

GOA STATE INFORMATION COMMISSION

‘Kamat Towers’, Seventh Floor, Patto, Panaji – Goa

Appeal No.195/2016

Shri Bhagawan Acherekar ,
H.No. 172, maimolem,
Udaywadi, vasco Goa. Appellant

V/s.

1. Dasharath Gawas,
Mamlatdar of Sattari taluka,
Office of the Mamlatdar Sattari Taluka,
Valpoi Goa.
2. Dy. Collector & SDO,
First Appellate Authority,
Bicholim Sub-Division,
Bicholim Goa. Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 20/9/2016

Decided on:31/03/2017

1. The appellant Shri Bhagawan Acherekar by his application dated 13/4/16 filed u/s 6(1) of the Right to information Act 2005 (Act) sought certain information from the Respondent No.1 PIO office of the Mamlatdar, Sattari Taluka as stated therein .
2. The said application was replied on 18/4/16 However according to appellant the information as sought was not furnished and hence the appellant filed first appeal to the Respondent no.2 FAA on 30/4/2016.
3. The Respondent no. 2 First appellate authority by order dated 22/6/2016 dismissed the appeal of the appellant .
4. Being aggrieved by action of both the respondent the appellant prefer the present appeal u/s 19(3) of the RTI Act 2005 before this commission 20/9/16.

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5. The matter was listed for hearing and taken up on board. In pursuant to the notice the appellant appeared in person. The notice issued to Respondent No. 1 written as unserved the Respondent no. 2 First appellate authority was represented by Shri Mahadev Arondekar.
6. In the course of the hearing the Respondent no. 2 First appellate authority informed that name of one Xec Karim shah is included in form I and XIV of Survey No. 11/1 of Nanus village of Sattari Taluka since promulgation of records of rights and therefore the documents sought cannot be made available as the same is not available in their office record . He further submitted that the promulgation of records of rights have been done by survey Department and as such the documents pertains to information sought is available with the land and survey Department.
7. The appellant requested this Commission to direct the respondent PIO to transfer the said application to PIO of the land survey department.
8. Since the Respondent No. 1 PIO is not holding the said information and as the same is in the custody of other public authority. I find the ends of justice will meet with the following directions.

Order

1. The Respondent No. 1 PIO of Mamlatdar of Sattari, Valpoi is here by directed to transfer the application of the appellant dated 13/04/2016 in terms of section 6(3) of RTI Act to the PIO of Land and survey Department within 5 days from the date of the receipt of the order and the intimation of the same should be given to the appellant .
2. Liberty is hereby given to the appellant to approach this commission, if aggrieved by the order of the PIO Land Survey records and First Appellate authority.

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The appeal disposed accordingly and proceedings stands closed.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-
(Ms. Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa