

M.I. Shamila v Urban Development Authority (Sub-Office, Kalmunai)

RTIC Appeal (In – person)/273/2018 (*Order adopted as part of a formal meeting of the Commission on 17.07.2018*)

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)

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: M.I. Shamila

Notice issued to: Urban Development Authority, Sub-Office, No.960/2, Main Street, Kalmunai-14

Appearance/ Represented by:

Appellant - Absent

PA - P.D.N. Jayarathne, D/Director

U.L.S.R. Riswana, Planning Officer

RTI Request filed on:	17.08.2017
IO responded on:	No response
First Appeal to DO filed on:	14.09.2017
DO responded on:	27.09.2017
Appeal to RTIC filed on:	20.12.2017

Brief Factual Background:

The Appellant had by request dated 17.08.2017 requested the following information pertaining to an unauthorized construction of a building at No.272, RKM Road, Maligaikadu West (Eastern Province),

1. A certified copy of the response letter issued or sent by the Sub-Office of the Urban Development Authority(UDA) (Kalmunai) to the opponent (building owner) instructing that the construction be stopped or allowing the construction .
2. If the UDA (Kalmunai) had given any prior approval for the above unauthorized construction, a certified copy of the building approval given by the UDA (Kalmunai) officially for the above dwelling building construction,
3. If the UDA (Kalmunai) had issued the Certificate of Conformity (COC) for the above construction, a certified copy of the COC and
4. A copy of the Attendance Records of three officers from the UDA (Kalmunai) of their field visit on 24.07.2017 and the details of the officers describing their responsibilities with designations.

As the Information Officer (IO) failed to respond, the Appellant lodged an appeal with the Designated Officer (DO) on 14.09.2017. The DO responding on 27.09.2017 informed the Appellant that the UDA (Kalmunai) forwarded the information request to the Head of UDA for further decision. Dissatisfied with the response of the DO, the Appellant preferred an appeal to the Commission on 20.12.2017.

Matters Arising During the Hearing

The Appellant was absent.

Upon being queried as to the status of the provision of the information requested, the Public Authority (PA) submitted that the Appellant had requested the aforesaid information.

The PA submitted that as the construction in issue was unlawful no COC was issued and further, the planning officer is Mrs. U.L.S. Riswana of the UDA (Kalmunai). With regard to item no.4, the PA submitted that it will request the relevant information of the officers from the Head-quarters of the UDA and revert to the Commission on the next date.

The PA submitted that there had been a delay in acquiring information requested and did not wish to withhold information from the Appellant.

Order

In view of the fact that the Public Authority had not raised objection to the release of the information requested by items 1, 2 and 3, and has agreed to revert to the Commission after consulting with the Headquarters of the PA with respect to item No.4 the PA is directed to act accordingly.

The Appeal is hereby adjourned.

Next date of hearing: 04.10.2018

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At the Right to Information Commission of Sri Lanka

Mahinda Gammampila – Chairman

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Kishali Pinto – Jayawardena – Commissioner

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S.G. Punchihewa – Commissioner

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Dr. Selvy Thiruchandran – Commissioner

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Justice R. Walgama - Commissioner