

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Appeal No: 94/2019/SIC-II**

Shri Amol S. Sawant,  
H.No. 647, Walkeshwar wada,  
Betim, Bardez, Goa-403 101.

**..... Appellant**

**v/s**  
Public Information Officer,  
Dy. Collector & SDO,  
Govt. Complex Building,  
Mapusa Goa.

**..... Respondent**

**Relevant emerging dates:**

**Date of Hearing : 18-11-2019**

**Date of Decision: 18-11-2019**

**ORDER**

1. **Brief facts of the case** are that the Appellant has filed an RTI application dated 22/10/2018 seeking information from the Respondent PIO, Office of Dy. Collector, Collectorate Office, Mapusa with reference to an application filed under regularization of the unauthorized construction Act vide serial No. 4198 dated 20/12/2016 by Shri. Vishwanath Parab and requests to issue documents given below second time as per order passed by FAA dated 02/08/2018.
2. The Appellant is *inter alia* seeking information regarding Inspection report received from team incharge on the referred dated 20/12/2016 inwards by Shri. Vishwanath P. Parab and inspection held on 17/05/2018 by the inspecting team and copy of the order passed by the authorized officer after holding the summary /inquiry for regularization or rejecting the application filed on the above referred matter of the Appellant.
3. It is seen that the PIO vide reply No.PIO/DY.COLLECTOR /SDM/MAP-BAR/RTI-377/2018/7808 dated 12/11/2018 furnished information in tabulation form and with respect to point (a) it was informed that copy of inspection report of Assistant Engineer, SD IV.WD XIII (R) PWD, Mapusa Goa, Inspector of Survey and Land Records, Mapusa Goa and Range Forest, Panaji Goa....

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.....are available and that to collect the available information on any working days on payment of necessary fees and with respect to point no (b), it was informed that no Order has been passed.

4. Not satisfied with the reply the Appellant filed a First Appeal on 28/11/2018 and the First Appellate Authority (FAA) after hearing both the parties, passed an Order dated 31/12/2018 directing the PIO to disclose to the Appellant the information available in his file records regarding regularization of case within 30 days free of cost.
5. The First Appellate Authority in his order specifically observed that the Respondent should provide specific information to Appellant as to whether the Application of Shri Vishwanath Parab has been processed for regularization of authorized construction as per said Circular and if, processed then to inform of the action taken thereon.
6. Being aggrieved that despite the Order of First Appellate Authority (FAA), the PIO has not furnished complete information, the Appellant subsequently approached the Commission by way of a Second Appeal registered on 12/04/2019 and has prayed to direct the Respondent to furnish information regarding point No.1 & 2 of the RTI application.
7. **HEARING:** This matter has come up before the Commission on five previous occasions and hence is taken up for final disposal. During hearing the Appellant Shri. Amol S. Sawant is present in person. The Respondent PIO, is represented by Dinanath Poulekar, LDC with the public authority.
8. **SUBMISSION:** At the outset the Appellant submits that the information furnished by the PIO is incomplete and requests that directions be given to the present PIO to provide Mamlatdar report as per notice issued of inspection of site regarding the application for regularization on 20/12/2016 and for information at point no 2 whether an order has been passed on the said on the said regularization. The Appellant files reply dated 18/11/2019 which is taken on record of the Commission and one copy is served on the other side.

9. Shri. Dinath Poulikar submits that all information pertaining to the regularization of the unauthorized construction vide serial No. 4198 dated 20/12/2016 by Shri. Vishwanath Parab has been furnished to the Appellant. It is further submitted that a common notice of inspection was typed and circulated to four Departments where the notice is applicable and not to all departments as is mentioned in the said notice.
10. Shri. Dinanath Poulikar also submits that the PIO had furnished a reply dated 12/11/2018 and further another reply was also submitted before the commission dated 15/07/2019 and nine pages of information documents, have been furnished to the Appellant under his endorsement showing valuation Report, Check list, Plan of the unauthorized house belonging to Shri. Vishwanatah Parab, site inspection report, Sketch inspection report and copy of the letter from the Office of Range Forest Officer, Panaji.
11. It is also submitted that the applicant Shri Vishwanth Parab has since expired recently and file regarding the said regularization is fixed for orders, on acceptance or rejection on 29/11/2019 and that there is no further information available. Shri. Dinanath Poulikar also submits that if the appellant desires to have some more information, the PIO is willing to extend all cooperation.
12. **FINDINGS:** The Commission has perused the material on record including three replies filed by the Appellant dated 15/07/2019, 25/07/2019, 19/09/2019 and 18/11/2019 and finds that the Appellant is using the RTI route to know of the outcome of whether the application for house regularization of Shri. Vishwanath Parab vide serial No. 4198 dated 20/12/2016 is accepted or rejected and which according to Shri. Dinanath Poulikar has been fixed for orders on 29/11/2019.
13. The Commission also finds that the PIO has furnished complete information with respect to the information sought in the RTI application dated 22/10/2018 and there is on record valuation Report, Check list.....

.....Plan of unauthorized house belonging to Shri. Vishwanatah Parab, site inspection report, Sketch inspection report and copy of the letter from the Office of Range Forest Officer, Panaji.

14. There is also on record a reply of the PIO bearing No.PIO/DY.COLLECTOR /SDM/MAP-BAR/RTI-377/2018/7808 dated 12/11/2018 and also another reply dated 15/07/2019 filed by the PIO, Gaurish Shankhwalkar, Dy Collector & SDO confirming that all information has been furnished to the Appellant and that vide a letter dated 04/01/2019, the Appellant was informed of the factual position.
15. **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 available in the records. The PIO is not called upon to create information or to deduce some information so as to satisfy the whims and fancies of the Appellant.
16. The very fact that the PIO has furnished a reply on dated 12/11/2018 and another reply dated 15/07/2019 and that nine pages of information documents have been received by the appellant is sufficient to prove the bonafide that there are no malafide intention on part of the PIO to either deny or conceal the information and which is the mandate of the RTI act 2005, thus the PIO cannot be faulted in any way.
17. As PIO has furnished complete information as was available in the records and further the appellant is informed that the file regarding the said regularization is fixed for orders, on acceptance or rejection on 29/11/2019, **nothing further survives in the Appeal case which accordingly stands disposed.**

**With these observations, the Appeal case stand disposed.**

All proceedings in Appeal case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

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

