

**At the Right to Information Commission of Sri Lanka**

**Athula Perera v. Road Development Authority**

RTIC Appeal/37/2017 (*Appeal heard as part of the meeting of the Commission on 29.08.2017*)

**Acting Chairperson:** Ms. Kishali Pinto-Jayawardena

**Commission Members:** Mr. S.G.Punchihewa

Dr. Selvy Thiruchandran

**Present:** Director-General Mr. Piyathissa Ranasinghe

**Appellant:** Athula Perera

**Notice issued to:** D.M. Dayarathna, Director (Land) –Designated Officer

**Represented by:** Ms. Ashoka Siriwardena, Deputy Director (Land), RDA

**Also present:** Ms. Nuwansha Kumarasinghe, Legal Officer RDA, J.A.D.S. Kumara, Clerk, RDA

The Appellant Athula Perera was present as well as Ms. Ashoka Siriwardena, Deputy Director (Land) who was present on behalf of the Director (Land), the Designated Officer in this instance. Ms. Nuwansha Kumarasinghe and J.A.D.S. Kumara, Clerk from the Public Authority were also present.

The Appellant had by information request dated 20.02.2017 asked for valuation report no. CD/LM/ 6635 dated 2003/05/11 which was prepared for the purpose of acquiring the Appellant's land for road development.

The Appellant stated that the Information Officer of the Public Authority responded ), by letter dated 06.03.2017, stating that the requested report was not in their custody and that such reports are confidential and cannot be given per the directions of Mr. D.M. Dayarathna, Director (Land) of the Road Development Authority. On Appeal to the Designated Officer the Appellant received the same response. The Appellant states that this report pertains to his land and failed to see why the said report could not be provided to him.

The Appellant in his written submissions to the Commission, states that subsequent to his Appeal to the Commission the Public Authority responded stating that the Department of Valuation has responded to them stating that the Valuation report requested is in their custody and therefore that the Appellant can obtain the report from the Department of Valuation (letter dated 03.07.2017). However the Appellant states that when the President's Office asked the Valuation Dept. for this (on 21.06.2016) there was no response. He further states the fact that he met with the Chief Valuer and did not receive a definite response. He was also informed that only the Public Authority notified in this instance can provide him with the report.

At the hearing the Public Authority produced the Appellant's file before the Commission and stated that a report with that particular number was not available in the Appellant's file maintained by the Public Authority. After the Commission perused the file, report no. CD/LM/ 6634 with the same date (2003/05/11) as the report requested by the Appellant was located. This was deemed by

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both the Appellant and the Public Authority to be the only one pertaining to the Appellant and the Commission therefore directed that it be provided to the Appellant.

The Appellant further stated that on previous occasions when the matter was taken up for inquiry in other for a, the existence of this document was not notified to him.

### **Order**

The valuation report no. CD/ LM/ 6634 dated 11.05.2003 was supplied to the Appellant by the relevant PA, the RDA after examining the file and noting that this was the only report in the file relevant to the Appellant. Further the report no. CD/ LM/ 6635 is not contained in the files of the RDA. After scrutinizing the documents brought by the Public Authority since the date of the document on file and the date of the document requested by the appellant is one and the same, the Appellant states that he is agreeable with the provision of the said document (valuation report no. CD/ LM/ 6634 dated 11.05.2003) to him.

This Commission notes that the furnishing of this document to the Appellant may have been enabled earlier if the PA had conducted a discussion with the Appellant and sought to ascertain the exact information that he sought. The Public Authority is also hereby instructed that under and in terms of Regulation 4 (6) promulgated by the Minister in Gazette No 2004/66 dated 03.02.2017, the relevant Information Officer is under a duty to direct the information request to the relevant Public Authority if he/she is aware that the said Public Authority is in possession, custody or control of the information.

This Appeal is hereby concluded.

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