

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

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

Appeal No.224/2017/SCIC

Filed on: 15/12/2017

Mr. Siddesh S. Simepurushkar,
R/o Flat No.F2,
Ananta Apartment, Angod Waddo,
Mapusa Bardez-Goa. Appellant
V/s.

1)Public Information Officer,
Administrator of Comunidades (North Zone)
Mapusa, Bardez-Goa. Respondent

Appeal No.225/ 2017/ SCIC

Filed on: 15/12/2017

Mr. Siddesh S. Simepurushkar,
R/o Flat No.F2,
Ananta Apartment, Angod Waddo,
Mapusa Bardez-Goa. Appellant
V/s.

1)Public Information Officer,
Administrator of Comunidades (North Zone)
Mapusa, Bardez-Goa. Respondent

Appeal No.226/ 2017/ SCIC/

Filed on: 15/12/2017

Mr. Siddesh S. Simepurushkar,
R/o Flat No.F2,
Ananta Apartment, Angod Waddo,
Mapusa Bardez-Goa Appellant
V/s.

1)Public Information Officer,
Administrator of Comunidades (North Zone)
Mapusa, Bardez-Goa. Respondent

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Appeal No.54/2018/CIC

Filed on:06/03/2018

Mr. Siddesh S. Simepurushkar,
R/o Flat No.F2,
Ananta Apartment, Angod Waddo,
Mapusa Bardez-Goa. Appellant
V/s.

1)Public Information Officer,
Administrator of Comunidades (North Zone)
Mapusa, Bardez-Goa Respondent

All Decided : 14/06/2018

O R D E R

As all the above matters pertain to common parties and involve a common point, they are disposed by this common order.

1) The appellant herein by his several applications filed u/s 6(1) of the Right to Information Act 2005, herein after referred to as 'THE ACT' for short, sought information from the respondent PIO pertaining to the land under new survey number 145/1 of Assagao Village, Bardez Goa. In some of the appeals the information sought was in the nature of 'all documents' wherein the details of such documents were not given. In some cases the information was sought in the form of opinion and in others it pertains to the cases dealt with by other authorities.

2) As the applications u/s 6(1) were not responded, the appellant filed first appeals which were decided and vide orders passed therein, the PIO was directed to furnish the information to appellant. It appears that in response to

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said order PIO directed the concerned Comunidade to provide information to appellant directly and accordingly the concerned comunidade responded to the applications of the appellant as also some other applicants. The information was not furnished by said Comunidade contending that the request was vague.

3) Aggrieved by said responses the appellant preferred above second appeals before this Commission seeking directions to furnish information as also seeking penal actions under the act.

4) When the above appeals came up for arguments on 5/6/18 before this Commission, the representative of the PIO submitted that the applications were not clear as to what information was actually sought. According to him, the term 'all documents' as used by appellant in his applications is not clear. Further according to him as the information sought was pertaining to Comunidade records, the applications were forwarded to concerned comunidade for furnishing information directly to appellant, which is accordingly furnished.

5) Appellant submitted that several illegalities were committed in respect of land under new survey no. 145/1 and he desires to know and have all related documents pertaining to such acts. He further submitted that as he is not having before him as to which documents were used for such transaction he has sought for all documents.

6) On perusal of the records more particularly the application u/s 6(1) and the reply of Comunidade, Commission finds that the appellant wants the detail

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movements pertaining to proceedings of land. If he is not aware, as to which documents were used and which are to be obtained, it would be proper for him to have the inspection of records in first instance and after locating the documents he can seek the same. This will help the PIO to deal with the requirements of appellant precisely.

7) In the present case the PIO has directed Comunidade to furnish the information to appellant. Without expressing any decision whether Comunidade has a liability under the code or not as the issue is sub judice. Commission finds that it was an erroneous practice on the part of PIO to direct Comunidade to furnish information. The authenticity of the information is to be vouched by PIO and no liability can be fixed on Comunidade. Commission therefore finds that the procedure of directing the Comunidade to furnish information to appellant was erroneous and cannot be supported. The proper course would have been to call the information from Comunidade and thereafter furnish the same to appellant and in the interest of justice.

8) Considering the above peculiar situation, Commission find it appropriate to dispose the above appeals by granting liberty to appellant to seek fresh information with clarity. For seeking such clarification the appellant can seek inspection of records if desired and thereafter apply copies with specific references to the case/file/correspondence numbers. When such information is sought the PIO shall deal with the application under the act and furnish the same to appellant under his seal and signature.

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Needless to say that the PIO can seek information from Comunidade under article 88 A of the code of Comunidade read with section 2(f) of the act.

The above appeals are thus disposed accordingly.

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