

**GOA STATE INFORMATION COMMISSION**  
**Seventh Floor, Kamat Towers, Patto, Panaji, Goa.**

**Penalty 36/2017**  
**In**  
**Appeal No. 59/SIC/2015**

Shri Sushant Ray,  
 C/o. H. W. Showroom/H. Fashions,  
 Shop-I, Raza Enclave,  
 Opp:Flyover Bridge, Sirvodem,  
 Navelim, Margao, Goa. ....Appellant

**V/s.**

1. Public Information Officer (PIO),  
 Inspector of survey & Land Records,  
 Margao-Goa
2. First Appellate Authority (FAA),  
 Director/FAA, Directorate of Settlement &  
 Land Records,  
 Panaji-Goa .....Respondents

**CORAM:**

**Smt. Pratima K. Vernekar**, State Information Commissioner

**Decided on: 30/11/2011**  
**ORDER**

1. This Commission while disposing the above Appeal vide order dated 03/05/2017 had directed to issue show cause notice u/s 19 (8) (b) of the Right to Information Act 2005 to the Public Authority/Director, of Land Survey to showcause why action for imposing compensation should not be initiated against him. In view of the said order passed by this Commission, on 29/05/2017, the proceedings converted into penalty proceedings.
2. Separate replies filed by both Respondents on 6/06/2017. Vide said reply PIO submitted that file no. 129/02 was traced during inventory on 22/05/2017 and documents are issued to the Appellant and that tracing of documents pertaining to confirmation files related to Chalta No. 5/1 of PT Sheet No. 284 and Chalta No. 5/1

of PT Sheet No. 284 and Chalta No. 5/2 of PT sheet No. 284 of Margao City are in process.

3. Respondent No. 2 vide his reply contended that land records of files of respective talukas are in the custody of respective inspector of Survey and Land records and that Committee has been appointed to conduct inquiry in the said matter.
4. In compliance to the order dated 03/05/2017 passed by this Commission, the Respondent No. 1 PIO filed affidavit on 31/07/2017 with regards to efforts taken by him to trace the said file. It was also contended that process of inventory has been taken by him and if the file is traced the said information shall be provided to him free of cost. The said affidavit was also supported by relevant documents.
5. Additional reply also filed by Respondent No. 1 on 04/09/2017 informing that inventory of the files pertaining to City Survey Margao is completed on 18/08/2017 and files pertaining to chalta No. 5/01 and 5/2 of PT sheet No. 284 of City Survey Margao is not available. It was further contended that files pertaining to matters have been misplaced during shifting of the office from Municipal Complex Margao and from Ossia Complex Margao and then to New Mathany Saldana Administrative Complex. The PIO had also appolised for the inconvenience cause to the appellant.
6. Vide affidavit dated 14/11/2017, the PIO have contended that the appellant was furnished with the copies of Land Acquisition plan of Konkan Railway. It was further contended that he also reconstituted the file of Chalta No. 5/1 and 5/2 of PP. T. Sheet No. 284 except notings and order. It was contended that information which was traced was provided to appellant free of cost. It was further submitted that confirmation of the said properties might have been carried out based on award in Land Acquisition case. It was further submitted that it may have been updated as per powers vested with Director of Settlement and Land records

regarding properties involved in Land Acquisition as per section 61(3) of the Land Revenue code 1969.

7. Written arguments were filed by the appellant on 14/11/2017 and matter was fixed for arguments of Respondent on subsequent date.
8. On 30/11/2017, the Respondent No. 1 PIO Shri Savio Silveria and Respondent No. 2 Smt. Neela Mohan appeared and submitted that their replies may be considered as their arguments. Respondent No. 2 Smt. Neela Mohan submitted that their department is still making severe attempts to locate the said file and if the same is traced, the information shall be furnished to the appellant free of cost.
9. I have scrutinized the record available in the file and also considered the submissions of both the parties.
10. The appellant had sought for the said information somewhere in the year 2014, the information pertaining to the file No. 129/02 was furnished to the appellant in the year 2017 after the order was passed by this Commission in appeal bearing No. 59/2015 and still the information pertaining to confirmation file related to Chalta No. 5/1 and 5/2 of PT Sheet No. 284 of Margao survey city is reported to be not traceable .
11. Though it is now stated that inventory is now carried out and the part of the information is reconstituted, the fact remains that as on the date of application the information was not available due to the lapse on the part of the authority, such lapse has resulted in appellants approaching several authorities including this Commission.
12. If the correct and timely information was provided to the appellant, it would have saved his valuable time and hardship caused to him in pursuing the said appeal before different authorities. It is quiet obvious that appellant has suffered lots of harassment and mental agony and torture in seeking information under RTI Act

which is denied to him till date and as such I am of the opinion that this is an fit case where request of the appellant for compensation appears to be genuine.

13. The appellant herein has claimed an sum of Rs. 5,00,000/- as damages, However I find no evidence to substantiate his claim and hence I am unable to grant the same.
14. Considering the principals of general damage, I find this is an fit case for awarding, compensation to the Appellant which, notionally quantify as Rs. 5000/-
15. In the above circumstances, following order is passed:-

ORDER

- a) Public Authority/Director of Land and Settlement is hereby directed to pay Compensation of Rs. 5000/- to appellant within three weeks from the date of receipt of the Order.
- b) The right of the appellant to seek same information from PIO free of cost is kept open after the said confirmation file pertaining to confirmation file related to Chalta No. 5/1 and 5/2 of PT Sheet No. 284 of Margao Survey City.

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

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**CORAM:**

**Smt. Pratima K. Vernekar**, State Information Commissioner

**Decided on: 30/11/2011**

**CORRIGENDUM**

On the first page of the above mentioned Order of penalty after the cause title the date of order decided on 30/11/2011 shall be read as "30/11/2017" instead.

Rest contents of the said Order remains the same.

Sd/-

(Ms. Pratima Vernekar)  
 State Information Commissioner  
 Goa State Information Commission

**Date:- 3/01/2018**

**Place:- Panaji-Goa**