

M. S. M. Fasan Rismi v Agrarian Service Centre

RTIC Appeal (Documentary) 1704/2019 – Order adopted as part of the formal meeting of the Commission on 22.09.2020

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)

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

Director-General: D G M V Hapuarachchi

Appellant: M. S. M. Fasan Rismi
Notice issued to: Agrarian Service Centre

RTI Request filed on	19.10.2018
IO responded on	19.11.2018
First Appeal to DO filed on	18.01.2019
DO responded on	No Response
Appeal to RTI filed on	29.05.2019

Brief Factual Background:

The Appellant *via* information request dated 19.10.2018 requested the below information from the Public Authority: -

1. *Information regarding letter dated 17.08.2018 which has sent by the PA,*
 - I. *Details of the official actions taken against the residential construction activities on the agricultural lands near the Salvattiyan Canal.*
 - II. *Details of the Police actions taken against the builders on the agricultural lands near the Salvattiyan Canal.*
 - III. *Details of the witnesses when court taken actions against the parties or builders on the agricultural lands near the Salvattiyan Canal including case number and the date.*
2. *Copy of the letter which has sent by the Divisional Secretariat, Sainthamaruthu to Agrarian Services Centre with regards to the sand dumping or filling the agricultural lands.*

3. *Certified copy of the letter which has sent by the Agrarian Development Officer to both Divisional Secretariat of Sainthamaruthu and Commissioner of Urban Council, Kalmunai with regards to the sand dumping or filling the agricultural lands.*

The Information Officer responded on 19.11.2018, by providing the information related to information request item 1 above, and stating that no letters as described in items 2 and 3 have been sent.

Dissatisfied with the response of the Information Officer, the Appellant appealed to the Designated Officer. As the Designated Officer failed to respond within the stipulated time period, the Appellant appealed to the Commission.

Matters Arising During the Course of the Hearing:

Responding to the notices issued by the Commission by writing received on 14.10.2019, the PA has drawn the attention of the Commission to communication made with the Appellant dated 10.04.2019. Accordingly, the PA has provided information related to item 1 as before, and has referred to a letter belatedly received from the Sainthamaruthu Divisional Secretariat in relation to item 2. In response to item 3, the PA has stated that no such communication has been made in this regard by the PA.

Order:

As the PA has satisfactorily responded to the request made by the Appellant, the Appeal is hereby concluded.

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).
