

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza State Information Commissioner

Appeal No. 275/SCIC/2011

Esperance Raju,
H.No.706-A, Acsona,
Benaulim, Salcete – Goa.

..... Appellant

v/s

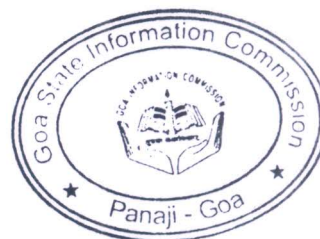
1. Public Information Officer,
Superintendent of Police (South)
Margao – Goa..
2. First Appellate Authority
Inspector General Police
Police Head Quarter,
Panaji – Goa

..... Respondents

Relevant emerging dates:

Date of Hearing : 20-07-2016

Date of Decision : 20-07-2016



ORDER

1. Brief facts of the Case are that the Appellant Esperance Raju had vide an application dated 11/07/2011 addressed to the PIO/Suptd. Of Police, South Goa District, Margao sought certain information giving reference to two letters dated 23/06/2011 & 24/06/2011.
2. It is the case of the Appellant that the PIO sent two replies. In the first reply of the PIO vide contained two letters No.2576 & 2577 both dated 26/07/2011 alongwith two enclosures of information including one chapter case No.61/2010 dated 26/06/2010 about my close neighbor Shri M.S. Varela rearing cows & buffaloes leaving his cattle loose thereby entering into my property & damaging my fruit growing plants & causing danger & nuisance and when questioned gives abusive language & threats and submitting the chapter case No.61/10 in the court of SDM, South Goa, Margao and the other enclosure is of PI Colva, Police station letter No.PI/Colva/SAL/6282/11 dated 28/06/2011.
3. The Second reply of the PIO is vide his letter No. SP/ S-Goa/Reader/RTI/2957/2011 dated 24/08/2011 in continuation to his earlier letter No.2576 dated 26/07/2011 enclosing the following documents:



- (i) Copy of SDP, Margao letter No.SDPO/MRG/L-PET/11/255/2011 dated 09/08/2011 about chapter 61/10 dated 26/06/2010. ...2

2

- (ii) Copy of chapter case No.61/10 dated 26/06/2010
- (iii) Copies of my two letters dated 23rd & 24th June 2011, one is regarding a huge male Buffalo being tied in front of my house and the other regarding delay in filling an FIR against my close neighbor for deliberately leaving and driving his cattle loose into my property causing destruction to my fruit growing plants & creating all sorts of nuisance and danger to me and my family members.

4. Not being satisfied the Appellant filed a First Appeal on 16/09/2011 and came to be registered as Appeal No.56/2011/1383 dated 03/10/2011 which was disposed by the FAA vide his order dated 18/10/2011 and being aggrieved the Appellant has filed a Second Appeal before this commission on 14/12/2011 and has prayed Respondents no 1 &2 have knowingly given incorrect, incomplete & misleading information and therefore to impose penalties and also compensation and other such reliefs.

5. During the hearing the Appellant is absent but had sent a letter dated 06/05/2016 opting to remain absent and to dispose the appeal on material facts as per the appeal memo. The Respondent PIO is represented by Adv N. Dias and the FAA is represented by Adv K.L. Bhagat alongwith Braz Menezes, PI, currently posted at the Colva Police Station.

6. The Adv for the Respondent PIO submits that all the information was furnished to the Appellant vide two letters No SP/ S-Goa/Reader/RTI/2576 dated 26/07/2011 with Annexure 'A' and letter 24/08/2011 with all enclosures.

7. It is further submitted that the Appellant had also filed a First appeal and her husband had attended the hearing and the First appeal was disposed on 18/10/2011 wherein the PI of Colva Police Station was directed to look into the matter and sort out the problem of the appellant as a good gesture and to which the Appellant has agreed. It is further submitted that the information furnished is correct and not misleading as alleged by the appellant.

...3

8. The Advocate submitted that the Appellant had stated that she has not received copy of action taken report by the Cova Police Station regarding delay in filing an FIR against M.S. Varela and therefore, the Respondent PIO sought clarification from APIO/Sub Divisional Police Officer, Margao vide this office letter dated 10/08/2011.
9. It is further contended that the Respondent PIO on receipt of the report from AIO/Sub Divisional Police Officer, Margao vide letter dated 12/08/2011 information was subsequently furnished to the Appellant vide this office letter dated 24/08/2011.
- 10) The Commission on perusal of the material on record observes that indeed all information was furnished to the Appellant. The Commission also observes that the FAA in his order had gone out of his way to help the Appellant by giving a direction to the PIO to sort out the problem of Buffalo nuisance and which directions as per my are beyond the purviews of the RTI act.
- 11) The commission is of the considered view that the Appellant cannot use the RTI act for solving and settling civil and criminal disputes which fall under the domain of Civil and Criminal courts. The Appellant instead of being satisfied that the relevant information as sought for has been furnished by the PIO is without justifiable reason casting aspersions that the information furnished is incorrect and misleading only to keep the matter alive and use police machinery for settling personal disputes.
- 11) The Commission finds no reason to interfere with the order of the FAA and consequently the appeal which is devoid of any merit stands dismissed. All proceedings in the Appeal case stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.



sdh
(Juino De Souza)
State Information Commissioner