

GOA STATE INFORMATION COMMISSION

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

Appeal No. : 223/2019/SIC-I/

Mrs. Pooja Shankar Chavan,
R/o. H. No. 5/8, Near St. Andrews Church,
Non-Mon. Dempo Bhat,
Vasco Da Gama, Goa

..... Appellant

v/s

1. Public Information Officer,
Inspector of Survey And Land Records,
Directorate of Settlement and
Land Records (City Survey),
Guia Building, Vasco Da Gama, Goa.

2. Public Information Officer ,
The Chief Officer.
Mormugao Municipal-Council,
Vasco-da-Gama.

..... Respondents.

CORAM: Ms. Pratima K. Vernekar, State Information Commissioner.

Filed on: 24/07/2019
Decided on: 15/10/2019

ORDER

1. Facts in brief leading to present appeal are that the appellant Mrs. Pooja Shankar Chavan by her application dated 2/05/2019 filed under section 6(1) of Right To Information, Act, 2005 sought certain information from the Respondent No. 1, the PIO of Inspector of Survey and Land Records, Directorate of Settlement and Land Records (City Survey) at Vasco-Da-Gama, Goa.
2. The said application dated 2/05/2019 filed under section 6(1) of RTI Act, 2005 was transferred by Respondent No. 1, to the Respondent No. 2 i.e. Public Information Officer (PIO) of Mormugao Municipal Council by letter dated 8/05/2019 in terms of section 6(3) of RTI Act, 2005 with the request to furnish the information directly to the appellant.

3. As the said application was not Responded by Respondent No. 2 within stipulated time of 30 days as such the appellant deeming the same as rejection filed 1st appeal on 11/6/2019 before the Chief Officer, Mormugao Municipal Council at Vasco Da Gama being First Appellate Authority (FAA).
4. It is contention of the appellant that he received letter dated 26/06/2019 from the Respondent No. 2 wherein the information at point No. 1 i.e copy of the letter dated 26/02/2019 with reference No. MMC/Tech/P/2018-19/2713 addressed by Chief Officer, Mormugao Municipal Council of to Inspector of Survey and Land Records of Vasco-da Gama was furnished and information at point No. 2 and 3 was denied on the ground that the said is not available.
5. Being aggrieved by such an response of Respondent No. 2 and being not satisfied with the information provided to her, vide letter dated 26/6/2019, the appellant filed present appeal on 24/07/2019 interms of section 19(3) of RTI Act with the contention that information furnished to her is incomplete misleading and false. The Appellant has sought for the reliefs for directions to Respondents of providing her correct and complete information as sought by her vide her application dated 2/05/2019.
6. The matter was listed on board and was taken up for hearing, in pursuant to which appellant was present. Respondent no. 1 PIO Head Surveyor, Shri. Sagar Navelkar was present and Respondent No. 2 was represented by Advocate V. V. Pednekar.
7. Reply was filed by Respondent No.1 on 4/10/2019 and by Advocate for Respondent No.2 on 14/10/2019 alongwith enclosure. Copy of both the replies were furnished to the appellant.
8. The Respondent No. 1 vide his reply have submitted that information at point No. 2 and 3 as nil and has further clarified

that the authority could not conduct inspection or survey work as there were no order from the competent authority (Dy. Collector and SDO Mormugao-Goa) to carry out survey work at loco to verify whether the structure constructed is within the plinth area depicted on the survey plan. Further it is also submitted that letter was made to Respondent no. 2 to approach the competent authority (Dy. Collector and SDO Mormugao-Goa) to get the order and in support of his contention he relied upon letter dated 8/3/2019 addressed to chief officer of Mormugao Municipal Council by the Inspector of Survey and Land records, City Survey at Vasco-Da-gama .

9. It was contended on behalf of the Respondent No.2 by the Advocate that on receipt of the transfer application, the Respondent No.2 marked the said application to the concern staff of the different Department of the council who are handling the concerned files for collecting the said information and the Respondent No.2 felt it incumbent after discussion with his staff to transfer the said application back to respondent no. 1 and hence vide letter dated 7/6/2019, the said was transferred again u/s 6(3) of RTI Act to Respondent No.1. It was further contended that the directions given by the first appellate authority vide order dated 26/6/2019 were complied and the appellant vide letter dated 26/6/2019 was requested to collect the information on any working day in pursuant to which the appellant attended the office of Respondent and collected the information on 5/7/2019. In support of his above contention he relied upon exhibit 'D' i.e the proceedings sheet bearing the signature of the appellant of having collected the information. It was further submitted that no information under point no. 2 and 3 is available as per the records.
10. The appellant during the hearing on 4/10/2019 after going through

reply of Respondent No. 1 submitted that she is satisfied with the information provided to her at point No. 2 and 3 by Respondent No. 1.

11. Since the information at point No. 1 was earlier collected by the appellant on 5/7/2019 from respondent No. 2 and Since the information/queries as sought by the appellant at point No. 2 and 3 have now been answered by the Respondent No. 1, and clarification to that effect has been offered by respondent no. 1 to the satisfaction of the appellant , I find that no further intervention of this Commission is required for the purpose of furnishing information.
12. Before parting it needs to mention that there is contravention of provision of section 7(1) of RTI Act by Respondent No. 2. From the inward stamp on the letter dated 8/5/2019 made by the respondent no. 1 to respondent no. 2 u/s 6(3) of RTI Act, 2005 relied by Respondent no.2, it is seen that the said RTI application was received by them on 10/5/2019. In terms of section 7(1) of RTI Act, the Respondent no. 2 was supposed to respond the same within 30 days time thereby providing him available information. Despite the Information at point no. 1 was in possession and in existence on the records of the public authority, the Respondent No. 2 failed to provide the same within stipulated period. The same came to be provided only after the directions issued by the first appellate authority of the said Mormugao Municipal-Council.
13. Non compliance of the provisions of the RTI Act and the non compliance of time limits fixed under the act either by the PIO or the first appellate authority lands the citizen before this commission resulting into unnecessary harassment of the Common man which is socially abhorring and legally impermissible.

14. The Respondent no. 2 PIO is hereby admonished and directed to be vigilant henceforth while dealing with the RTI matters and to comply the provisions of RTI Act in true spirit and to provide the available information to the information seeker within stipulated period. Any lapses found in future shall be viewed seriously. With the above directions the appeal proceedings stands closed.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

(Ms. Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa