



In the Pakistan Information Commission, Islamabad
Appeal No 1967-06/22

Raja Shabir Khan

(Appellant)

Vs.

Capital Development Authority

(Respondent)

ORDER

Date: September 05, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated June 13, 2022 to the Commission, stating that he submitted an information request to the Director Land, Capital Development Authority, Islamabad on May 28, 2022 under the Right of Access to Information Act 2017 but did not receive any response from the public body.
2. The information sought by the Appellant is as follows:
 1. *“That my father namely Burkhurdar(late) was local inhabitant of village Sheikhpur Tehsil and District Islamabad.*
 2. *That the Revenue Estate Sheikhpur was acquired by CDA under different awards and allotted plots to the effectees of said Revenue Estate.*
 3. *That My father has also been allotted plot no 799, measuring 30*60 in sector -14/4 against his Built Up Property(BUP)*
 4. *That My father expired on year 2000 and it is learnt that the said plot has been transferred to someone*
 5. *That is legal heirs of my father and wants to get all relevant information including documents of said plot as my right to get possession of said plot.”*

B. Proceedings

3. The record on the file suggests that the Appellant submitted its response on the intervention of this commission on July 26, 2022 and its text is as under:

“This office letter No. CDA/SCB/RAI-2017/2022/1354, dated 05 July, and Registrar Pakistan Information Commission, 1 floor. National Arcade 4 A Plaza F-8 Markaz Islamabad's Hearing Summon against Appeal No 1967-06/22, dated 18 July, 2022, on the above cited subject.

In response to your request dated 28-05-2022 and this office letter No CDA/SCB/RAI 2017/2022/1354 dated 05 July, & Registrar, Pakistan Information Commission's Hearing Summon against Appeal No.1967-06/22. dated 18 July, 2022, the relevant item of the requisite information pertains to CDA has been replied by the concerned formations of Authority ie. Land & Rehabilitation Directorate, CDA Contents of the said reply are reproduced as under

<i>S.No</i>	<i>Required Information</i>	<i>Reply</i>
<i>1</i>	<i>I have submitted and designated my application as diary No 2883 dated 28-05-2022 top Director Land CDA for provision of attested copies/information of my father's plot No 799 Sector 1-14/4 for personal need, but the required agency deliberately and willfully inflicted hurdle to get the same (Copy attached)</i>	<i>In this context, Directorate has already written a letter to appellant Mr. Raja Sabir Khan S/O Burkhurdar Khan (Late) vide letter No CDA/EM-1(799)/1-14/4/2006/2030, dated 21-08-2006 (Copy attached) wherein it was informed that Plot No.799 sector 1-14/4 was allotted to Mr. Burkhurdar S/O Mehar Khan on 02-10-2993 by Land and Rehabilitation Directorate and the allottee Mr. Burkhurdar transferred the said plot in the name of Mr. Maqsood Ahmed S/O Shahab Din R/O Mehmood Booti Gali No.11, Lahore himself on 24-03-1998. The plot was further transferred two times and now stands in the name of Mr. Manzoor Ellahi and Noor Ellahi S/O Syed Rasool R/O House No. 197 Mohallah 12Cjowk Khoti Bazar, Rawalpindi. It is further added that Plot No. 1508 Sector 1-14/2 was allotted in lieu of Plot No.799, Sector 1-14/4 for the reason the subject plot was re size from 30x60 to 25x60</i>
<i>2</i>	<i>CDA Land Directorate did not bother to listen my above cited request and due to their lethargic approach, I have apprehension to face an irreparable loss.</i>	<i>As Above</i>

- 1. Photo copy of the relevant documents (containing one page) as indicted above is also enclosed.*
- 2. Please acknowledge receipt.”*

- 4. The Respondent submitted his response on July 05, 2022 and its text is as under:
“With reference to Registrar, Pakistan information Commission, Govt of Pakistan Islamabad's letter bearing Appeal No 1967-06/22. dated 25 June 2022 enclosing therewith your request regarding provision of attested documents of Plot No 700 Sector 1-14/4 Islamabad, it is informed that this office never received any request from your side on the subject matter. It is also informed that submission of an application through proper channel and in a proper way indicating requisite information under the relevant clause of Right of access to information Act, XXVII, 2017 is mandatory for consideration instead of forwarding a request directly to Director Lands CDA or Pakistan Information Commission. You are, therefore, requested to kindly submit request through proper channel and in a proper ways enabling this office to proceed further in the matter”*

- 2. However, we have considered your earlier application addressed to the*

Director Land CDA and is being forwarded to the quarter concerned for further Director concerned is requested that the requisite relevant necessary action. 3 information/record may kindly be provided as soon as possible without any delay within seven working days so that requisite respond would onward be transmitted to the applicant through this office, accordingly. However, Mr. Misbah-Ul- Mustafa, Advocate. Designated Lawyer Counsel may also be consulted contacted at his cell No 0314-9997775 about the case Enci- (As above).”

5. The Appellant submitted his response on July 29, 2022 and its text is as under:

“It is submitted that the under letter No.-CDA/SCB/Ri-2017/2022/ dated Islamabad, July 05, 2022 has been received in form of copy through the kind order of Chief Information commission during hearing proceeding on 28.07.2022

The following objection has been raised to unconcealed the facts made through supra referred piece of information.

- i. That in Para No.1 it is totally false and try to escape from due obligation fixed on concerned CDA hierarchy, no space is reserved to receive the application of CDA effected through Facilitation Center for submission of any certain application.*
- ii. That in Para No. 2 the Concerned and Deputed official of CDA has too admitted regarding my application filled for obtaining attested record of my plot No. 799 sector 1-14/4 Islamabad.*
- iii. It is pertinent to mention herewith that no letter or response from CDA side has been transmitted me as reflected in attached letter.”*

Prayer: -

It is humbly submitted in the light of above facts before your kindness may direct the concerned authority of CDA to obey the order of this Honorable Commission and to provide attested record of plot No. 799 Sector 1-14/4, please.”

6. The Appellant submitted his response on August 02, 2022 and its text is as under:

- i. “That it is out rightly false and fabricated story regarding receiving or written a letter by Directorate of Estate Management-I of CDA to appellant regarding conveying the information for the plot No.799 Sector 1-14/4 Islamabad on 21.08. 2006.*
- ii. That in reply of above cited letter the CDA authority admitted my stance and factum of the matter regarding allotment of the said plot to my father namely Burkhurdar s/o Mehar Khan(late).*
- iii. That it is totally wronged and baseless configuration that my father has transferred the plot to anyone.*
- iv. That it is misleading and futile statement (without evidential record) by the CDA Authority that the subject plot was changed from 799 sector 1-14/4 to 1508 sector 1-14/2 and be resized as 30-60 to 25*60 and then made its allotment, no date was mentioned for these hastily changes.*
- v. It is pertinent to mention that the above cited CDA reply disclosed a preplanned scheme of unseen figures to jeopardize and deprive the legal heirs of original allottee (effectee of Revenue Estate Sheikhpur) namely Burkhur Dar s/o Mehar Khary from the valuable rights attached with the Plot No. 799 Sector 1-14/4 Islamabad.”*

7. Hearing on the instant Appeal was fixed for August 18, 2022 vide letter dated August 02, 2022. The Respondent was represented by Bubashir Hassan Shah, Admin Officer, and Land. The Respondent agreed to provide all records pertaining to the father of the Appellant. However, the Appellant sought access to records pertaining to the plot allotted to his father and subsequently sold to different owners.

C. Issues

8. The instant appeal has brought to the fore the following issues:
Has the Respondent provided all the information to the Appellant permissible under the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017?

D Discussion and commission's views on relevant issues:

9. This commission holds that the requested information pertains to a matter of public importance and its disclosure is warranted both by the letter and spirit of the Act, 2017.
10. This commission maintains that the records pertaining to transfers/sales of plots are public records though these records may contain some private information which can be easily withheld while making these records public.
11. As the government collects taxes on the sale/purchase of these plots, citizens have the right to know whether these plots are sold according to the market value, or, plots are sold below the market value for the purpose of tax evasion.
12. This commission has observed that public officials have limited understanding about right to privacy when juxtaposed with the right of access to information held by public bodies. Privacy/personal information is understood to be, broadly speaking, information/data pertaining to access control (username and/or password), financial information such as bank account, credit card, debit card, or other payment instruments, and, passports, biometric data, and physical, psychological, and mental health conditions, medical records, and any detail pertaining to an individual's ethnicity, religious beliefs etc.
13. The Act, 2017 envisages a situation wherein a document, which should be otherwise be made public but its parts may contain private information. In such an eventuality, the part containing private information can be severed from the document as mentioned in Section 16 (1) (i) of the Act, 2017 and the rest should be made public.

E. Order

14. The Appeal is allowed. The Respondent is directed to provide the Appellant information requested in Para 2 of this Order at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
15. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: September 5, 2022

This order consists of 4 (four) pages, each page has been read and signed.