

**GOA STATE INFORMATION COMMISSION**

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

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

**Appeal No. 191/SIC/2011**

Mr. Bruno John De Souza,  
H.No.437, Marra,  
Pilerne, Bardez–Goa -403114

**.....APPELLANT**

**v/s**

1.Public Information Officer,  
Administrator of Comunidades,  
North Goa, Bardez–Goa.

**.....RESPONDENT**

**Relevant emerging dates:**

**Date of Hearing : 04-02-2020**

**Date of Decision : 10-02-2020**

**ORDER**

1. **Brief facts of the case** are that the Appellant vide an RTI application dated on 05/04/2011 sought certain information from Respondent PIO, O/o Administrator of Comunidade North Zone, Mapusa Goa.
2. The information pertains to certified copy/extracts of records indicating ownership of paddy fields bearing/pertaining/corresponding to Old Survey No.1517,1524 and new Survey Nos.18/1,18/3, and 18/4 of Marra Village, (b) Certified Copy /extracts of records indicating name and all types of rights assigned to persons for paddy fields as indicating in Survey Nos as mentioned in point a above and c) certified Copy of extracts of Maps of survey plans of survey nos as mentioned in part a).
3. It is seen that the APIO vide letter No.ACNZ/RTIA/114/11-12/91 dated 07/04/2011 transferred the RTI application under Section 6(3) of RTI Act to the PIO, Mamlatdar of Bardez Mapusa for giving suitable reply to the RTI applicant as regards the information sought in points a), b) & c) under intimation to this office.
4. It is further seen that the PIO, Mamlatdar of Bardez vide another reply No.MAM/BAR/RTI/332/11/945 dated 10/05/2011 addressed to the Appellant has furnished information on all 03 points....

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..... with reference to point a) the PIO informed that the name of the Comunidade of Pilerne is recorded in occupant column of S.Nos 18/1,18/3, and 18/4 of village Pilerne the name of Rosa Maria Mendes Albuquerque is recorded in tenant column of survey Nos 18/1, and 18/4 of village Pilerne and cultivators columns of survey Nos 18/1 & 18/4, with reference to point b), the PIO informed that the name recorded is Survey No. 18/1, 18/3 and 18/4 is appearing since before Survey hence no documents in this respect is available in this office and with reference to point c) the PIO has stated that the information is not available in this office.

5. Not satisfied with the information received and the fact that the Appellant has not received any information either from the PIO Administrator of Comunidade (N) Zone, Mapusa nor from the respective Comunidade of Pilerne, the Appellant filed a First Appeal on 17/05/2011 and First Appellate Authority (FAA) vide an Order dated 04/7/2011 disposed of the First Appeal by directing the Respondent PIO, Administrator of Comunidade, to obtain the requisite information from Comunidade of Pilerne as per the records available and furnish the same to the Appellant within 15 days from the receipt of the Order.
6. The First Appellate Authority (FAA) in his Order has also observed and if the information sought by the Appellant is not available with the office of the Comunidade of Pilerne then the Appellant should be suitably informed after affording reasonable personal hearing to the Appellant.
7. it is thereafter seen that there was a letter addressed by the APIO dated 09/06/2011 to Registrar/Attorney Comunidade of Pilerne directing to furnish the certified copies & extracts of records available pertaining to the said Survey Nos. 18/1,18/3, and 18/4 of Pilerne Village and name of one Rosa Maria Mendes Albuquerque is recorded in tenant column of survey Nos 18/1, and 18/4., the PIO has also endorsed a copy of the said letter to the Appellant.

8. The Appellant being aggrieved that despite the Order the FAA, the PIO has not furnished any information has thereafter filed a Second Appeal before the Commission registered on 29/08/2011 and has prayed to direct the Respondent PIO to furnish information and for penalty and other such reliefs.
9. **HEARING:** This matter has come up for hearing before the Commission on numerous previous occasions and thus taken up for final disposal. During the hearing the Appellant Shri. Bruno John De Souza is absent. The Respondent APIO, Shri. Bharat Naik Gaonkar, Acting Secretary, O/o Administrator of Comunidade, North Zone Mapusa is present in person.
10. **SUBMISSIONS:** The APIO, Shri. Bharat Naik Gaonkar submits that after receiving the RTI application dated 05/04/2011 the then APIO Shri. Anand Naik, in the Office of Administrator of Comunidade transferred under Section 6(3) the RTI application of the appellant to the Mamlatdar of Bardez vide letter dated 07/04/2011 and the PIO, Mamlatdar of Bardez has furnished information to the Appellant vide letter dated 10/05/2011 on all 03 points. It is also submitted that the APIO, Administrator of Comunidade haD requested the Comunidade of Pilerne to furnish certified copies of extracts of records available regarding paddy filed in Survey No.18/1, 18/3 and 18/4 in the name of one Roza Maria Mendes Albuquerque vide letter dated 09/06/2011 and a copy of the same was endorse to the Appellant on 20/06/2011.
11. Shri Bharat Gaonkar finally submits that the Appellant was informed by a letter No.ACNZ/RTIA/114/11-12/137 dated 20/06/2011 stating that the Comunidade of Pilerne has not furnish any information till date. Shri Bharat Naik Gaonkar states that COMUNIDADES are taking a stand that they are not public authorities under RTI Act and hence are not bound to furnish information to the PIO, Adminstrator of Comunidade.

12. **FINDINGS:** The Commission after hearing the submission of the APIO and scrutinizing the material on records finds that there is a reply filed by the Respondent NO.1 PIO on 27/07/2016 wherein it is stated that Comunidades are taking the stand that they are not public authorities under the RTI act 2005. There is also another reply of the PIO dated 27/08/2012 stating that the PIO had already written to the Registrar /Attorney of Comunidade of Pilerne vide letter NO. No.ACNZ/RTIA/114/11-12/132 dated 09/06/2011 and had informed the Appellant vide letter No. No.ACNZ/RTIA/114/11-12/137 dated 20/06/2011 that there is no information provided till date by the Comunidade of Pilerne and a copy was also sent to First Appellate Authority, Addl. Collector –II.
13. **DECISION:** The Commission accordingly finds that the PIO had made an attempt to collect information from the respective Comunidade of Pillerne but has been unsuccessful mainly due to the fact that the respective Comunidade is unwilling to furnish information and thus the PIO cannot be faulted. The PIO had also transferred the RTI application on 07/04/2011 under Section 6(3) of RTI Act to the PIO, Mamlatdar of Bardez- Mapusa and who has vide reply No.MAM/BAR/RTI/332/11/945 dated 10/05/2011 furnished information on all 03 points.
14. Comunidade bodies have not been declared as Public Authorities by the appropriate government and as such they are reluctant to part with information to the PIO, Administrator of Comunidade. This Commission has come across numerous such cases where the Comunidades do not furnish information to the PIO, Administrator of Comunidades even after a Memorandum is served on the escrivao thus rendering the PIO helpless.
15. It is pertinent to note that the matter regarding Comunidades had also reached the High Court and the Bombay High Court at Goa in Writ Petition no 1004 of 2017 Comunidade of Mapusa V/s PIO Administrator of Comunidade....., ..5

.....in its interim order dated 19/01/2018 had stayed the Judgment of the Goa State information Commission dated 04/07/2017 while also staying the Order of the First Appellate Authority (FAA), Addl Collector-II directing the PIO to furnish information.

16. Also the hon'ble High Court in its Order dated 12/06/2018 observed that the information sought is of private nature and therefore ordered that pending the hearing of the petition, the Petitioner (Comunidade) need not supply information as sought for by the Respondent No 2 (PIO, Administrator of Comunidade), the Commission accordingly is also unable to issue directions either to the PIO, Administrator of Comunidade or to the Registrar / Attorney / Escrivao, Comunidade of Pillerne to comply with the order passed by the Additional Collector-II, First Appellate Authority and furnish the information.
17. As information whatever was available has been furnished by the PIO, Mamlatdar of Bardez and further in view that the PIO had written to the Registrar /Attorney of Comunidade of Pilerne vide letter NO. No.ACNZ/RTIA/114/11-12/132 dated 09/06/2011 and subsequently informed the Appellant vide letter No. No.ACNZ/RTIA/114/11-12/137 dated 20/06/2011 and a copy was also sent to First Appellate Authority, Addl. Collector –II. **Nothing therefore survives in the appeal case which accordingly stands disposed.** Consequently the reliefs sought by the appellant in terms of prayer at point 7 stand rejected.

With these observations all proceedings in the appeal case stand 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**