

**BEFORE SANDEEP KUMAR (HAS) FAA UNDER RTI ACT-2005,-CUM-
DIRECTOR TOWN & COUNTRY PLANNING,SHIMLA-09**

Appeal No. : 12 /2014

Date of decision: 19-07-2014

In the matter of :

L.N. Aggarwal, Ex-Director, GSI, (Govt. of India), Bansilal Building, Kotwali Bazar,
Dharamsala , District Kangra HP

Appellant

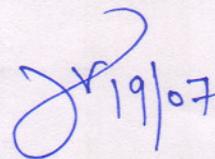
Vs

PIO-cum-Town & Country Planner, Divisional Town and Country Planning Office,
Dharmashala District Kangra HP

Respondent

An appeal dated 14.05.2014 filed by appellant addressed to the First Appellate Authority-cum- Director, Town & Country Planning Department, Shimla received through departmental e-mail; tcp-hp@nic.in on 16.06.2014. The appellant has submitted that Public Information Officer-cum-Town & Country Planner, Dharamsala has refused to supply information to him as sought vide his application dated 16.01.2014 under the garb of Section - 8(1)(j) of the Right to Information Act. Both the parties were heard in this office of Public Information Officer-cum-Town & Country Planner, Dharamsala on dated 14.07.2014 and the record of the case was examined.

The original RTI application dated 16.01.2014 was received in the office of Public Information Officer-cum-Town & Country Planner, Dharamsala dated 17.01.2014. Vide application dated 16.01.2014 the appellant has sought following information from the Public Information Officer-cum-Town & Country Planner, Dharamsala;

A handwritten signature in blue ink, followed by the date '19/07' written vertically.

"Supply a copy of all documents, maps, drawings etc. submitted by one Shri Raj Kumar S/O Late Sh. Nanak Chand Aggarwal resident of Bansilal Building, Kotwali Bazar, Dharamsala on dated 02.12.2004 for regularization".

Public Information Officer-cum-Town & Country Planner, Dharamsala vide his order dated 15.02.2014 has carried out the proceeding under Section-11 of RTI Act as the information pertains to third party. Public Information Officer-cum-Town & Country Planner, Dharamsala adjudicated that the information sought by the applicant appellant relates to third party cannot be disclosed as per the provision of Section-8 (1)(j) of the Right to Information Act, 2005, there has been no larger public interest in the said disclosure. It is this order which has been challenged by the applicant appellant before me by pleading that information sought under RTI Act is not a confidential information and it is already a part of civil suit pending between him and Sh. Raj Kumar, hence same should have been supplied to him. Applicant has mentioned the same contention in his appeal and has further submitted before me on 14.07.2014 that the information sought by him under RTI application dated 16.01.2014 is required by him to substantiate and prove his case in a civil dispute going on in between him and Sh. Raj Kumar.

The refusal to disclose the information by the Public Information Officer-cum-Town & Country Planner, Dharamsala vide his order dated 15.02.2014 is a just and legal action. Third party information is not said to be confidential by the third party but the same must not be prohibited from disclosure under the provision of Section-8 of RTI Act. Public Information Officer-cum-Town & Country Planner, Dharamsala is right in deciding that disclosure of third party information in the instant case will not serve any larger public interest under section-8 (1)(j) and hence cannot be allowed to be disclosed. Applicant-appellant wishes to use the information sought vide his application dated 16.01.2014 to vindicate his case against Sh. Raj Kumar in a civil court, which tantamount to a "personal cause and not to any kind of public interest".

In view of my above discussions and observations, I do not find any reason to intervene the order dated 15.02.2014 by the Public Information Officer-

Fo/PI/28

cum-Town & Country Planner, Dharamsala. Hence, the present appeal is dismissed.

If any of the parties is not satisfied with this decision, he/she has a right to file an appeal before the "State Information Commissioner, Himachal Pradesh, Majitha House, Shimla-2" within thirty days of receipt of this order.

Copy of the order be supplied free of cost to the parties.

19/07/14
SANDEEP KUMAR (HAS)

Ist Appellate Authority
(Under RTI Act)

-cum-Director Town & Country Planning
Shimla. *AL*

No: HIM/TP/P.A.Dir./RTI Appeal No.12/2014- *5194-95* Dated: *19-07-2014*

Copy forwarded to :-

1. Sh. L.N. Aggarwal, Ex-Director, GSI,(Govt. of India), Bansilal Building, Kotwali Bazar, Dharamsala, District Kangra (H.P)
2. Public Information Officer-cum-Town & Country Planner, Divisional Town Planning Office, Dharamsala.

Vinod Kumar
19/7/2014
(Vinod Kumar)
P.A. to Director,
Town & Country Planning Deptt.
H.P. Shimla.-171009.