

# GOA STATE INFORMATION COMMISSION

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

**CORAM: Shri Juino De Souza: State Information Commissioner**  
**Complaint No. 22/2017**

Shri. Sushant Ray,  
Shop No.G-003, Colmorod Navelim,  
Supreme Colmorod Centre,  
Margao-Goa.

.....**Complainant**

v/s

**1.Public Information Officer,**  
Inspector of Survey & Land Records,  
Second Floor, Mathany Saldana  
Administrative Complex,  
Near KTC Bus Stand,  
Margao- Goa.

**2.First Appellate Authority,**  
Director,  
Directorate of Settlements & Land Records,  
Panjim – Goa.

..... **Respondent**

## **Relevant emerging dates:**

Date of Hearing : 19-02-2018

Date of Decision : 19-02-2018

## **O R D E R**

1. Brief facts of the case are that the Complainant herein had filed three RTI applications dated 27/10/2014, 18/11/2014 and 22/01/2015 all addressed to the PIO, Inspector of Survey & Land Records, Margao-Goa as per information sought therein.
2. It is the case of the complainant that the correct information was not given and which is why he filed a First Appeal on 20/03/2015 before the First Appellate Authority (FAA) and the FAA vide an order dated 07/04/2015 disposed the First Appeal directing the PIO to furnish a reply in writing to all the three questions raised in the RTI applications and to furnish all further clarifications within eight days.
3. Being aggrieved that despite the order of the FAA, the PIO has not furnished a written reply nor given any clarification, the Complainant has thereafter approached the commission by way of a complaint case u/s 18 registered on 08/08/2017 and has prayed for initiating enquiry and imposing penalty and for taking disciplinary action against the PIO for causing delay and denying information.

4. During the hearing the Complainant Shri Sushant Ray is present in person. The Respondent PIO, Mr. Savion Silveira, Inspector of Land Records, Margao is present alongwith Smt. Anisha Matondkar, Asstt. Survey and Settlement Officer, Panaji is present on behalf of the FAA. The matter is taken up for final disposal.
5. At the outset the Respondent PIO submits that this matter was already agitated by way of a Second Appeal bearing no 59/SIC/2015 and which has been disposed by this commission by an order dated 03/05/2017. It is further submitted and certain directions given in the said order have been complied and accordingly a memorandum dated 18/04/2016 was issued to the respective dealing hands and who have submitted their reply dated 03/05/2016. The PIO furnishes a copy of the said memorandum and reply which is taken on record. It is finally submitted that the Appellant in the said second appeal had also prayed for compensation and accordingly notice was issued by the Commission0..
6. The Complainant in his submissions states that he has filed written arguments dated 19/02/2018 and the same be treated as his oral arguments and that he has nothing further to say in the matter.
7. The Commission after hearing the submission and on perusal of the material on record indeed finds that the Complainant herein has already agitated the same matter before this Commission by filing a Second Appeal bearing No. 59/SIC/2015 as per 19(3) and which appeal has been disposed by order dated 03/05/2017 and the PIO has complied with the order passed by issuing a memorandum to the dealing hands accordingly.
8. The Commission has also heard the PIO/Public Authority on the aspect of compensation which was prayed by the appellant therein who is the Complainant herein. The Complainant has already got his reliefs in the Second Appeal case of 59/SIC/2015 with the PIO complying with the Order of this Commission.

9. Since the matter has already been agitated once by way of a Second Appeal before this Commission, as such the Complainant herein is precluded by the universal principles of *Res Judicata* (already decided) from agitating the same matter again through a Complaint case under section 18 of the RTI act 2005.

*Section 11 of the Code of Civil Procedure, 1908 embodies the doctrine of Res Judicata as to the points decided either of fact or of law, or of fact and law, in every subsequent suit between the same parties. It enacts that once a matter is finally decided by a competent court, no party can be permitted to reopen it in a subsequent litigation. In the absence of such a rule there will be no end to litigation and the parties would be put to constant trouble, harassment and expense.*

*Res Judicata is a rule of universal law pervading every well regulated system of jurisprudence and is based upon a practical necessity that there should be an end to litigation and the hardship to the individual if he is vexed twice for the same cause. Thus, this doctrine is a fundamental concept based on public policy and private interest.*

*The legal concept of Res Judicata arose as a method of preventing injustice to the parties of a case supposedly finished as well as to avoid unnecessary waste of resources in the court system.*

**The Complaint case is not maintainable and accordingly stands dismissed.**

All proceedings in the Complaint case are closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Copies of the Order be given free of cost.

**Sd/-  
Juino De Souza  
State Information Commissioner**