

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.261/SCIC/2016

Engr. Rabindra A.L. Dias ,
Dr. Pires Colony, Block "B"
Cujira, St. Cruz ,
Tiswadi - Goa

..... Appellant

v/s

1. Public Information Officer,
O/o the Village Panchayat of Colva,
Colva, Salcete-Goa.
2. First Appellate Authority,
O/o The Block Development Officer,
Mathany Saldanha Administrative
Complex, Margoa, Salcete Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 10-04-2019

Date of Decision: 10-04-2019

ORDER

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 22/08/2016 addressed to the PIO, Village Panchayat of Colva, sought certain information under section 6(1) of RTI Act, 2005.
2. The Appellant is *inter alia* is seeking information regarding 1) Survey Plan of survey Nos. 66/10, 66/11, 67/3 & 67/3A of Sernabatim Village Salcete Taluka (jointly). 2) FORM II of Survey Nos. 66/10, 66/11, & 67/3 of Sernabetim Village, Slacete Taluka. 3) FORM III of Survey Nos. 66/10, 66/11, & 67/3 of Sernabetim Village, Slacete Taluka. 4) FORM V of Survey Nos. 66/10, 66/11, & 67/3 of Sernabetim Village, Slacete Taluka and such other related information contained in the RTI application therein.
3. It is the case of the Appellant that he has not received any information from the PIO and hence filed a First Appeal dated 26/09/2016 and the First Appellate Authority (FAA) vide his Order on Roznama dated 28/10/2016, directed the PIO to furnish complete information to the Appellant as per RTI Act 2005 free of cost within 15 days. ...2

4. Being aggrieved that despite the Order of First Appellate Authority, the PIO has not furnished information, the Appellant filed a Second Appeal registered with the Commission on 21/11/2016, and has prayed to direct the PIO to furnish the information free of cost and for penalty, compensation and other reliefs.
5. **SUBMISSION:** At outset appellant submits that the PIO failed to comply with the order of First Appellate Authority and direction being given to the PIO furnish information free of cost.
6. **FINDINGS:** The Commission after hearing the Appellant and perusing material on the records finds that the PIO, pursuant to the Order of the First Appellate Authority on 28/10/2016 has furnished information vide letter no. VP/SVCG/21/17-18 dated 04/04/2017 informing the appellant that with regard to information at Serial No 1 to 19 ,25,26,27,34,35,38,39,10,43,47, he may approach the O/o Mamlatdar Salcette at Margao to obtained Survey records as the same are not maintained by the Panchayat office.
7. The PIO with regards to information at Serial No.20 to 24,28 to 33 & 36,44,45,46,48 up to Serial No 53 has requested the Appellant to give details of Const. licence No. & date / year of existence of house or Reference No. and date of the documents issued by this Office so that the Panchayat may go through the Office records accordingly furnish the information.
8. The PIO also informed that the House tax registration records, H.No. 155, H.No. 156 & H.No. 157, shows existing old House Numbers and furthermore the House No 155 has been bifurcated to H.No. 155 (a) which stands on Mrs. Florencia Rodrigues and H.No. 155(a) stands in the name of Mrs. Rosa Maria Goes. And whereas the H.No. 156 stands in the name of Mr. Milagres Rodrigues & H.No 157 stands in name of Mrs. Perpetua Socorrina Rodrigues e Miranda as per Village Panchayat records.

9. **DECISION:** As stipulated in the RTI Act, the role of the PIO is to provide information as is available, how is available, what is available and if is available from the records. The PIO is not called upon to create information so as to satisfy the whims and fancies of the Appellant.
10. In view that the PIO has furnished information as was available and further has also informed the Appellant to approach the O/s of Mamlatdar of Salcette, Margao to collect information of survey records go to prove the bonafide that there was no malafide intention on the part of the PIO to deny the information.

As the information as is available has been furnished, nothing further survives in the appeal case which stands dismissed.

With these observations all proceedings in the appeal case stand closed. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-
(Juino De Souza)
State Information Commissioner