

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 238/2021/SIC

Shri Prabhakar Babuso Komarpant,
R/o. H. No. 55, Mangan,
Kindlem, Canacona-Goa

..... Appellant

v/s

The Public Information Officer (PIO),
Administrator of Comunidades,
South Zone,
Margao-Goa

..... Respondent

Filed on:13/09/2021

Decided on: 06/05/2022

Relevant dates emerging from appeal:

RTI application filed on	: 25/11/2020
PIO replied on	: Nil
First appeal filed on	: 25/01/2021
FAA order passed on	: 15/06/2021
Second appeal received on	: 13/09/2021

ORDER

1. The brief facts of this appeal are that the appellant vide application dated 25/11/2020 sought certain information from Respondent Public Information Officer (PIO). Aggrieved by PIO's failure to furnish the information, appellant filed appeal dated 25/01/2021 before First Appellate Authority (FAA), Additional Collector-I, South Goa, Margao. FAA vide order dated 15/06/2021 directed PIO to furnish the information. However PIO failed to provide the complete information and therefore appellant approached the Commission by way of second appeal.
2. Notice was issued to the concerned parties and pursuant to the notice, appellant appeared alongwith his nephew Shri. Somnath Maitri, pressed for the information and filed a submission dated 08/04/2022. Respondent PIO never appeared before the Commission, however filed a reply dated 31/12/2021 requesting to implead Escrivao of Comunidade

of Nagarcem-Palolem. Smt. Sulaksha P. Gaonkar, Escrivao of Comunidade of Nagarcem-Palolem appeared subsequently and filed a submission dated 27/01/2022 and later filed an affidavit dated 04/03/2022.

3. PIO stated in his reply that, as the information sought by the appellant was not available in the records of his office, he issued a memorandum dated 23/12/2020 to the Escrivao of Comunidade of Nagarcem-Palolem. In compliance, Escrivao submitted a reply which was forwarded to the appellant vide office letter dated 05/01/2021. Therefore, upon receiving the order of the FAA another memorandum dated 07/07/2021 was issued to the said Escrivao and her reply dated 16/07/2021 was furnished to the appellant. With this, the PIO stated that the said information is not available in his office, hence requests to implead the Escrivao of Comunidade of Nagarcem-Palolem.
4. Notice dated 07/01/2022 was issued to Smt. Sulaksha Gaonkar, Escrivao of Comunidade of Nagarcem-Palolem pursuant to which she appeared and filed reply. Smt. Gaonkar stated that she is not the designated PIO, and is only the LDC/Escrivao of the said Comunidade and she has already filed reply to the PIO/Administrator of Comunidade, South Zone, Margao on both the occasions.
5. Further on the affidavit filed on 04/03/2022, the Escrivao stated as below:- That she received the application forwarded by the PIO and verified the records available in her office. After detail search she has furnished information sought under point No. 1 of the said application. However records pertaining to point no. 2 and 3 are not available in the office and that she has accordingly informed the appellant and other relevant authorities.
6. During the hearing on 04/03/2022, the Commission directed Escrivao to provide for inspection of the records to the appellant. Accordingly, appellant visited the office of the Escrivao on 30/03/2022 and after inspecting the records filed a submission dated 08/04/2022. Appellant stated in the said submission that documents made available to him for inspection could not suffice to his requirement. Altogether 12 books were provided for inspection, however the most important document Tombo I (register of properties) was not made available. According to Model No. 11 mentioned in the

Code of Comunidade, Tombo I contains data of land holding alongwith mention of boundaries. That the appellant was provided Tombo II for inspection and it is unlikely that only Tombo II was created and Tombo I was never made.

7. Upon perusal of the records available before the Commission, it appears that the appellant vide his application dated 25/11/2020, under point No. 1 has sought information on land holdings/lease/aformento/emphyteusis registered in the name of 'Damun Mangono', in Comunidade records. After search, Escrivao found a register maintained as 'Contas Correntes Book', wherein there is an entry in the name of 'Damun Mangona' and the Escrivao has furnished copy of the extracts of the said register, which the appellant has acknowledged. However, more details on land holdings lease/aformento/ emphyteusis as insisted by the appellant could not be furnished by Escrivao since the concerned book i.e. 'Tombo I' is not found in the records of the Escrivao.

Appellant, under point No. 2 of his application has sought information on whether Comunidade is aware that plots are being demarcated in its land behind ITI stretching up to Kindlem and Panyefond, to which Escrivao has stated that the authority is not aware about the same.

Appellant under point No. 3 of the said application has requested for a certified copy of the resolution passed by the Comunidade of Nagarcem-Palolem to construct plots in the said area, to which Escrivao has stated that there is no such resolution about the construction of plots in Comunidade area.

8. Thus the Commission finds that the PIO through Escrivao of Comunidade of Nagarcem-Palolem has furnished information as available, sought by the appellant under point no. 1 of his application. Similarly, information under point no. 2 and 3 is not available, hence the PIO cannot be directed to furnish the same. The Commission has noted the efforts taken by Escrivao of Comunidade of Nagarcem and Palolem to search the documents sought by the appellant and as a consequence concludes that the PIO through Escrivao of Comunidade of Nagarcem-Palolem has furnished the available information. Hence the appeal needs to be disposed accordingly.

9. Information sought by the appellant vide application dated 25/11/2020 has been furnished as available, by the PIO/Escrivao and hence the prayer for information becomes infructuous and no more intervention of the Commission is required in the present matter. Hence, the appeal is disposed accordingly and proceeding stands 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