

GOA STATE INFORMATION COMMISSION

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No: 143/2019/SIC-II

Shri John Vaz,
H. No. 1153, Maina Socorro,
Bardez Goa.

..... Appellant

v/s

1. Public Information Officer,
Town & Country Planning,
North Goa District Office,
Mapusa – Goa.
2. First Appellate Authority,
Town & Country Planning,
North Goa District, Mapusa – Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 16-07-2019

Date of Decision : 16-07-2019

ORDER

1. **Brief facts** of the case are that the Appellant vide an RTI application dated 22/11/2018 sought certain information u/s 6(1) of the RTI Act, 2005 from the PIO, Town & Country Planning Department, Mapusa-Goa regarding status of land use and contour in Survey no.227/2 of Salvador-Do-Mundo. The Appellant is *inter alia* seeking information on i) Status under RP 2001 ii) Status under RP 2021. iii) Any presence of steep slope/NDZ slope. iv) Contour Map of No Development slope if present.
2. It is seen that PIO vide reply No.TPBZ/RTI/864/SDM/TCP/18/678 dated 21/12/2018 informed the Appellant to visit the office and collect information at point no. 1 & 2 after payment of necessary charges and that the information at point no. 3 & 4 are not available in the office records and hence the said information cannot be furnished.
3. Not satisfied with reply the Appellant filed first Appeal dated 14/01/2019 and First Appellate Authority (FAA) vide order dated 27/03/2019 upheld the reply of the PIO that information regarding point no. 3 & 4 are not held in the Office of PIO and disposed the first appeal.2

4. **HEARING:** During hearing Appellant Shri. John Vaz is present in person. The Respondent PIO, Shri. S. P. Surlakar, Dy. Town Planner, Town & Country Planning Department, Mapusa - Goa is present along with Shri. Prakash Ranjan Shirodkar, Planning Assistant.
5. **SUBMISSION:** The Appellant submits that he has received information at point no. 1 & 2, but information at point no. 3 & 4 is not received.
6. The PIO submits that information at points no. 3 & 4 is not held with the O/o Town & Country Planning Department, Mapusa and may be available with the HO since regional plans are prepared by Head Office. The Appellant at this juncture submits that he will file fresh RTI Application with the PIO- TCP, HQ seeking information at points. 3 & 4.
7. **FINDINGS:** The Commission after perusing the material on record and hearing the submissions of the respective parties indeed finds that as information at points no 3 & 4 were not available the same could not be furnished. As stipulated in the RTI Act, the role of the PIO is to provide information as is available and if available from the records. The PIO is not called upon to create information to satisfy the whims and fancies of the Appellant.

As information as was available was furnished, nothing further survives in the Appeal case which accordingly stands disposed.

8. It is open to the Appellant, if he so desires, to approach the correct PIO, TCP-HQ for obtaining information at points 3&4 by filing a fresh RTI application with the said PIO, Town & Country Planning, Headquarters as perhaps the said information may be available with the said PIO, TCP, HQ since regional plans are prepared by Head Office.

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