

At the Right to Information Commission of Sri Lanka

L.U. ALWIS .VS. P.S. BANDARAGAMA

RTIC Appeal (In Person) 118/2018- 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)- heard as part of the formal meeting of the Commission on 25.02.2019.

Chairperson: Mr. Mahinda Gammampila

Commission Members: Mr. S.G. Punchihewa

Dr. Selvy Thiruchrandran

Justice Rohini Walgama

Appellant: L.U. Alwis

Notice issued to: Chairman, Pradesiya Sabaha Bandaragama

Appearance/ Represented by:

Appelent: L.U. Alwis- present

Public Authority N.S. Mudalige

S.N. Kahawala

**Shortly stated facts in Appeal**

RTI Request filed on	21.09.2017
IO Responded on	No response
First Appeal to DO filed on	25.10.2017
DO responded on	No response
Appeal to the RTIC filed on	05.01.2018

The Appellant by his request on the above date to the Information Officer of the Public Authority has urged the release of a certified copy of the Surveyor Plan bearing No. 2558 which has been approved by the Public Authority in compliance with the laws and regulations of the Urban Development Authority. In addition to the afore said, all the other documents considered in order to approve the afore said plan, vis a vis the relevant deed thereto.

The Appellant contended that in the impugned plan the Public Authority has approved a road way over the Appellant's land. Therefore the appellant says that he needs the deed of the owner of the adjacent land in order to ascertain whether the other party has a right of way over his land.

When the Appellant was questioned by the Commission, he admitted the fact that he has obtained the alleged deed through some other source. It was apparent that the Appellant is now in possession of the relevant deed.

Apparently the Appellant was not successful in obtaining the said information from the Public Authority, namely from IO and DO respectively. Hence the Appellant preferred the instant appeal to the Commission accordingly.

The Commission subsequent to the receipt of the said appeal noticed both parties and fixed the hearing of the appeal initially for 21.06.2018. As only the appellant was present at the hearing, the appeal was re fixed. The proceedings entered in the record indicate the fact that the hearing of the appeal has got postponed due to the absence of parties.

Nevertheless when the appeal was taken up for hearing on the instant date, both parties were present and the Appellant admitted that he is in possession of the impugned plan and the deed that was taken in to consideration in approving the said plan by the Public Authority.

In the above setting the Commission was of the view that the Appellant has received the requested information from the Public Authority.

Accordingly the Commission concluded the appeal.

**Order:**

As the Public Authority has provided the requested information the Commission shall conclude the appeal.

Order is hereby 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.

Appeal is concluded.

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