

M.G. SARATH .VS. MUNICIPAL COUNCIL KANDY

RTIC Appeal (In Person Hearing) 1154/2019- Order adopted as part of the formal meeting of the Commission on 13.01.2020.

Order under Section 32(1) of the Right to Information Act, No. 12 of 2016 and Record of b Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Procedure).

Chairperson: Mr. Mahinda Gammampila

Commission Members: Mr. S.G. Punchihewa

Dr. Selvy Thirucrandran

Justice Rohini Walgama

Director General: Mr. D.G.M.V Hapuarachchi

Notice issued to:

Appellant: M.G Sarath

Public Authority: Designated Officer, Municipal Council, Kandy

RTI Request filed on:	27/11/2018
IO Responded on:	No response
First appeal to DO filed on:	2018/12/21
DO Responded on:	No response
Appeal to RTIC filed on:	29/01/2019

Briefly stated acts in appeal;

The appellant vide RTI request on the above date requested the information pertaining to the vis a vis;

1. Whether the road marked with dotted lines mentioned in the approved plan No. 4625 A.B.O.P. 199/94. 9.02.15, is a public or a private road.
2. Certified copies of the documents including the procedure utilized in deciding / naming whether a road is public road or private road.
3. Certified copies of the documents including the procedure utilized in deciding / naming a road a public road.

As the IO failed to response within the time stipulated in the Act, the appellant lodged an appeal with the DO. As the DO too failed to response to the above request the appellant preferred an appeal to the Commission.

The Commission on receipt of the above appeal noticed both parties appear before the Commission on 13.01.2020 for the hearing of the instant appeal.

Matters arising during the hearing of the appeal;

At the hearing of the appeal both parties made their appearance.

The Public Authority submitted to the Commission that it had responded to the request no 1. Besides the request no 2 also had been answered but nevertheless the appellant contended that he is not satisfied with the answer.

It was the position of the Commission that if the appellant is not satisfied with the response that the same has to be challenged in a Court of law, and the Commission is not empowered to inquire in to the veracity of the information provided.

In the above context the Commission was of the view that as the PA had responded to the requested information, it is appropriate to conclude the appeal

Order;

As the information has been provided by the PA as per confines of RTI Act the Commission moved to conclude the appeal.

Order is hereby conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Procedures. (Gazette No. 2004/66, 03.02.2017)

Thus the appeal is concluded.