order of the DAA shall be pronounced in open court and be in writing duly authenticated by the DAA for this purpose and strictly adhere to the relevant positions of the RTI Act/Rules for every First Appeal received by him in future.

DECISION:

Keeping in view the facts of the case, the afore-mentioned judgments of the Hon'ble Courts and the statements of the respondents, Section 8(1)(d) and (j) cannot be blindly applied as the appellant is seeking information that involves public interest in the form of copies of LSCs acquired by the government and its related transactions. Therefore, the information in a generalized format needs to be disclosed. More so, in the light of inability of the respondent in providing suitable justification for claiming exemption from disclosure, the Commission is not convinced with the stand of the respondent.

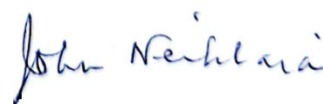
The Commission hereby directs that **Mr. Srinivas Sadi, IAS, SPIO & SDO(S), DC's Office, Aizawl shall provide the following to the appellant, free of cost not later than 21.11.2025 (Friday)** with compliance report to MIC with all the enclosures: -

- 1) The names and address details of all the 8 (eight) persons whose lands have been acquired by DC's Office, Aizawl District.
- 2) Copies of Land Settlement Certificates (LSCs) of the lands.
- 3) The names of persons, amount and date of crediting compensation into their bank accounts without disclosing their bank account details.

The appeal is disposed of accordingly. Copy of decision to be given, free of cost, to all parties.



(MANGJANGAM TOUTHANG)
Information Commissioner
Mizoram Information Commission



(JOHN NEIHLAIA)
Chief Information Commissioner
Mizoram Information Commission

Decision No. S.A. 278/2025-MIC

Dated Aizawl, the 14th November, 2025

Copy to: -

1. Thanchungnunga Hnamte, No. ZC-2, Biakin Mual, Near McApex Bank ATM, Zotlang, Aizawl, Ph: 8415921131.
2. Srinivas Sadi, IAS, SPIO & SDO(S), DC's Office, Aizawl, Ph: 8341070310.
3. Lalhriatpuia, DAA & Deputy Commissioner, DC's Office, Aizawl, Ph: 9436141306.



(LILY)

Secretary

Mizoram Information Commission

Mizoram: Aizawl