

Sareefdeen Fareed v Land Reform Commission

RTIC Appeal (In-Person Hearing)/777/2018- Order adopted as part of the formal meeting of the Commission on 01/04/2019.

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.MahindaGammampila

Commission Member: Mr.S.G. Punchihewa

Commission Member: Dr. SelvyThiruchandran

Commission Member: Justice RohiniWalgama

Appellant: Sareefdeen Fareed

Notice issued to: Designated Officer, Land Reform Commission

Appearance/ Represented by:

Appellant – M. F. M. Ajmeer, M. S. M. Fareed

PA – U. T. WasanaSomikelum, AD Legal, LRC

RTI Request filed on	31/07/2018
IO responded on	No response
First Appeal to DO filed on	14/09/2018
DO responded on	No response
Appeal to RTIC filed on	08/10/2018

Brief Factual Background:

The Appellant's father Jamal Mohammed Sareefdeen was given one acre of land in the Palamunai village of Attalaichchenai Division of the Ampara District under the Land Reform Act. His heir was prevented from receiving the land after his death. This land was given to one Ismail. The Appellant submitted that it was the duty of the Land Reform Commission to provide the land to the rightful heirs. The Appellant alleged that the judgment given by court had resulted in ousting the true owners of the land. The Appellant requested that the LRC acts against the court judgment. The Appellant therefore by request dated 31/07/2018 requested the Land Reform Commission's opinion on the matter.

As the IO failed to respond within the time period stipulated under the Act the Appellant on 14/09/2018 lodged an appeal with the DO. As the DO too failed to respond with the time period stipulated under the Act the Appellant preferred an appeal to the Commission on 08/10/2018.

Matters Arising During the Course of the Hearing:

During the hearing the Appellant submitted as follows. In 1976 the land was given to his father, according to the Land Reform Act. The Appellant's father utilized the land from 1972-1992, until he passed away. After this one Ismail, used the pretext of a legal judgment and forcibly ousted the appellant. Said Ismail had filed a land possession case. Appellant alleged that the case was heard exparte, after which he was ejected from the land, in accordance with the judgment. The PA stated that the said land was sold to Mr. Velupillai in 1982 as per Gazette Notification 221/10 after which the PA was no longer liable.

Order:

While the Commission acknowledges the grievance of the Appellant, the remedy sought is not one that can be resolved under and in terms of the RTI Act. Therefore the appeal is dismissed.

Order is 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).

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MahindaGammampila – Chairman

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S.G. Punchihewa – Commission Member

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SelvyThiruchandran – Commission Member

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R. Walgama – Commission Member