

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No. 223/2022/SCIC

Mrs. Juliet Lobo D'Souza,
H. No. E/181, 'Casa Leao',
Cobravaddo, Calangute,
Bardez-Goa

-----Appellant

V/S

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

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

-----Respondents

Shri. Vishwas Satarkar

State Chief Information Commissioner

Filed on: 12/08/2022

Decided on: 27/07/2023

FACTS IN BRIEF

1. The Appellant, Mrs. Juliet Lobo D'Souza, r/o. House No. E/181, Casa Leao, Cobravaddo, Calangute, Bardez Goa vide her application dated 07/04/2022, filed under section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as Act, sought following information from the Public Information Officer, (PIO), the Awal Karkun, Office of the Mamlatdar of Bardez, Mapusa Goa:-

"Kindly be pleased to furnish the information/documents, in respect of the Application dated 24/06/2020 (inward No. 7112), titled "Application for correction of typing errors in computerized form No. I and XIV" in respect of the property bearing Survey No. 177/1 of village Calangute, Bardez, Goa filed by Adv. V. S. Gaitonde.

1) *Copy of Roznama/proceedings sheet maintained in the proceedings.*

2) *Copy of memo/letter/communication to Talathi of Calangute seeking report/comments in respects of the above application. I*

3) *Copy of report of Talathi of Calangute.*

4) *What is the present status of the said application for correction of typing error.*

2. The said application was responded by the PIO on 27/04/2022 in the following manner:

<i>Sr. No.</i>	<i>Subject matter</i>	
<i>1</i>	<i>As regards to point no. 1</i>	<i>N. A.</i>
<i>2</i>	<i>As regards to point no. 2</i>	<i>Copy of memorandum enclosed</i>
<i>3</i>	<i>As regards to point no. 3</i>	<i>Information is not traceable</i>
<i>4.</i>	<i>As regards to point no. 4</i>	<i>Nil</i>

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal before the Mamlatdar of Bardez, Mapusa Goa, under section 19(1) of the Act, being the First Appellate Authority (FAA).

4. The FAA vide its order dated 08/07/2022 allowed the first appeal and directed the PIO to carry out search of records and provide the information free of cost to the Appellant, if traced within 7 days.

5. Since the PIO failed and neglected to furnish the information, the Appellant preferred this second appeal before the Commission under section 19(3) of the Act, with the prayer to direct the PIO to furnish the information.

6. Notices were issued to the parties, pursuant to which, Adv. Satish S. Saudagar appeared on behalf of the Appellant, the PIO Shri. Rupesh Kerkar appeared and filed his reply on 21/11/2022. He also submitted that he is ready and willing to furnish the information and submitted that he has issued memorandum to the Talathi of Village Panchayat Calangute, Bardez Goa to trace the file and sought some time to furnish the information, accordingly, the matter was adjourned for compliance on 16/12/2022.
7. During the course of hearing on 16/12/2022 the PIO, Shri. Rupesh Kerkar appeared and furnished bunch of documents to the Appellant and submitted that, he has provided the documents as received from the office of Talathi, Village Panchayat Calangute, Bardez Goa, vide letter dated 18/11/2022. Since the information provided by the PIO was bulky, Adv. Shetgaonkar appearing for the Appellant sought time to scrutinize the documents; and matter was posted for clarification/order on 23/01/2023.
8. In the course of hearing on 23/01//2023, Adv. Shetgaonkar appeared and submitted that, the information provided by the PIO pertains to one mutation file in case No. 1755/1999 which is not the subject matter of her RTI application and submitted that she is not satisfied with the information provided by the PIO. It was the contention of the Adv. Shetgaonkar that upon receipt of the application on 24/06/2020 (Inward No. 7112) for correction of error in computerized form No. I and XIV form, the Mamlatdar of Bardez dispatched a copy of the said application to the Talathi of Calangute Bardez Goa on 02/02/2021 seeking his comments. The Talathi of V. P. Calangute, Bardez sent back his reply on 17/02/2021 to the Mamlatdar of Bardez, however, despite same, the Mamlatdar of Bardez did not decide her application dated 24/06/2020, and alleged that the Mamlatdar of Bardez failed to discharge his obligation.

9. Having gone through the entire material on record, it reveals that the grievance of the Appellant is that there was inaction on the part of the Mamlatdar of Bardez, as he did not consider her request for correction of clerical error in computerized I & XIV form bearing survey No. 177/1 of Calangute Village of Bardez Taluka. In this background, only to know the status of her said application dated 24/06/2020, the Appellant sought information under the RTI Act.
10. However, the Appellant together with her appeal memo failed to produce on record the copy of the said alleged application dated 24/06/2020 (Inward No. 7112) to substantiate her case. The Appellant also failed to establish as to whom the said application was addressed or whether the Mamlatdar or this Public authority is legally empowered to decide the issue.
11. The facts on record indicate that, the Appellant filed application for correction of clerical errors/typing error before the Mamlatdar of Bardez, Goa, thus seeking the relief of correction of clerical error of the survey records. The Appellant strenuously contended that, the Mamlatdar has failed to decide the issue and also failed to provide the information.
12. In order to examine the said contention, it would be necessary to refer to section 103 of the Goa, Daman and Diu Land Revenue Code 1968, which reads as under:

" 103. - the Collector may at any time, correct or cause to be corrected any clerical errors and any errors which the parties interested admit to having been made in the record of rights or registers maintained under this chapter or which a revenue officer may notice during the course of this inspection:"

A bare perusal of the above quoted provision would show that, the Collector is legally empowered to carry out the correction

of clerical errors in the record of rights. Even if it is assumed that the application was filed by the Appellant for correction of typing / clerical error in computerized survey records before the Mamlatdar of Bardez Goa, he lacks the jurisdiction to decide the issue.

13. In the course of arguments, the incumbent FAA, Mamlatdar of Bardez, Shri. Pravind Gawas appeared and submitted that, though the Mamlatdar lacks the jurisdiction to correct the revenue records, he is certainly empowered to update the records on the basis of evaluation of the report submitted by the Talathi or on the basis of other available records. He further submits that, then PIO / FAA could not have taken that recourse due to the error in wording of the application. Further, according to him, it is just a typographical error cropped up while updating manual records to computerized records in survey No. I & XIV form, bearing survey No. 177/1 of Calangute Village and the same can be corrected by the public authority.

14. This cannot be a matter under consideration of this Commission and the issue raised by the Appellant does not come within the purview of the Act. However, considering the peculiar circumstances and submission of the incumbent FAA, it appears that the whole problem could be solved if the file is reconstituted. Therefore, in the interest of justice the FAA, Mamlatdar of Bardez, Goa is therefore hereby directed to consider the grievance of the Appellant and reconstitute the file and taking appropriate decision on the issue, furnish the information to the Appellant at point No. 4 as per her RTI application dated 07/04/2022 within the period of **THIRTY DAYS**. Accordingly the appeal is disposed off.

- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner,