

GOA STATE INFORMATION COMMISSION

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

Shri Prashant S.P. Tendolkar,
State Chief Information Commissioner,

Appeal No. 93/SCIC/2017

Mr. Bapu Yeso alias Yeshwant Virnodkar,
Girkarwad- Kepe,
Arambol, Pernem –Goa.

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Appellant.

V/s

1) The State Public Information Officer,
Mr. Eshant V. Sawant,
Mamlatdar of Pernem, Sub –Division,
Pernem-Goa.

2) The First Appellate Authority,
Dy. Collector & S.D.O.,
Pernem Sub –Division,
Pernem-Goa.

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Respondents.

Filed on : 27/06/2017

Disposed on: 07/11/2017

1) FACTS:

a) The appellant herein by his application, dated 22/11/2016 filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent No.1, PIO in the form of certified copies of all papers documents etc filed in mutation cases as referred therein.

b) The said application was replied on 15/12/2016. However according to appellant the information as sought was not furnished and hence the appellant filed first appeal to the respondent No.2.

c) The First Appellate Authority (FAA) by order, dated 24/05/2017 held that as the information is not available and hence disposed the said appeal.

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d) The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act.

e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 13/10/2017 had filed a reply to the appeal. Submissions of parties were heard.

f) According to PIO the information sought as per appellant's request was pertaining to mutation proceedings Nos. 6058, 1791, 1565, 1590, 1382 and 116 and all these are concerning land under survey No.58/1 of Village Amambol.

According to him only mutation No.1791 relates to survey No.58/1 and that mutation No.6058 is not available in online mutation of survey No.58/1 of village Arambol. According to him these facts were intimated to appellant.

Thus according to PIO as the information as requested is not available and that the available one is already provided to appellant and thus prayed for dismissal of appeal.

2) FINDINGS:

a) I have perused the records and also considered the submissions of the parties. In this case as per appellant, the information as is sought pertains to the records relating to land under survey number 58/1. According to appellant said records relates to above mutation cases Nos. 6058, 1791, 1565, 1590, 1382 and 116.

The PIO has filed on record the survey records in form I & XIV of said land under new Survey No. 58/1. As per the mutation numbers referred therein, the mutation of this survey number are shown as mutation Nos. 1726, 2291, 1954, 1791 and 22686.

There is reference of mutation numbers 6058, 1565, 1590, 1382 and 116 recorded against said survey number. Hence I find force in submissions of PIO that only mutation number 1791, is in respect of said survey No.58/1 but that the same is registered before promulgation and that other numbers does not refer to said survey number 58/1.

b) From the explanation of PIO and considering the survey records, said survey No.58/1 has no corresponding mutation numbers. It thus appears that there is ambiguity in mutation case numbers vis a vis the survey number. In view of this ambiguity the PIO could not furnish the information.

c) In the above situation I find it appropriate that nothing survives in this appeal as any directions or orders if issued, without clarity may be redundant and unenforceable. Hence the proceedings are required to be dropped.

However, I hold that the appellant can file fresh application for information after clarifying the above ambiguity, if needed by inspecting the records. In view of the above I proceed to dispose this appeal by following:

ORDER

The appeal is dismissed. However, the right of the appellant to seek said information after clarifying the mutation numbers, with reference to survey No. 58/1, if needed after inspection of records, are kept open.

Notify the parties. Proceedings closed.

Pronounced in open hearing.

Sd/-
(Mr. Prashant S. P. Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa