

**MIZORAM STATE INFORMATION COMMISSION  
KHATLA : AIZAWL**

NO. C. 06/07-MSIC

F. Hmingthanga, General Secretary, Society for  
Social Action (SOSA), D-67, Island of Peace,  
Dawrpui West, Aizawl.

...

Complainant

Vrs

SPIO, Office of Deputy Commissioner, Aizawl  
District, Aizawl.

...

Non-Applicant



**ORDER**  
(25.7.2007)

This is a complaint filed by the General Secretary, Society for Social Action (SOSA), a registered society which is a legal personality.

The short facts of the complaint is that land measuring 9,310.39 bighas, 13,40,69,600 sq.ft., situated on the east and west bank of river Tuirial within the Village Council areas of Mauchar, Saipum and N. Hlimen, are required for public purpose for the purposes of construction of Tuirial Hydroelectric Project in Phase I. Land acquisition proceedings under Land Acquisition Act, 1894, was processed by the Collector, Land Acquisition, Aizawl, Mizoram. Preliminary notification dated 20.8.2001 was issued under Section 4(1) of the said Act and a declaration under Section 6 of the same Act was issued on 11.4.2002. Notices dated 24.4.2002 were issued to interested persons (land owners) under Section 9(1) of the said Land Acquisition Act. The Collector passed an award for the crops, trees, etc., on the said land amounting to Rs. 8,04,90,627/- (excluding the market value of land). This amount was to be paid to different land holders numbering 124 land holders in Mauchar area, 76 land holders in N. Hlimen area and 152 land holders in Saipurm area, total land holders being 352. These awards are contained in Award No. 4 of 2002. The Deputy General Manager (C), TrHEP, Vairengte, Mizoram, NEEPCO Ltd., Shillong, has handed over Rs. 4,02,45,313/- vide No. HOP/TrHEP/2003-04/T-10/2108 dated 10.9.2003 to the Deputy Commissioner, Aizawl District, Aizawl, being an advance for payment of 50% of the award amount. When the amount was to be disbursed, as many as 189 land holders (according to the information submitted to State Information Commission) prepared the so-called authority to receive the amount on their behalf by persons other than the land holder himself; many of them claiming to be not in good health. The so-called authority letters

do not bear the attested signature of the person so authorized to receive the amount on behalf of the land holder. Actual Payee Receipts (payment vouchers) are signed by a certain recipient identified by Field Assistant, Surveyor, etc. and countersigned by ADC, Aizawl, Mizoram. Since the authorizations normally do not bear the signatures of most persons authorized to receive the amount, whether the recipient is the correct person or not may be a debatable fact. In certain cases, many land holders purportedly authorized a single person to receive the money payable to them. The complainant, SOSA, made an application to the then SPIO, Office of the Deputy Commissioner, Aizawl, Mizoram, for information including copy of LSC/Periodic Patta/Permit from the Village Council of the land for which the compensation have been drawn and the year of the issue of the relevant allotment of the land. The then SPIO, Pu H. Lianzela, informed SOSA vide letter No. D. 12011/239/2005-DC(A)/123 dated 17.3.2006 that all passes are returned back to all the claimants at the time of disbursing half payment and, therefore, copy of the passes could not be provided. SOSA then obtained certain statements of land holders who stated that they did not have their land passes back. On this ground, SOSA alleged that the then SPIO gave wrong information about return of the passes to land holders as that was not permitted under the law. SOSA requested the Commission to make an enquiry and take stringent action against the officer who may be found to violate the provisions and objectives of the RTI Act.

A complaint was registered. Copies of relevant information were called for from the SPIO, Office of the Deputy Commissioner, Aizawl, Mizoram. The SPIO, Office of the Deputy Commissioner, Aizawl, Mizoram, has submitted a certificate from Pu Vanengmawia, Collector, Land Acquisition, and Deputy Commissioner, Aizawl District, Aizawl, on 24.7.2007 that since only part payment was made by the acquiring agency by NEEPCO Ltd. and that no possession of the land under the provisions of Section 36 of the Land Acquisition Act, 1894, could be taken till today, there is no ground to compel the pass holders to surrender their passes till such time final payment is made by the acquiring agency. The Collector and Deputy Commissioner, Aizawl, has stated also that there is no ground for the Collector to retain the passes in question unless the acquiring agency or the Government makes final payment of compensation. A list of persons who have drawn 50% compensation by way of land passes under Tuirial Hydroelectric Project (vide Award No. 4 of 2002) containing 336 names have also been enclosed to the certificate submitted before the Commission.

A perusal of the certificate of the Collector and Deputy Commissioner, Aizawl District, Mizoram, clarifies beyond doubt that while making payment of 50% amount of compensation, the Collector did not retain the land passes but gave them back to the recipients of the compensation amount. On this fact, the information given by the then SPIO, Pu H. Lianzela, cannot be said to be wrong nor false. Accordingly, there is no ground for proceeding against the officers concerned under RTI Act, 2005.

In the light of the foregoing facts, the complaint stands disallowed.



(K. TLANTHANGA)  
State Information Commissioner



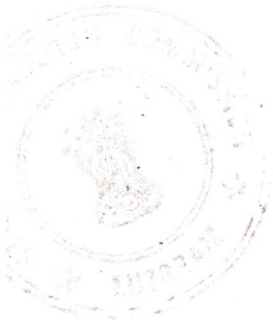
(ROBERT HRANGDAWLA)  
State Chief Information Commissioner.

Memo No. C. 06/07-MSIC

Dated Aizawl, the 25<sup>th</sup> July, 2007.

Copy to:-

- 1) SPIO, Office of the Deputy Commissioner, Aizawl District, Mizoram.
- 2) General Secretary, Society for Social Action (SOSA), Aizawl, with copy of certificate dated 20.7.2007 of Collector and Deputy Commissioner, Aizawl District, Aizawl, for information.



(R. VANLALDUHA)  
Sr. PPS and ex-officio Deputy Secretary,  
Mizoram State Information Commission.