

GOA STATE INFORMATION COMMISSION
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Shri. Atmaram R. Barve

State Information Commissioner

Appeal No. 140 /2023/SIC

Shri. Nilesh Raghuvir Dabholkar,
R/o. H.No. 275/2 (New), Dabholwada,
Chapora, Anjuna, Bardez-Goa 403509. **Appellant**
V/s

1.Public Information Officer (PIO),
Awal Karkun,
Office of Mamlatdar of Bardez Taluka,
Mapusa, Bardez-Goa 403507.

2.The Mamlatdar of Bardez Taluka,
First Appellate Authority (FAA),
Mapusa, Bardez-Goa 403507.

..... **Respondents**

Filed on: 24/04/2023
Decided on: 21/01/2025

ORDER

1. The present second appeal arises out of the Right To Information (RTI) application dated 11/07/2022 made by Shri. Nilesh Dabolkar and addressed to the Public Information Officer (PIO) in the Office of Mamlatdar of Bardez.
2. On the grounds that even after the expiry of the prescribed time limit of 30 days the PIO has failed to provide any information, the Appellant preferred the first appeal before the competent authority.

3. Vide order dated 06/03/2023 the First Appellate Authority (FAA) disposed the first appeal directing the PIO to furnish requisite information to the Appellant within 10 days from the order.
4. Thereafter, citing the grounds of non compliance of the order passed by the First Appellate Authority (FAA) and that no information has been provided by the PIO, the Appellant herein preferred the second appeal before this Commission on 24/04/2023
5. Notices were issued on 25/05/2023 and matter came up for hearing from 14/06/2023 onwards and Shri. Rupesh Kerkar appeared before this Commission as the relevant PIO.
6. The PIO on various occasions sought time of this Commission and stated that an advocate would represent the matter. However, till date no Advocate has ever made any appearance representing the said PIO in this matter.
7. Vide reply dated 30/10/2023 the relevant PIO Shri. Rupesh Kerkar provided pointwise reply to the original RTI application.
8. However, vide rejoinder dated 30/11/2023 the Appellant brought to the notice of this Commission that incorrect or incomplete information has been provided in terms of point No. 1, 2, 3, 5, 6, 7, 8, 9 and 10 respectively of his RTI application.

9. Vide application dated 29/01/2024 the new PIO Shri. Sanjeev Signapurkar provided some additional information to the Appellant to this Commission.
10. Thereafter, on account of the former State Information Commissioner demitting Office there was no further progress in this matter. However, upon resumption of proceedings matter came to be taken up from 29/10/2024 onwards.
11. The new Public Information Officer, Shri. Ulo Mangueshkar filed a fresh reply dated 19/11/2024 citing that a note has been sent to the clerk of Shree Siddeshwar Devasthan, Caisua seeking their reply.
12. In view of the above and upon perusal of the Appeal memo and other material facts on record this Commission is of the considered opinion as under:-
- a) The facts of this matter pertain to an information sought from a public authority who is supposed to be the Administrative authority over the functioning of Devasthans under the relevant Act of the Government of Goa.
 - b) As per the submissions of the Appellant, as well as the PIO it is evident that the PIO that is Awal Karkun in this instant matter is not the Custodian of information pertaining to the Devasthan and rather the Mamlatdar is actually the Administrator of Devasthans and as

such is directly the Custodian of relevant documents and information.

- c) The Appellant, had sought information from a public Authority and the same ought to have furnished all the relevant information in their Custody to the information seeker.
- d) The exercise of determining the PIO in so far as the matters of Devasthan are concerned appears to be flawed and needs to be revisited because of the prevailing ambiguity around who is the 'appropriate authority'.
- e) The prevailing ambiguity gives scope to the PIO's to wash their hands off and the Mamlatdars who are supposed to be the Custodians of relevant documents and information sit in their own matters as First Appellate Authority which is inconsistent with the spirit of fairness and natural justice thereby causing grave prejudice to the rights of the information seekers.
- f) Although there has been delay on the part of the PIO in initially furnishing the information, there has been also a valid attempt to furnish the same during the course of this second appeal which deserves to be noted.
- g) Although Devasthans are not necessarily covered under the definition of the Public Authority, the

Administrator of such Devasthanans appointed by the appropriate Government cannot evade their responsibility of maintaining relevant documentary records and disseminating the same to the information seekers under the Right to Information Act.

13. Therefore, in view of the above the matter is disposed with orders as under:-

- a) The present second appeal is allowed.
- b) The relevant PIO Shri. Rupesh Kerkar, the present PIO Shri. Ulo Mangueshkar and the present Mamlatdar of Bardez, Taluka are directed to provide a fresh inspection of relevant records pertaining to Shree Siddeshwar Devasthan, Caisua to the Appellant herein on or before 11/04/2025 during working hours, and also provide certified true copies of the desired information in terms of the RTI application dated:11/07/2022.
- c) The Mamlatdar of Bardez Taluka shall ensure that the Ex-PIO Shri. Rupesh Kerkar and present PIO Shri. Ulo Mangueshkar remain present on the specified date and provide inspection and copies of the information sought to the Appellant promptly and free of cost.
- d) Registry is directed to issue showcase notice to relevant PIO Shri. Rupesh Kerkar, the present PIO Shri. Ulo Mangueshkar and the present

Mamlatdar, of Bardez Taluka seeking their reply as to why action should not be initiated against them for the delay in disposing the appellants RTI application. The above named persons to also submit compliance report alongwith the reply to the said showcause notice and remained present in person on 16th April, 2025 at 11.00 a.m. failing which necessary penalty and disciplinary proceedings shall be initiated against them.

e) The Government of Goa through its Chief Secretary is hereby directed to issue necessary order/circular/memorandum on or before 21/04/2025, designating Mamlatdar as the Public Information Officer and correspondingly the relevant superior authority thereunder as the First Appellate Authority (FAA) regarding matters related to administration of Devasthan under the relevant Act of the Government of Goa.

f) Registry is directed to furnish authenticated copies of this order to all the relevant parties and also upload the same on the website of the State Information Commission.

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/-

(Atmaram R. Barve)

State Information Commissioner