

GOA STATE INFORMATION COMMISSION

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No: 179/2018/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 Mamlatdar of Salcete,
Mathany Saldanha Administrative Complex,
Margao, Salcete-Goa.

2. First Appellate Authority,
O/o the Dy. Collector –I,
Mathany Saldanha Administrative Complex,
Margao, Salcete-Goa.

.... Respondent

Relevant emerging dates:

Date of Hearing : 10-02-2020

Date of Decision : 10-02-2020

O R D E R

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 03/01/2018 sought certain information u/s 6(1) from the Respondent PIO, O/o Mamlatdar of Salcete, Goa.
2. The Appellant is *inter alia* is seeking information regarding Authentic Photo Copies of the Records of Plan of Survey No.248/3 & 248/4 of Velim Village, Salcete Taluka (Jointly); Form II of Survey No.248/3, & 248/4 of Velim, Salcete Taluka; Form III 248/3, & 248/4 of Velim Salcete Taluka; Form I & XIV of Survey No 248/3, & 248/4 of Velim Salcete Taluka; Application put forth by Smt.Ramitra Andrade in Mutation Case 37638 of Velim Village, Salcete Taluka; Notices issued to the Parties/interested Parties in the Mutation case bearing No.37638 of Velim Village, Salcete Taluka; Roznama in Mutation case No.37638 of Velim Village, Salcete Taluka (Entire) ; Objection filed, if any, in Mutation Case 37638 of Velim Village. Salcete Taluka; NOC file by Shri. Orlando Sales.....

..... in the said Mutation case 376638 of Velim Village Salcete Taluka; NOC filed by any other personnel in the said Mutation Case 37638 of Velim Village Salcete Taluka and other such related information as contained in the RTI application filed therein.

3. It is the case of the Appellant that there was no reply nor any information furnished by the PIO within the mandatory 30 days period as is required under Section 7 (1) of the RTI Act and as such the Appellant filed a First Appeal on 12/02/2018 and the First Appellate Authority (FAA) vide an short Order on the Roznama disposed off the said First Appeal by directing the Respondent PIO to furnish the information to the Appellant within 10 days free of cost.
4. Being aggrieved that despite the direction of the First Appellate Authority (FAA), the PIO has not furnished any information, the Appellant subsequently filed a Second Appeal before the Commission registered on 23/07/2018 and has prayed to direct the PIO to furnish the information and for penalty, disciplinary action and for other such reliefs.
5. **HEARING:** This matter has come for hearing on numerous previous occasions and hence taken up for final disposal. During the hearing the Appellant is absent. The Respondent PIO, is represented by Mr. Walter Rodrigues, Head Clerk with the public authority. The FAA is absent.
6. **SUBMISSIONS:** The representative for the PIO, Mr. Walter Rodrigues submits that information at points from 1,2,3,4,5,6,& 7 regarding Form II, Form III and Form I & XIV of land Survey is available in the office of Talathi and the Appellant was informed of the same when he had approached the Office of the PIO. Regarding the information pertaining to the Mutation case No.37638 of Velim, Village Salcete, it is submitted that the said Mutation may have been carried out but the said file is not traceable.

7. **FINDINGS**: The Commission finds that the Appellant seeking information about Survey Plan Form II , Form II and Form I & XIV in Survey No.248/3, and 248/4 of Velim Village Salcete Taluka and that this information is not available in the Office of Mamlatdar of Saclete but available with the Talathi.
8. The Commission also finds that details of form I & XIV are available on online. The Commission finally finds that the information regarding the Mutation case No.37638 of Velim Village Salcete could not be furnished as the said file is not available in the records of the Mamlatdar and that the Mamlatdar had issued a Memorandum dated 20/03/2019 to the Talathi and also another Memorandum dated 25/03/2019 was issued to the Circle Inspector to search for the missing Mutation case file No.37638.
9. There is a reply filed by the PIO dated 06/08/2019 confirming the facts and also another reply dated 10/02/2020 also confirming that every effort was made to locate the mutation file No No.37638 of velim village even after calling the staff already transferred and conducting daftry inspection of the talathi in question and the file unfortunately could not be located.
10. **DECISION**: The Commission after hearing the submission of Mr.Walter Rodrigues and perusing the material on record comes to the conclusion that the information pertaining to Mutation file No.37638 is not available in the office of the PIO and that several efforts were made to trace the said Mutation file and a Memorandum was issued to the Talathi and Circle inspector and yet the said file could not be traced.
11. As the information was not available in the Panchayat records particularly the information pertaining to Mutation file No.37638 the same could not be furnished.

12. As stipulated in the RTI Act, the role of the PIO is to provide information as is available and if is available in the records. The PIO is not called upon to create some information to satisfy the whims and fancies of the Appellant.
13. The Very fact that the PIO had exercised due diligence and made all out efforts to trace the missing file is sufficient to prove the bonafide that there was not malafied intention on the part of the PIO to deny or conceal the information and the PIO cannot be faulted in any way

Nothing further survives in the Appeal case which accordingly stand 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