

11 December 2019



# मिरा भाईंदर महानगरपालिका

नगररचना विभाग

स्वामी विवेकानंद भवन, आर.बी.के. स्कूलच्या बाजूला, कनाकिया, मिरारोड (पु.)

Email ID :- mbmc.tp@gmail.com

मिरा-भाईंदर महानगरपालिका  
विधि विभाग  
आवक क्र. ०३ मा. अ. :  
दिनांक: २९/१२/१९

जा.क्र. मनपा/नर/माहिती अधिकार/ २०२०/२०९०-२० दिनांक:- १८/१२/२०१९

## केंद्रीय माहिती अधिकार अधिनियम, २००५

M.A. (Legal) 19. V.P. B/S

प्रति,

श्री. ब्रिजेश शर्मा

आम आदमी पार्टी मिरा भाईंदर ऑफिस,  
ऑफिस नं.230, विंग अ, शांती शॉपींग सेंटर,  
मिरारोड (पूर्व), 401107.

मिरा-भाईंदर महानगरपालिका  
विधि विभाग  
आवक क्र. ६६५  
दिनांक: २३/१२/२०१९

विषय - केंद्रीय माहिती अधिकार अधिनियम, 2005 अंतर्गत माहिती मिळणेबाबत.

संदर्भ - 1) केंद्रीय माहिती अधिकार अधिनियम, 2005 अंतर्गत आपला दि.02/11/2019 रोजीचा अर्ज.  
(जो या कार्यालयास आवक क्र. मा.अ./1093/19-20, दि.07/12/2019 अन्वये प्राप्त).

2) केंद्रीय माहिती अधिकार अधिनियम, 2005 अंतर्गत आपला

Ref No. RTI/1093/MBMC/MiraBhayander/PublicLandDetails/11072019  
अन्वयेचा अर्ज.

महोदय,

केंद्रीय माहिती अधिकार अधिनियम, 2005 अंतर्गत प्राप्त आपल्या संदर्भित अर्जाचे अनुषंगाने या कार्यालयाचे अभिलेखाची पडताळणी करून आपणास पुढीलप्रमाणे मुद्देनिहाय माहिती उपलब्ध करून देणेत येत आहे.

मुद्दा क्र. 1, 2 :- उपरोक्त मुद्द्यांच्या तपशिलाकरीता मंजूर विकास योजना शूल्क रु.3000/- व मंजूर विकास योजना अहवाल शूल्क रु.1000/- याप्रमाणे शूल्काचा भरणा कार्यालयीन वेळेत करून उपलब्ध मुद्द्यातील माहिती प्राप्त करून घ्यावी.

मुद्दा क्र. 3,4,7,8 :- सदरचे मुद्दे अतिक्रमण विभागाशी संबंधित आहे.

मुद्दा क्र. 5 :- सदरचा मुद्दा विधि विभागाशी संबंधित आहे.

मुद्दा क्र. 6 :- जागेच्या 7/12 उताराकरीता शासनाचे <https://bhulekh.mahabhumi.gov.in> संकेत स्थळावर भेट देऊन आवश्यक माहिती प्राप्त करून घ्यावी, हि विनंती.

उपरोक्त माहितीने आपले समाधान न झाल्यास केंद्रीय माहिती अधिकार अधिनियम, 2005 अंतर्गत कलम 19(1) अन्वये आपणास प्रथम अपील हे श्री. मिलिंद आवडे, प्रथम अपीलीय अधिकारी तथा सहा. संचालक, नगररचना, नगररचना विभाग यांचेकडे सदरचे पत्र प्राप्त झाल्यापासून 30 दिवसांच्या आत दाखल करता येईल.

आपला,

(दिलीप घेवारे)

जन माहिती अधिकारी तथा

नगररचनाकार

नगररचना विभाग

मिरा भाईंदर महानगरपालिका

प्रत :- माहितीस्तव

1) जनमाहिती अधिकारी  
अतिक्रमण विभाग,

मिरा भाईंदर महानगरपालिका यांस संबंधित अर्जदारास मुद्दा क्र.3,4,7,8 च्या अनुषंगाने विहित मुदतीत माहिती देणे बाबत.

2) जनमाहिती अधिकारी

विधि विभाग,

मिरा भाईंदर महानगरपालिका यांस संबंधित अर्जदारास मुद्दा क्र.5 च्या अनुषंगाने विहित मुदतीत माहिती देणे बाबत.

Jadhav  
See  
24/12/19

**ANNEXURE-A**  
**APPLICATION UNDER THE RTI ACT, 2005**

Date: 02/11/2019

To,  
Public Information Officer,  
Town Planning Department, नगर रचना विभाग  
Mira Bhayandar Municipal Corporation,  
Bhayandar-401101



मिरा भाईंदर महानगरपालिका

मुख्य कार्यालय Name of the Applicant :  
and Address

आदक क्र..... 283C/12

दाखला दिनांक..... 02/11/19

SHRI BRIJESH SHARMA,  
[RTI Activist & Member of AAP]  
AAM AADAMI PARTY MIRA BHAYANDAR OFFICE,  
A/230, Shanti Shopping Centre,  
Mira Road East - 401107.

2. Information Sought : Information required on Public/ Government land/plot reserved in Mira Bhayandar Municipal Corporation Jurisdictions.

3. The period to which the information relates : 01.01.2019 to till date of RTI reply.

4. Description of the information required: Kindly provide the information point-wise and in English language with index and chart disclosing the page number on which the information is available as per under Section 6 (1), 4 (3) and 7 (9) of the RTI Act, 2005. Kindly provide information in Compact Disk If available. Certified copy as per STATE Government circular of G.A.D. no. SIC 216 / C.R. (178/16) six dt. 1.2.2017 and as per circular 1.2.17 and as per section 2(J) (2) RTI act.

- 1) Total number of land bearing reserved for Public/ Government land/plot in Mira Bhayandar.
- 2) Survey Number and Hissa Number of Public/ Government land/plot reserved in Mira Bhayandar.
- 3) Total number of builder / contractor / firm / individuals made encroachment on Public/ Government land/plot in Mira Bhayandar.
- 4) Certified copies of File Notings & Action Taken Reports/ details on Public/ Government land/plot to made free from encroachment in Mira Bhayandar till date.
- 5) Certified copies & Total number of Court cases registered for illegal encroachment on Public/ Government land/plot in Mira Bhayandar till date and pending for dispose.
- 6) Complete details of the 7/12 land records of Public/ Government land/plot reserved in Mira Bhayandar.
- 7) Complete details including Name and Office Address of Name of builder / contractor / firm / individuals issued notice for removal of encroachments from Public/ Government land/plot in Mira Bhayandar.
- 8) Certified copies & Total number of Police FIR registered on builder / contractor / firm / individuals /accused for illegal encroachment on Public/ Government land/plot in Mira Bhayandar.

5. Whether information is required by post or in person? : By Speed Post. But convey me the charges of the information within 10 days by speed post as per para no.2 of State Government Circular of G.A.D.No. Misc. 2017/C.R.(208/17) six.; dt 17.11.2017

**PIO, please make a note: --**

- 1) The information shall be given with Index and page number and their correlation.
- 2) Provision of law and materials relied upon cannot be denied. Refer RTI act section 4(1)(b)(ii)(iv)(v), (C), (D)
- 3) Information shall be given in chart form by reproducing the information sought by applicant.

श्री. परब

Pam

*Brijesh*

[SHRI BRIJESH SHARMA]

## मिरा भाईंदर महानगरपालिका

जाक्र.मनपा/विधी/मा.अ./०३/२०१९-२०  
दि. ०१/०१/२०२०

प्रति,

श्री. ब्रिजेश शर्मा  
आम आदमी पार्टी मिरा भाईंदर ऑफिस  
अ/२३०, शांती शॉपिंग सेंटर  
मिरा रोड - ४०११०७

विषय :- केंद्रिय माहितीचा अधिकार अधिनियम २००५ अन्वये अर्ज

संदर्भ :- १) आपला माहिती अधिकारान्वये दि. ०३/१२/२०१९ रोजीचा अर्ज (RTI/1093/MBMC/11072019)  
२) नगररचना विभागाचे दि. १८/१२/२०१९ (प्राप्त दि. २३/१२/१९) रोजीचे पत्र.

महोदय,

उपरोक्त संदर्भिय क्र. १ अन्वये आपण माहिती अधिकारान्वये नगररचना विभागाकडे अर्ज केला आहे. सदर अर्जातील मुद्दा क्र. ५ विधी विभागाशी संबंधित असल्याने नगररचना विभागाने आपला अर्ज दि. १८/१२/२०१९ रोजीच्या पत्रान्वये विधी विभागास वर्ग केला आहे. सदर अर्जातील मुद्दा क्र. ५ अन्वये आपण सार्वजनिक/शासकिय/मिरा भाईंदर महानगरपालिकेच्या जागेवर केलेल्या अनधिकृतारित्या केलेल्या अतिक्रमणाबाबत आजपर्यंत किती न्यायालयीन प्रकरणे दाखल तसेच निकाली आहेत याबाबतची माहिती अपेक्षितली आहे. विधी विभागातील अभिलेख दावा क्रमांक, दावा धारकाचे नाव तसेच सर्व्हे क्रमांकानुसार अद्यावत केलेला आहे. नगररचना विभागाच्या दि. १८/१२/२०१९ रोजीच्या पत्रात नमुद केल्यानुसार मुद्दा क्र. १ व २ अन्वये आपणास मंजूर विकास योजना अहवालाची प्रत उपलब्ध करून देत आहेत. सदर मंजूर विकास योजना अहवालामध्ये नमुद आरक्षणाचे सर्व्हे क्रमांकानुसार मनपाच्या [www.mbcmcrti.com](http://www.mbcmcrti.com) या संकेतस्थळावरून न्यायप्रविष्ट प्रकरणांची माहिती उपलब्ध करून घ्यावी.

सदरच्या माहितीने आपले समाधान न झाल्यास आपणास श्री. सुनिल लहाने, मा. प्रथम अपिलीय अधिकारी तथा उपायुक्त(मु), तिसरा मजला, मुख्य कार्यालय, मिरा भाईंदर महानगरपालिका यांच्याकडे सदरचे पत्र प्राप्त झाल्यापासून ३० दिवसांत प्रथम अपिल दाखल करता येईल.

  
सई वडके

जनमाहिती अधिकारी तथा विधी अधिकारी  
मिरा भाईंदर महानगरपालिका

## IMPORTANT TIPS FOR PIO AND FAA

1. The information can be denied only on the grounds mentioned in Section 8 of the RTI Act and not what PIO of Mira Bhayandar Municipal Corporation deems fit.
2. Public document under Section 74 in The Indian Evidence Act, 1872 : "Police FIR, Letters and communications between public officers and All documents prepared by a public servant in discharge of his public official duties".
3. With regards to calling of inspection to search the information: the RTI envisages that the PIO shall search and locate the information. The applicant cannot be called and asked to search information. There is no provision under RTI act to call the applicant for inspection and direct him to search the information.
4. Not reproducing the information sought with index and paging: the reply ought to be given in chart form reproducing the information sought and the reply on the other column of the chart. This enables the applicant to verify that all the information sought is provided and on which page this information is available.
5. Information is not clear: if the information is not clear the PIO shall call the applicant on his contact number and seek clarification. The PIO cannot deny the information on the 30th day on such wrongful grounds.
6. Need name of work and public work: an applicant is not expected by law to know such minute details of the project. Kindly refer section 4 (1) (A) RTI act. It has casted duty on the PIO how he shall maintain records and especially which facilitates the right to information under this act.
7. The information is not available in the format as sought by you:

AND

8. Information is not available on record:

This is vague, misleading and incorrect reply. The information shall be self-explanatory as mentioned in section 19(5) RTI act. The PIO shall inform

- a) if that document was prepared
  - b) if that document is lost
  - c) if that document id destroyed.
  - d) If that document was never prepared
9. Sending reply on or after 30 days for payment of Zerox charges: as per GAD circular dt. 17.11.2017 the intimation of charges to be paid is to be intimated within 10 days of the receipt of the RTI application.
  10. Not providing email id and telephone no. of appellate authority: as per GAD circular dt. 1.2.2017 para 1 & 2 the details of the information mentioned above is to be provided.
  11. Affixing of stamp, signature name and date on the documents while issuing the information: as per GAD circular dt. 1.2.2017 para 8, the format of the stamp to be affixed is provided for ready reference.
  12. Sending notice for payment of small amount: as per GAD circular dt. 6.9.2008. if the amount is small and the time and the amount spent is higher, such small amounts need not be taken.
  13. The PIO is duty bound to provide address, name and email id of the PIO and appellate authority. Kindly refer to GAD circular dt. 1.2.17. The said provision ids violated. The details of appellate authority is also not given.
  14. Kindly refer to section 4 1(a) RTI act. Your department has to maintain the records which facilitate the right to information under the RTI act. Hence, the applicant is not expected to know the CTS and survey no. of the road. He shall provide only the location and postal address, which a common knows. Information denied on wrongful grounds.
  15. The PIO is expected to reproduce the information sought by the applicant on left side of the chart and provide information / reply on the right side. This has not been provided.

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# मिरा भाईंदर महानगरपालिका



माहितीचा  
अधिकार

जा.क्र.मिभामनपा/उपआ.विधी/०१/२०२०

स्व.इंदिरा गांधी भवन, छत्रपती शिवाजी महाराज मार्ग,  
भाईंदर (प.), ता.जि.ठाणे ४०११०१,

दुरध्वनी क्र.२८१९२८२८, २८१९३०२८

दिनांक: ०९/०१/२०२०

सुनावणी दिनांक:- २३/०१/२०२०

वेळ:- सकाळी ११.०० वाजता

प्रति,

श्री.ब्रिजेश शर्मा,

आम आदमी पार्टी मिरा भाईंदर ऑफीस,

ए/२३०, शांती शॉपिंग सेंटर, मिरारोड (पूर्व),

ठाणे ४०११०७.

मिरा-भाईंदर महानगरपालिका  
विधी विभाग

आवक क्र. ०७ मा.अ. प्रथम अपील

दिनांक: ०९/०१/२०२०

विषय:- माहितीचा अधिकार अधिनियम, २००५ अन्वये दाखल प्रथम अपिल

संदर्भ:- आपला दि.०४/०१/२०२० रोजीचा अपील अर्ज.

(या कार्यालयाकडे प्राप्त दि.०८/०१/२०२०, आ.क्र.१००). (०९)

महोदया,

माहितीचा अधिकार अधिनियम, २००५ चे कलम १९(१) अन्वये आपण केलेल्या संदर्भाधिन प्रथम अपिलाची सुनावणी, मा.प्रथम अपिलीय अधिकारी तथा उपायुक्त (विधी), मिरा भाईंदर महानगरपालिका यांचेसमोर खाली दिलेल्या नमुद दिवशी/वेळी आयोजित करण्यात आलेली आहे.

सुनावणीचा दिनांक व वेळ :- दि.२३/०१/२०२० रोजी सकाळी ११.०० वाजता.

ठिकाण :- प्रथम अपिलीय अधिकारी तथा उपायुक्त (विधी) यांचे दालन,

तिसरा मजला, स्व.इंदिरा गांधी भवन, छत्रपती शिवाजी महाराज मार्ग,

मिरा भाईंदर महानगरपालिका, भाईंदर (प.). ता.जि.ठाणे ४०११०१.

(मा.प्रथम अपिलीय अधिकारी तथा  
उपायुक्त (विधी) यांचे निर्देशानुसार)

स्वीय सहाय्यक

र.नु. गावडे

मा.प्रथम अपिलीय अधिकारी तथा  
उपायुक्त (विधी)

मिरा भाईंदर महानगरपालिका

प्रत:- मा.जनमाहिती अधिकारी तथा विधी अधिकारी, विधी विभाग,

मिरा भाईंदर महानगरपालिका, यांना सुनावणीचे दिवशी आवश्यक

त्या कागदपत्रांसह उपस्थित राहणेकामी

(सोबत श्री.ब्रिजेश शर्मा यांच्या संदर्भिय अर्जाची छायांकित प्रत)

04/09/2020 ANNEXURE " B "  
FIRST APPEAL UNDER SECTION 19 (1) OF THE RTI ACT, 2005

To,  
First Appeal Authority,  
Law Department, विधी विभाग  
Mira Bhayandar Municipal Corporation,  
Bhayandar, Thane-4001101

आवक क्र. 1048  
दिनांक: 8/01/2020



- 1) Name & Address of Applicant : SHRI BRIJESH SHARMA  
AAM AADAMI PARTY MIRA BHAYANDAR OFFICE,  
A/230, Shanti Shopping Centre, Mira Road East, Thane - 401107
- 2) Name & Address of PIO : PIO, Encroachment Department, विधी विभाग
- 3) Date of RTI Application : 02/12/2019
- 4) Date on PIO Reply Received : 02/01/2020 (via Gmail Letter dt: 01/01/2019)
- 5) Last date for filing the appeal : 02/02/2020
- 6) Reasons for Appeal :

मुख्य कार्यालय, भाईदर (प.)  
20 रु (का. ११५)  
04/01/2020  
राज्य दिनांक

- a) Town Planning Department PIO has transferred my RTI application for Point no 5 to your department.
- b) But till date PIO SMT. SAE VADKE refused to furnish me the information as per section 2(J) (2) RTI act and oblige. Hence appeal has been filed.
- c) Certified copy as per STATE Government circular of G.A.D. no. SIC 216 / C.R. (178/16) six dt. 1.2.2017 and as per circular 1.2.17 and as per section 2(J) (2) RTI act.
- d) The PIO is EXPECTED TO REPRODUCE THE INFORMATION SOUGHT BY THE APPLICANT ON LEFT SIDE OF THE CHART AND PROVIDE INFORMATION / REPLY ON THE RIGHT SIDE. This should be provided by PIO.
- e) Denial of Information under RTI Act: The information can be denied only on the grounds mentioned in Section 8 of the RTI Act and not what PIO deems fit.
- f) Public Document under Section 74 in The Indian Evidence Act, 1872: "Police FIR, Letters and communications between public officers and All documents prepared by a public servant in discharge of his public official duties".
- g) The information is not available in the format as sought by you:
- AND
- h) Information is not available on record:  
This is vague, misleading and incorrect reply. The information shall be self-explanatory as mentioned in section 19(5) RTI act. The PIO shall inform
- 1) if that document was prepared
  - 2) if that document is lost
  - 3) if that document id destroyed.
  - 4) if that document was never prepared
- i) Information is not clear: if the information is not clear the PIO shall call the applicant on his contact number and seek clarification. The PIO cannot deny the information on the 30<sup>th</sup> day on such wrongful grounds.
- j) With regards to calling of inspection to search the information: the RTI envisages that the PIO shall search and locate the information. The applicant cannot be called and asked to search information. There is no provision under RTI act to call the applicant for inspection and direct him to search the information.
- k) Information is not clear: if the information is not clear the PIO shall call the applicant on his contact number and seek clarification. The PIO cannot deny the information on the 30<sup>th</sup> day on such wrongful grounds.
- l) Sending reply ON or AFTER 30 days for payment of Zerox charges: as per GAD circular dt. 17.11.2017 the intimation of charges to be paid is to be intimated within 10 days of the receipt of the RTI application.
- m) Sending notice for payment of small amount: as per GAD circular dt. 6.9.2008. if the amount is small and the time and the amount spent is higher, such small amounts need not be taken.

PA  
दि. 23/1/2020 शेजी  
स्वकारी 11:00 वाजता  
सुमानली भासोजी  
कावा  
9/1/2020

3 वाजता  
21/1/2020  
11/2/2020

ANNEXURE-A  
APPLICATION UNDER THE RTI ACT, 2005

Date: 02/11/2019

To,  
Public Information Officer,  
Town Planning Department, नगर रचना विभाग  
Mira Bhayandar Municipal Corporation,  
Bhayandar-401101

202E  
मिरा भायंदर महानगरपालिका  
नगर कार्यालय, भायंदर  
५३७९०२३ को.२०  
१६.१०.१९२१९२



मिरा भायंदर महानगरपालिका  
मुख्य कार्यालय, भायंदर  
आवेदक क्र. २४२८१८५  
दाखल दिनांक ०३/११/१९

SHRI BRIJESH SHARMA,  
[RTI Activist & Member of AAP]  
AAM AADAMI PARTY MIRA BHAYANDAR OFFICE,  
A/230, Shanti Shopping Centre,  
Mira Road East - 401107.

- 2. Information Sought : Information required on Public/ Government land/plot reserved in Mira Bhayandar Municipal Corporation Jurisdictions.
- 3. The period to which the information relates : 01.01.2019 to till date of RTI reply.
- 4. Description of the information required: Kindly provide the information point-wise and in English language with index and chart disclosing the page number on which the information is available as per under Section 6 (1), 4 (3) and 7 (9) of the RTI Act, 2005. Kindly provide information in Compact Disk if available. Certified copy as per STATE Government circular of G.A.D. no. SIC 216 / C.R. (178/16) six dt. 1.2.2017 and as per circular 1.2.17 and as per section 2(J) (2) RTI act.

- 1) Total number of land bearing reserved for Public/ Government land/plot in Mira Bhayandar.
- 2) Survey Number and Hissa Number of Public/ Government land/plot reserved in Mira Bhayandar.
- 3) Total number of builder / contractor / firm / individuals made encroachment on Public/ Government land/plot in Mira Bhayandar.
- 4) Certified copies of File Notings & Action Taken Reports/ details on Public/ Government land/plot to made free from encroachment in Mira Bhayandar till date.
- 5) Certified copies & Total number of Court cases registered for illegal encroachment on Public/ Government land/plot in Mira Bhayandar till date and pending for dispose.
- 6) Complete details of the 7/12 land records of Public/ Government land/plot reserved in Mira Bhayandar.
- 7) Complete details including Name and Office Address of Name of builder / contractor / firm / individuals issued notice for removal of encroachments from Public/ Government land/plot in Mira Bhayandar.
- 8) Certified copies & Total number of Police FIR registered on builder / contractor / firm / individuals /accused for illegal encroachment on Public/ Government land/plot in Mira Bhayandar.

5. Whether information is required by post or in person? : By Speed Post. But convey me the charges of the information within 10 days by speed post as per para no.2 of State Government Circular of G.A.D.No. Misc. 2017/C.R.(208/17) six.; dt 17.11.2017

PIO, please make a note: -

- 1) The information shall be given with index and page number and their correlation.
- 2) Provision of law and materials relied upon cannot be denied. Refer RTI act section 4(1)(b)(ii)(iv)(v), (C), (D)
- 3) Information shall be given in chart form by reproducing the information sought by applicant.

श्री. परब  
Bam

*[Signature]*  
[SHRI BRIJESH SHARMA]