

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No: 115/2018/SIC-II

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

...Appellant

v/s

1. Public Information Officer,
O/o the Directorate of Settlement & Land
Records, Panaji-Goa.
2. First Appellate Authority,
O/o the Directorate of Settlement and Land
Records, Panaji-Goa.

.... Respondent

Relevant emerging dates:

Date of Hearing : 11-03-2019
Date of Decision : 11-03-2019

O R D E R

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 17/05/2017 sought certain information u/s 6(1) from the Respondent PIO, O/o Directorate of Settlement and Land Records, Panaji-Goa of Authentic Photo Copies of the Records and also sought Suo Motu Inspection of Records as per the relevant provision of the said RTI Act, 2005.
2. The information sought is regarding INDICE NUMERICO DOS PREEDIOUS DA ALDEIA CALAPOR DO CONCHELHO DAS ILHAS COM NOMES DOS PROPRIETARIOS E SUAS RESIDENCIAS DOS PREDIOS 263, 297, 376, 377 and 378, respectively; Old Cadastral Survey Plan of Village Calapor, Tiswadi Taluka bearing Numerous dos Predios 263, 297, 376, 377 and 378, respectively (Jointly); New Cadastral Plan of Calapor Village, Tiswadi Taluka bearing Survey Nos. 3/1, 2, 3, 4, 5 and 601/1, respectively (Jointly); "REGISTO DE AGREMESSOR" of property bearing Nos. 263, 297, 376, 377 and 378 of Calapor Village Tiswadi Taluka, Matriz of Land Bearing Nos. 263, 297, 376, 377 and 378 of Calapor Village, Tiswadi Taluka; Form II, Form III and Form ; Form I & XIV of Survey No. 3/1, 3/2, 3/3, 3/4, 3/5, 601/1, of Calapor Village Tiswadi Taluka. ...2

3. It is seen that the Respondent PIO, Superintendent of Survey and Land Records vide reply No. DSLR-RTI/258/49/17/DS017-650 dated 22/05/2017 transferred the RTI application u/s 6(3) to the PIO, Inspector of Survey and Land Records (ISLR), Records of Rights (North) for furnishing information from point Nos 11 to 17 and to the PIO, Mamlatdar of Panaji to furnish information from point Nos 5 to 11 and from 19 to 23 vide letter no DSLR-RTI/258/49/17/DS017-64 dated 22/05/2017.
4. It is further seen that the PIO, Superintendent of Survey and Land Records as per 7(1) vide letter no 14-DSLR-RTI-49/258/17DSO17-914 dated 13/06/2017 informed the Appellant that information from point 1 to 4 are kept ready and the Appellant was asked to pay an amount of Rs 382/- and to collect the same. It is seen that the Appellant paid the amount vide receipt No.862 dated 16/06/2017 and has collected the information.
5. It is also seen that the Appellant has paid a further amount of Rs.14/- vide receipt no DS210620175481 DATED 21/06/2017 and collected additional information pertaining to Form III(Index of Land) Calapur from the PIO, Inspector of Survey and Land Records.
6. It is the case of the Appellant that he had vide two letters addressed to the PIO dated 20/02/2017 and 29/05/2017 objected to the transfer of RTI application for information from serial No.6 to serial No.11 to the Mamlatdar of Panaji because the said information was available with the PIO, Directorate of Settlement & Land Records.
7. The Appellant being aggrieved that the PIO, Superintendent of Survey and Land Records (SLR) is not furnishing information from serial No.6 to serial No.11, thereafter filed a First Appeal dated 28/06/2017 and the First Appellate Authority (FAA) registered a First Appeal bearing No.10/DSLR/RTI/EST/702/2017/1135 dated 04/07/2017.

8. It is the case of the Appellant that the First Appellate Authority (FAA), Director, Land Settlement and Records after issuing a notice on 04/07/2017 fixed the First appeal on 19/07/2017 and further adjourned the same to 02/08/2017, 05/09/2017, 14/09/2017 and 26/09/2017 and during the hearing held on 26/09/2017, the Appellant filed objections stating that the FAA cannot hear the First appeal after 90 days as any first Appeal should be disposed within 30 days and it is seen that the FAA has not passed any order.
9. The Appellant has subsequently filed a Second Appeal before this Commission registered on 07/05/2018 on the ground that the FAA refused to hear the Appeal and further the dealing hand has refused to endorse on the roznama the objection filed by the appellant and also that Respondent No 1, PIO has refused to furnish the information and has prayed to take cognizance and to penalize the PIO and also initiate disciplinary proceedings against the Respondent No 2 for refusing to hear the first appeal and for compensation and other such reliefs.
10. **HEARING:** This matter has come up for hearing before the Commission on several previous occasions and hence taken up for final disposal. During hearing the Appellant is absent. The PIO, Ms Domiana Nazareth, Superintendent, Survey & Land Records is present in person. The FAA is represented by Smt Vinita V. Kambli, Assistant Survey & settlement Officer.
11. **SUBMISSIONS:** The PIO submits that the RTI application was transferred on 22/05/2017 to the PIO, Inspector of Survey and Land Records (ISLR), Records of Rights (North) for furnishing information from point No 11 to 17 and to the PIO, Mamlatdar of Panaji to furnish information from points 5 to 11 and from 19 to 23. It is submitted that the Appellant vide letter dated 29/05/2017, requested the PIO to rectify the transfer to the Mamlatdar of Panaji of point nos.6 to 11 stating that the said information records are in possession of the PIO, Superintendent, Survey & Land Records. ...4

12. The PIO finally submits that as per land Revenue Code 1968, Form No.II is a public notice signed by the Talathi, hence the RTI application was transferred to the PIO, Mamlatdar of Panaji but on request of the Appellant's letter dated 29/05/2017 a thorough search was done and some registers listed as form No. II were traced in respect of S.No.601/1 Calapur Vilage in Tiswadi Taluka and the Appellant was requested to collect the information on payment of Rs.2/- and the appellant has failed to collect.
13. It is also submitted that Old Portuguese records such as old cadastral plans, Registo do Agremensor, Index were prepared 100 years back and the same are deteriorated due to constant use. The said records being valuable, the department has scanned and digitized the same in soft copies and such soft copies are made available to the public for inspection on computer and copies of the scanned images are issued to the public. The Respondent PIO refers to a reply dated 19/06/2018 confirming the facts which is on record of the Commission.
14. The representative for the FAA submits that the First appeal was adjourned as the appellant was absent for the hearing on 19/07/2017 and since the FAA was nominated on the interview panel of GPSC the next date was fixed on 02/08/2017 and again the Appellant was absent on this date and the matter was adjourned to 05/09/2017.
15. It is further submitted that at the hearing on 05/09/2017, the Appellant although was present had sought time and hence the next date given was 14/09/2017. On this date, the FAA had to make a presentation at the Regional Conference on Good Governance as Nodal officer and as such the matter was further adjourned to 26/09/2017, however at the hearing held on 26-09-2017, the Appellant filed objections for conducting the hearing after 90 days and thus the FAA could not pass any order.

16. It is also submitted that the FAA has not caused any intentional delay or any hardship to the appellant but as the FAA is also the Collector of the district has to shoulder major responsibilities and has to deal with time bound work which cannot be postponed and as such the matter came to be adjourned. Smt Vinita V. Kambli refers to a reply filed by the present FAA which is on record of the Commission.
17. **FINDINGS:** The Commission has heard the submissions of the Respondents 1 & 2 and has also perused the material on record including the Second Appeal memo, the written submissions / reply of the present FAA and which is received by the appellant under his endorsement on 04/10/2018, the reply of the PIO, Supdt. Of Survey & Land records dated 19/06/2018 received by the Appellant on 13/08/2018 and other enclosures. It is a fact that the Appellant has collected information documents on payment of Rs.382/- vide Receipt no.862 dated 16/06/2017 and also collected some more information pertaining to Form III(Index of Land) by paying an amount of Rs.14/- vide receipt no DS210620175481 DATED 21/06/2017.
18. The only grievance of the Appellant is that the PIO, Supdt. Of Survey & Land Records has unnecessarily transferred the RTI application to the PIO, Mamlatdar of Panaji for furnishing information at point nos.6 to 11 and which information according to the Appellant is in possession of the PIO, Superintendent, Survey & Land Records.
19. The PIO has explained the reason for transferring the RTI application and which is mainly because as per land Revenue Code 1968, the Form No.II is a public notice signed by the Talathi. The Commission also finds that the PIO after receiving a request from the appellant on 29/05/2017 objecting to the transfer has conducted a thorough search and some registers listed as form No. II were traced in respect of S.No.601/1 Calapur Vilage in Tiswadi Taluka and the PIO also informed the Appellant to collect the information on payment of Rs.2/- stating and it can be furnished and it is the Appellant who has refused to pay Rs.2/- and collect the information. ..6

20. The Commission is of the view that there are no malafide intentions on the part of the PIO, Superintendent, Survey & Land Records to deny or delay the information. The very fact that the PIO transferred the RTI application to two other PIO's and further the appellant has collected the information after paying necessary fees and the fact that PIO has acceded to the Appellant's letter dated 29/05/2017 requesting to rectify the transfer of point nos.6 to 11 and conducted a diligent search in the records and succeeded in tracing some registers listed as form No. II in respect of S.No.601/1 Calapur Village in Tiswadi Taluka and finally requested the Appellant to collect the information prove the bonafide that the PIO has fulfilled all the duties and obligations cast beyond any doubt and thus cannot be faulted.
21. The Commission also finds that the FAA could not pass an order on the first Appeal as the Appellant had himself objected to conducting the hearing on 26-09-2017. The Commission finds that due to the busy schedule of the FAA who is also the Collector, the First Appeal came to be adjourned several times. The FAA thus cannot be faulted.
22. **DECISION**: The Commission directs the PIO, Superintendent, Survey & Land Records to furnish the information from point No 6 to point No.11 regarding form II of Survey 2/1,2,3,4,5, and form II Survey No.601/1 of Calapor Village, Tiswadi Taluka within 20 days of the receipt of the Order by Speed Post (latest by 22/04/2019). The PIO to file a compliance report with the Commission. Consequently, the reliefs sought for Penalty against Respondent no 1 and for Disciplinary Action against the Respondent no 2 stand rejected.

With these directions the appeal case stands disposed.

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