

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.81/2019/SIC-II

Dr. (Ms.) Kalpana V. Kamat,
Caldeira Arcade, 1st floor,
'B' Block, Bhute Bhat,
Vasco da Gama–Goa. 403 802.

..... Appellant

v/s

1. Public Information Officer,
Inspector of Survey & Land Records,
Vasco, Goa. 403 802.
2. First Appellate Authority
Director of Settlement & Land Records,
Suptd. of Survey and Land Records,
Margao –Goa.

... Respondents

Relevant emerging dates:

Date of Hearing: 10-07-2019

Date of Decision: 10-07-2019

ORDER

1. **Brief facts of the case** are that the Appellant vide an RTI application dated on 08/01/2019 addressed to the PIO, Mormugao Municipal Council, Vasco Da-Gama Goa sought certain information on seven points viz. (1) Notice send to heirs of Vishnu R. Naik to pay a sum of Rs.10,000/-for the demolition of illegal godown constructed on rear side of Nayak Building situation in Baina in Order of Mun Appeal No.18/2014 and Misc. Application No. Stay/Mun35/2014 (Order of 25 pages) and the date of application of heirs, regarding the payment of the same. (2) Application made by your department to state demolition squad for the demolition of the same and compliance report filed regarding above Order to Administrative Tribunal Panaji (3) All files showing property in the name of Ramchandra Naik, in Baina (1st request for inspection before seeking desired information (4) List of all Chief Officers designated from the start of Mormugao Municipal Council till date along with their tenure same for Municipal engineers.....

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2. (5) Death Certificate of Ramchandra Naik and his son Vishnu R. Naik.
(6) Name of owners by the property and premises given for construction of illegal bungalows /work place sheds/parking area by blocking traditional pathway in chalta No.131P.T. Sheet No.229 240,241, 242. Also construction licence given by your department for the same base on which documents may be first^t shown for inspection before the seeking the same as desired. (7) Documents showing Naik/Nayak Real Estate is a Company and its Registration alongwith all documents submitted for registration.
3. It is seen that the PIO, Mormugao Municipal Council vide letter No.MMC/PER/RTI/18-19/693 dated 11/01/2019 transferred the RTI application to the PIO, office of the Mamladar, Mormugao Taluka to furnish information at point No.3 while furnishing all other information at other points which were held with the public authority.
4. It is also seen that vide a letter No.MAM/MOR/HC/RTI 2019/252 dated 23/01/2019 the PIO, Jt. Mamlatdar-II of Mormugao, Vasco da Gama further transferred the RTI application to the Inspector of Land Survey (ISLR), Vasco da-Gama, Goa and the PIO, ISLR vide letter No.ISLR/CTS/VAS/ RTI/02/19/622 dated 06/2/2019 informed the Appellant that the information regarding point No.3 is not clear and is incomplete and asked the Appellant to provide further details such as P.T. sheet No. & chalta No. of the property and the type of file required with proper file number so that information can be furnished.
5. It is thereafter seen that vide letter dated 20/02/2019, the Appellant informed the PIO, Inspector of Survey and Land Records, City Survey, Vasco that the property falls in chalta No.77, P.T. sheet No.153 and that the type of file and file number is not known. It is also seen that there is another letter dated 20/02/2019 sent by the Appellant, however the Commission finds that it has nothing to do with the present RTI query and pertains to an extraneous issue.3

6. Being aggrieved that the PIO, (ISLR) City Survey Vasco has not furnish information nor has given inspection of the file with regard to the information at point No. 3, the Appellant filed a First Appeal on 13/02/2019 and the First Appellate Authority (FAA) after issuing notice fixed the First Appeal on 14/03/2019.
7. The FAA in the order dated 14/03/2019 observed that the representative of the PIO had stated that the transfer of application dated 23/01/2019 from O/o of the PIO, Jt. Mamlatdar-II of Mormugao, was received by PIO, ISLR, Vasco on 31/01/2019 and accordingly a reply was sent to the Appellant to furnish the details of the property vide letter dated 06/02/2019 and that the Appellant provided the relevant details of property. The FAA however gave an opportunity to the Appellant to correct the property details and directed the PIO to furnish the available information to the Appellant u/s 7(6).
8. The Appellant finding that no inspection was given by the PIO and no information was furnished as per the directions of the FAA in open court regarding the information at point no 3 subsequently has approached the Commission by filing a Second Appeal registered on 01/04/2019 and has prayed for inspection of all files regarding information at point No.3 and also regarding information at point no 6 of the RTI application and to impose penalty and for compensation and other such reliefs.
9. **HEARING:** During the hearing the Appellant Dr.(Ms.) Kalpana V. Kamat is present in person. The Respondent PIO Anisha Matonkar, Inspector of Survey & Land Records, Vasco, Goa is present in person.
10. **SUBMISSIONS:** The Appellant submits that she approached the office of the PIO to take inspection of the file with respect to the information at point No.3 and has inspected the same, however the dealing hand informed that certified copy would be provided in due course.

11. The Appellant further submits that with respect to information sought at point No.6, the necessary corrections were recently made and produces an application dated 10/07/2019 by enclosing corrections regarding her query No. 6 of the RTI application.
12. The Respondent PIO submits that pursuant to the direction of Commission, the Appellant had approached the O/o the PIO on 14/06/2019 during the afternoon session and has taken inspection of the files. It is further submitted that approximately 40 pages of documents duly stamped and signed bearing the official seal were kept ready to be furnished, however the appellant demanded that the copies should additionally be stamped with marking as 'under RTI'.
13. The Commission informs the Appellant that there is no necessity for such an additional marking of 'Under RTI' and that certified copies bearing the seal and signature of the PIO with 'Official Stamp' is sufficient proof of certification. The Commission accordingly instructs the PIO to hand over the 40 pages of the information documents to the Appellant and which the PIO furnishes to the Appellant during the hearing before the Commission. The Appellant on scrutinizing the 40 pages of information documents furnished by the PIO, submits that some pages are missing.
14. The Respondent PIO further submits that what was transferred by the earlier PIO, Jt. Mamlatdar-II of Mormugao, under section 6(3) was the query at point No. 3 and which information has been furnished and that the Appellant's query at point No.6 was not transferred.
15. **FINDINGS**: The Commission after hearing the submission of the respective parties and perusing the material on record, at the outset finds that the Appellant had filed the original RTI application with the PIO, Mormugoa Municipal Council and who in turn transferred the said application under Section 6 (3) to the PIO, Mamlatdar of Murmagao and who further transferred it to the to PIO, ISLR for furnishing information at point No.3.

16. The Commission further finds that pursuant to the directions of the Commission, the Appellant has taken inspection of the file and that the information of 40 pages were kept ready but could not be furnished as the Appellant insisted on having the same stamped with marking as 'Under RTI' and which issue has now been settled and the certified copies bearing the 'Official Stamp' have already been furnished to the Appellant at the hearing before the Commission.
17. The Commission therefore finds that the PIO has complied with the formalities of furnishing the information pertaining to query at point No.3, although the Appellant disputes some pages are missing.
18. As stipulated in the RTI Act, the role of the PIO is to provide information as is available in the records. The Appellant submits that she has numbered the pages with pencil while taking inspection and thus finds that two pages have not been furnished to her.
19. **DECISION:** The Commission hereby directs the Appellant to approach the O/o Respondent PIO, ISLR, Vasco and collect the missing two pages within 15 days of the receipt of this order, if she so desires. In such an event the PIO will furnish Xerox copy of the same without certification. With respect to the Appellant's query at point No.6, the Commission is of the opinion that as the same was not transferred by the PIO, Jt. Mamlatdar-II of Mormugao as such the PIO, ISLR- Vasco is not called upon to furnish the said information. It is open to the Appellant to file fresh RTI application with the concerned PIO, if she so desires.

With these directions the Appeal case stands 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