

GOA STATE INFORMATION COMMISSION
'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

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

Appeal No.95/SCIC/2017

Adv. Ms. Vidhya M. Desai,
R/O H. No. 214, Yamuna Apt.,
Ground floor, Sirvodem,
Margao –Goa.

.... **Appellant**

V/s

1) The Public Information Officer,
Mamlatdar of Salcete,
Collectorate, South Building,
Margao-Gao.

2) The First Appellate Authority,
Dy. Collector & SDO-II,
Collectorate South.

..... **Respondents**

Filed on:29/06/2017

Decided:24/10/2017

ORDER

1) The Appellant herein by her application dated 02/01/2017 has sought from PIO the mutation proceedings in mutation entry NO.51 of survey No.24/9-B of Colva Village, as also the documents attached to said mutation proceedings under entry No.51 of survey No.24/9-B.

2) As the said application was not responded by PIO, the appellant filed first appeal and in the said first appeal the information in the form of copies of documents contained in said mutation file were furnished to appellant.

3) The appellant feeling aggrieved by said information has filed this second appeal u/s 19(3) of the Right to Information Act 2005.

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4) In the course of hearing before me the PIO had submitted that the information in the form of certified copies of papers contained in mutation case NO.51 have been furnished and nothing remains to be dispensed further. However the appellant has a grievance that the mutation has not been effected correctly and there must be some additional documents. Hence she was directed by me to inspect the file and report whether all the papers from said file of mutation case No., were furnished to her.

6) On 23/10/2017 the PIO was represented by Mr. Rohan Z. Paes and he produced the original file pertaining to mutation No.51 as sought by appellant. The same was inspected by appellant and submitted that the copies of all papers in the said file were furnished to her. I have also personally verified the file of mutation NO.51 and compared the same with copies which are filed by PIO in the file of above appeal and as furnished to appellant and found that the said copies are the same.

7) When arguments were heard the appellant submitted that the mutation in respect of survey No.24/9-B is fraudulently recorded without any supporting document and that the entry is wrong. She also submitted that the name of Vincente Rebelo is recorded without any supporting document.

8) I have perused the records and considered the arguments. It appears that the appellant has a grievance against the procedure adopted for mutation. In other words she disputes the merits of the mutation proceedings on the ground that the mutation is erroneously conducted and she is furnished copies of such erroneous or fraudulent mutation.

9) The RTI Act does not confer any jurisdiction to the Commission to test the veracity of procedure or application of law

in effecting mutation. To decide the merits of any mutation proceedings is also beyond the competence of this Commission under the RTI Act. The only thing which can be done by Commission is whether the information as sought is furnished as is sought or in the same form which it exist.

10) In the present case the file pertaining to mutation No.51 is before me. The information which is in the form of copies of said file is furnished to appellant and is also admitted by appellant. Hence I am in agreement with the PIO that the information, as it exist, is furnished and nothing survives in the appeal. The appellant also has admitted that the said information is also the same as it exist.

11) In the above circumstances I hold that the information as was dispensable has been furnished and nothing survives in this appeal. If at all the appellant has grievance against the merits of the mutation proceedings itself, she is free to challenge the same before appropriate forum constituted under the Land Revenue code.

12) In the above situation I find no merits in the appeal. I therefore dismiss the above appeal as nothing survives now.

Parties be notified.

Proceeding closed.

Pronounced in open hearing.

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