

Rajendra S Wijesinghe vs Urban Council Panadura

RTIC Appeal (In-Person)/ 201/18 - 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) – heard as part of a formal meeting of the Commission on 26.06.2018.

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

Present: Director-General Mr Piyathissa Ranasinghe

Appellant: Rajendra S Wijesinghe
Notice Issued to: Nelu Nishanthi Iddagoda, Urban Council Panadura.

Appearance/ Represented by:
Appellant - Rajendra S Wijesinghe
Public Authority - Pradeep Edirising (Written illegibly), Urban Council Panadura

RTI Request filed on	02.01.2018
IO responded on	No response
First Appeal to DO filed on	17.01.2018
DO responded on	No Response
Appeal to RTIC filed on	08.02.2018

Brief Background Facts

The Appellant, by letter dated 02.01.2018 requested reasons in writing, under and in terms of Section 35 of the Act, for the declaration/decision by the Planning Officer of the UDA Kalutara District Office at a special meeting held on 12.10.2017 under the patronage of the Divisional Secretary Panadura that the UDA has power to go for litigation to remove the culvert and the side walls to retain earth but that no action can be taken on its part to remove the earth which had already been filled. As the IO failed to respond within 14 days the Appellant lodged an appeal with the DO on 17.01.2018.

As the DO too failed to respond, the Appellant submitted an Appeal to the Right to Information Commission on 08.02.2018.

Matters Arising During the Hearing

By letter dated 30.01.2018 the Information Officer informed the Appellant that subsequent to the declaration on 03.07.2017 by the Divisional Coordinating Committee the filling of earth on the

Panadura de Silva Road has been handed over to the UDA for future action. The PA submitted that since the road is in excess of 40 perches the matter falls under the purview of the Kalutara Office of the Urban Development Authority. The Kalutara office of the Urban Development Authority informed the Commission that it is acting on the advice of its Legal Division.

Order

As the PA submits the matter is no longer within its purview and it is evident that steps must be taken by the UDA Kalutara Office the present appeal is concluded.

Order is directed to be 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).
