

The Right to Information Commission

RTIC Appeal No: 548/2021

H. Dilan A. De Silva

No. 91/1/B,

Ihala Bomiriya,

Kaduwela

-Appellant-

Vs.

Kaduwela Municipal Council

New Kandy Road,

Kaduwela

-Public Authority-

Before : 1. Justice Upaly Abeyrathne (Rtd.) - Chairman
2. Kishali Pinto-Jayawardena (Attorney-at-Law) - Commissioner
3. Mr. Jagath Liyana Arachchi (Attorney-at-Law) - Commissioner

Appearance : The Appellant is absent
The Public Authority is absent and unrepresented

Written Submission: The Appellant on : Not Submitted
The Public Authority on : Not Submitted

Date of Hearing : 18.05.2022, 03.08.2022

Decided on : 03.08.2022

Decision of the Commission:

Brief Factual Background:

The Appellant by information requests dated 03.07.2020 requested for the following item of information.

“Refer the enclosed Plan No 4003 which was approved by the KMC (File reference number.KBP 57/19).

Does the respective ‘Land Subdivision Approvals’ for above referenced Plan was granted by the KMC?

If so,

- a. What is the File reference number for the respective ‘Land Subdivision Approvals’?*
- b. Can you provide with me a copy of the respective approved ‘Land Subdivision Approval’ plan?*

Note: The requestor is the owner of the land represents in the enclosed Plan No 4003. The land is one among few other lands which were sole by a land developer, after a subdivision. The requestor requires to find information on the subdivision approval.”

The Information Officer (IO) on 16.09.2020 responded as follows;

“නොරතුරු ඉල්ලීම පනතේ 5 වන උපවගන්තියේ විධිවිධාන අනුව පහත සඳහන් කර ඇති හේතු මත ප්‍රතික්ෂේප කරන ලද බව දන්වමි.

- 1. නොරතුරු පනතේ 11 වන කොටසේ 5.(1) (2) (අ) වලට අනුව ඉල්ලුම්කරු විසින් ඉල්ලා ඇති ගොනුවේ නොරතුරු වෙනත් පුද්ගලයකුගේ නොරතුරු වීම.”*

Dissatisfied with the response of the IO the Appellant lodged an appeal with the DO on 25.09.2020. As the DO failed to respond within the time period stipulated under the Act the Appellant preferred this appeal to the Commission on 18.11.2020.

Consideration:

The Public Authority has informed the Commission that the information requested by the Appellant has been provided by their letter dated 08.08.2021 and the said letter was returned by the postal authorities with an endorsement “not in occupation or false address”. We are not in a position to ascertain the correctness of the said position of the Public Authority since the Appellant is absent and unrepresented before the Commission.

In the circumstances, considering the submission of the Public Authority, we decide to conclude the Appeal.

The Director General is directed to convey the decision to the Appellant, the Information Officer and the Public Authority.

Appeal concluded.