

M. S. NAVARATNAM VS. DIVISIONAL SECRETARIAT, VALIKAMAM

RTIC Appeal (Documentary)/1339/2019 Order adopted as part of the formal meeting of the Commission on 01/10/2019.

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

Chairperson: Mr. Mahinda Gammampila
Commission Member: Ms Kishali Pinto-Jayawardena
Commission Member: Dr. Selvy Thiruchandran
Commission Member: Justice Rohini Walgama
Commission Member: Mr. S.G.Punchchihewa

Director-General: Mr. D G M V Hapuarachchi

Appellant: M.S Navaratnam
Notice issued to: Designated Officer, Divisional Secretariat, Valikamam

RTI Request filed on	29/11/2018
IO responded on	14/12/2018&30/01/2019
First Appeal to DO filed on	21/01/2019
DO responded on	No Response
Appeal to RTIC filed on	20/02/2019

Brief Factual Background:

The following information was requested on 29/11/2018

The Appellant states that Mrs. S.Saraswathy Neighbor of the appellant has erected a 12 feet length fence outside the approved boundary which has narrowed down the path of the Appellant to a width of 3'-9". Appellant initially possessed a 4 $\frac{1}{2}$ feet wide path. S.Saraswathy got approval to erect a wall on the disputed boundary 1 $\frac{1}{4}$ years ago, but she had erected a fence.

- 1. Appellant requests information on the approved letter and plan of the wall that is to be built.*
- 2. Copy of the plan of her South boundary wall because South- East part of the boundary is related to the complaint.*

The I/O responded to the request on 14/12/2018 stating that a letter has been sent to obtain the third party's (whose wall is in issue) consent and request can be considered only on receipt of such consent. The I/O on 30/01/2019 responded that Mrs. Saraswathy had declined to consent to the provision of the documents given that they are her personal documents. Dissatisfied with the

response the Appellant appealed to the D/O on 21/01/2019 to which Appellant did not receive any response. The Appellant thereafter preferred an appeal to the Commission on 20/02/2019.

Matters Arising During the Course of the Hearing:

It was noted that the boundary walls concerned divides both Mrs.Saraswathy and the Appellant's land and therefore the Appellant has right to know the particulars of such wall and such information cannot be denied on the basis that it is personal information.

Order:

The PA is directed to provide the information within one month of the receipt of the Order with a copy of the covering letter to the Commission indicating compliance with the order.

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

The Appeal is concluded.
