

# GOA STATE INFORMATION COMMISSION

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. : 123/2020**

Shri Herculano William Fernandes,  
R/o. GF-1, H. No. 178/1/10, Babuso Enclave,  
Opp. Jal Vayu Villas,  
Zuarinagar – Goa 403726. .... Appellant

v/s

1. Public Information Officer,  
The Chief Officer,  
Quepem Municipal Council,  
Quepem – Goa.
2. Public Information Officer,  
Mamlatdar , O/o. the Mamlatdar of Quepem,  
Quepem-Goa .... Respondents

**Filed on : 13/08/2020**

**Decided on : 17/12/2021**

**Relevant dates emerging from appeal:**

RTI application filed on	: 03/02/2020
PIO replied on	: 18/02/2020
First appeal filed on	: 02/03/2020
First Appellate Authority Order passed on	: 07/07/2020
Second appeal received on	: 13/08/2020

## **ORDER**

1. The brief facts of this appeal are that the Appellant vide application dated 03/02/2020 sought certain information under section 6(1) of the Right to Information Act, 2005 (for short, the Act) from Respondent No. 1 PIO, the Chief Officer, Quepem Municipal Council. The said application was transferred vide letter dated 13/02/2020 to Respondent No. 2 PIO, Mamlatdar and Executive Magistrate, Quepem Goa. Respondent No. 2 PIO furnished part information vide letter dated 18/02/2020. However, aggrieved by the non furnishing of full information Appellant filed appeal dated 02/03/2020

before First Appellate Authority for Quepem Municipal Council at Directorate of Urban Development, Panaji-Goa. The First Appellate Authority (FAA) directed PIO, Quepem Municipal Council to conduct an inquiry regarding the untraceable documents within 30 days and disposed the appeal by stating that the right of Appellant to seek information from PIO is kept open in case of said documents are traced.

2. Aggrieved by the non receipt of the information and also by the order of FAA the Appellant filed second appeal before this Commission. Notice was issued to the concerned parties and the matter was taken on board for hearing. Appellant appeared in person. Respondent No. 1 PIO was represented by Advocate S. Gaonkar and Shri. Subodh Shirvoikar where as Respondent No. 2 PIO was represented by Shri. Santan Gomes, under authority letter. Respondent No. 1 PIO, Chief Officer of Quepem Municipal Council filed reply dated 13/11/2020 and 18/11/2021. Respondent No. 2 PIO, Mamlatdar of Quepem filed reply dated 30/09/2021 and 18/11/2021. Appellant filed submission on 21/01/2021, 02/09/2021 and 14/10/2021.
3. Appellant stated that he had sought certified copies of title documents of Quepem Municipal Council in respect of property bearing survey No. 3/1 of Quepem Village, and documents pertaining to registration number, Matriz number, old cadastral survey number of the said property and certified copies of the same giving details of how the Quepem Municipal Council acquired rights to the same. The said information is available in the records of Quepem Municipal Council and the Chief Officer did not furnish the same by transferring the application to PIO, Mamlatdar of Quepem, by

claiming that the documents are not available in his office. Further, PIO, Mamlatdar of Quepem furnished some information, however the same was not sought by the Appellant. Appellant also stated that he is aggrieved by the order of FAA as the FAA has not given clear directions to PIO to furnish the information.

4. Respondent No. 1 PIO, Chief Officer, Quepem Municipal Council stated that he is not the custodian of the information sought by Appellant and therefore application was transferred to PIO, Mamlatdar of Quepem. His office took lot of efforts to trace the title documents, but could not find any document. Also these documents are very old and not traceable.
5. Respondent No. 2 PIO, Mamlatdar of Quepem stated that upon receipt of the application he furnished form I and XIV of Survey No. 3/1 of Quepem village alongwith the promulgated certificate. The Appellant collected the same on 26/02/2020 and has not raised any grievance/objection to the same. And that the information available in his office has been furnished to the Appellant.
6. It is noted that PIO, Mamlatdar has furnished part information to the Appellant and PIO, Chief Officer does not have the information sought by the Appellant. Considering this fact the Commission on 30/09/2021 directed PIO, Mamlatdar to facilitate the inspection of records in his office. Appellant agreed to visit Mamlatdar's office on 01/10/2021 and representative of Mamlatdar agreed to facilitate the inspection to the Appellant.

7. Appellant vide submission received on 14/10/2021 stated that he visited Mamlatdar office to check the Matriz records of Quepem Municipal Council of the property surveyed under Sr. No. 3/1 of Quepem Village and found that all the entries are written in Portuguese language which he doesn't understand, and hence the required records could not be identified by him. Appellant requested Respondent PIO to provide him with a Portuguese translator, who can identify the documents and do the translation in English, so that he gets the desired information.
8. However, Respondent No. 1 PIO, Chief Officer of Quepem Municipal Council and Respondent No. 2 PIO, Mamlatdar of Quepem vide reply dated 18/11/2021 expressed inability to provide Portuguese translator to check the Matriz records. They also mentioned that in Goa the Matriz records are in Portuguese language and there is no mention of survey number in Matriz records and properties are identified by Matriz number. Also, name of the owner, name of the property and boundaries of the property are mentioned in the Matriz records and the same are maintained Village wise.
9. As per the above proceeding and records of this case, the Commission concludes that the information sought by the Appellant may be available in the office of Respondents, However those records are in Portuguese language and neither the Appellant, nor the Respondent are able to understand and identify the required documents. In the given situation the Commission is unable to direct Respondent PIOs to furnish the information to the Appellant.

10. In the light of above discussion, the Commission disposes the appeal with the following order:-

- (a) The Appellant may approach the office of Respondent No. 1 and Respondent No. 2 alongwith a Portuguese translator, to seek inspection of the relevant records sought by him vide application dated 03/02/2020, within 15 days from the date of receipt of this order.
- (b) Respondent No. 1 and Respondent No. 2 are directed to facilitate the inspection to Appellant, if sought by him as mentioned above and furnish the documents if any, with the respect to his RTI application dated 3/2/2020, identified by Appellant during the inspection, within 7 days from the date of inspection, free of charge.

Proceeding stand closed.

Pronounced in the open court.

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.

Sd/-

**(Sanjay N. Dhavalikar )**  
State Information Commissioner  
Goa State Information Commission  
Panaji - Goa