

# The Right to Information Commission

A. Kalaraththina Maheshan,  
Kalapavanam,  
JP Road,  
Thambiluvil -01

**-Appellant-**

**RTIC App/No :805/2022**

Vs.

Divisional Secretariat,  
Thirukkovil.

**-Public Authority-**

**Before :**

1. Justice Upaly Abeyrathne (Rtd.) - Chairman
2. Justice Rohini Walgama (Rtd.) - Commissioner
3. Kishali Pinto-Jayawardena (Attorney-at-Law) - Commissioner
4. Mr. Jagath Liyana Arachchi (Attorney-at-Law)- Commissioner
5. Mr. A.M Nahiya - Commissioner

**Appearance :** The Appellant is present.

The Public Authority represented by Mr. Thangarajah Gajenthiran, Divisional Secretary / Designated Officer & Mr. Kandawanam Sathisekaram, Addl. Divisional Secretary / Information Officer – via Zoom Technology.

**Written Submission :**

The Appellant on : Not submitted

The Public Authority on : Not submitted

**Date of Hearing :** 10.11.2022

**Decided on :** 10.11.2022

## Decision of the Commission

### **Factual Background:**

**The Appellant by request dated 13.01.2022 requested the following information;**

Your No . LND/LINQ/UPKAN/15/1

*With regarding to above mentioned dispute, received a letter sent to my brother, Uththaragunaseelan, by you. In that letter, it has been mentioned, "The detailed report sent by you was examined by us". Please,*

- 1. Copy of that report.*
- 2. Information collected to prepare the report.*
- 3. Further, knowingly or unknowingly rejected truth and information when preparing that report.*

*provide with me the copies of them."*

The Information Officer acknowledged the receipt of the request for information, however, failed to respond within the time period stipulated in the Act. The Appellant made an appeal to the Designated Officer dated 21.04.2022. The DO too failed to respond within the time period stipulated in the Act, the Appellant preferred an appeal to the Commission dated 09.05.2022.

### **Consideration:**

It seems that the Public Authority has refused to release the said information on the basis of third party involvement. At the inquiry, we found that there had been a land dispute among the members of the Appellant's family and a complaint has been made to Public Authority in order to hold an inquiry. It transpired from a letter sent by the Public Authority to Appellant's brother Uttaragunaseelan that an inquiry report has been prepared by an assistant land commissioner of the Public Authority and the same was perused by the Public Authority before sending the said letter to said Uttaragunaseelan.

The Appellant has now sought a copy of the said inquiry report which had been prepared upon their complaint to the Public Authority. We note that providing a copy of such inquiry report as indicated above would not fall within the ambit of third party mentioned in Section 5 (1) (a) of the Act.

Therefore, considering the said circumstances we decide that the Public Authority should release the information in relation to item nos. 01 and 02 of the said information request before 13.12.2022, with copies to the Commission. Also, we are of the view that information requested under item no. 03 of the said information request does not fall within the meaning of information as described in Section 43 of the Act.

The Commission further decides that, if the Public Authority fails to comply with the said decision of the Commission before the said date, the Information Officer and the Public Authority shall be prosecuted before the relevant Magistrate's Court under Section 39 of the Right to Information Act No.12 of 2016.

For the completeness of this decision, we place on record that, in terms of rule no. 11 of Right to Information Commission Rules of 2017, the Public Authority is not entitled to charge any fee from a citizen for the release of the information upon a decision made by this Commission.

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

Appeal concluded.