

**MEGHALAYA INFORMATION COMMISSION, SHILLONG**

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**No. MIC/Complaint/92/2009/22,**

Smti Billani Marak, Resu Bakrapara and others, East Garo Hills - Complainants

-Vrs-

Shri S.R.Marak, Addl. D.C., Resubelpara, East Garo Hills (PIO) - Respondent

**ORDER**

**8-10-2009:** The complainants in this case are Billani Marak, Namre K.Marak, Marcy Marak, Beleina Marak and Monithel K.Marak of Resu Bakrapara, East Garo Hill.

The case of the complainants is that they jointly filed an R.T.I. application before the Addl. Deputy Commissioner in-charge S.D.O.(Civil), Sub-Division, Resubelpara, East Garo Hills on 6-7-2009 requesting some information/documents relating to the land donated by the concerned authority viz., the Nokma of Asu-A.king to the Rongrang Rubber Planters Society. Instead of furnishing information, the Addl. Deputy Commissioner in-charge S.D.O.(Civil), Resubelpara vide letter No.RS/GUDL/10/2009/402 dated 14-7-2009 informed them that the information sought by them is exempted under Section 8(h) of the R.T.I. Act, 2005. Not satisfied with the above decision of the P.I.O. they had filed the instant complaint before the Commission against denial of information.

The matter has been examined in the Commission and found that the Addl. D.C.-cum-P.I.O. has already made the decision that the matter under request is being exempted from disclosure under Section 8(h) of the R.T.I. Act, 2005. That being the case, the correct procedure for the complainants is to prefer the first appeal before the First Appellate Authority viz., the

Deputy Commissioner, East Garo Hills, who would examine the validity of denial of information by the P.I.O. The complainants may come before the Commission by way of second appeal, if required. Under the R.T.I. Act, no complaint can be lodged before the Commission against the decision already made by the P.I.O. in good faith and in accordance with the Law.

Petition rejected.

**( G.P.Wahlang )**

Chief Information Commissioner,  
Meghalaya, Shillong.

**Memo. No. MIC/Complaint/92/2009/22-A Dated Shillong, the 8<sup>th</sup> October, 2009**

Copy forwarded to:-

- (1) Smti Bilani Marak, Resu Bakrapara and others, East Garo Hills.
- (2) Shri S.R.Marak, Addl. D.C., Resubelpara, East Garo Hills (PIO)

**( S.F.Khongwir )**

Secretary,  
Meghalaya Information Commission,  
Shillong.