

GOA STATE INFORMATION COMMISSION

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

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Appeal No. 259/2021/SCIC

Shri. Jawaharlal T. Shetye,
H.No. 35/A, Ward No. 11,
Khorlim-Mapusa, Goa 403507.

.....Appellant

V/S

1. The Public Information Officer,
Mapusa Municipal Council,
Mapusa-Goa 403507.

2. The First Appellate Authority,
The Chief Officer,
Mapusa Municipal Council,
Mapusa-Goa 403507.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 14/10/2021

Decided on: 31/08/2023

FACTS IN BRIEF

1. The Appellant, Shri. Jawaharlal T. Shetye r/o. H.No. 35/A, Ward no. 11, Khorlim-Mapusa, Goa, by his application dated 16/06/2021 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Mapusa Municipal Council, Mapusa-Goa.
2. Since the said application was not responded by the PIO within the stipulated time, deeming the same as refusal, the Appellant filed first appeal before the Chief Officer, Mapusa Municipal Council on 20/07/2021 under Section 19(1) of the Act, being the First Appellate Authority (FAA).
3. Since the FAA also failed and neglected to hear and dispose the first appeal within stipulated time, the Appellant preferred this second appeal before the Commission under Section 19(3) of the Act.

4. Notices were issued to the parties, pursuant to which, the Appellant appeared in person on 07/01/2022, the representative of FAA, Adv. Pallavi Dicholkar appeared and filed her reply on 21/07/2022, the PIO, Shri. Rajendra Bagkar appeared and filed his reply/ information on 12/12/2022.
5. Perused the pleadings, replies and scrutinised the documents on record.
6. Having perused of the material on record, it reveals that, by his RTI application, Appellant is seeking daily, monthly progress report, action taken report against his complaint dated 05/04/2018 addressed to the Chief Officer/ the Chairperson of Mapusa Municipal Council, Mapusa- Goa against, Ex-Chief Officer, Shri. Raju Gawas for allegedly issuing fake income certificate to one Smt. Vilasini V. Shirodkar and his spouse Shri. Vilas Shirodkar r/o. Khorlim, Mapusa-Goa.
7. Merely filing the complaint against the former Chief Officer with the incumbent Chief Officer/ Chairperson of Mapusa Municipal Council, Mapusa-Goa, for misconduct and expecting the PIO to provide daily, monthly progress report of the action taken and related corresponding material from the public authority is irrational and unreasonable demand. It appears that in the garb of seeking information, the Appellant is pursuing his own personal vendetta. There is no provision under the Act to redress the grievance. The RTI Act cannot be converted into proceeding for adjudication of dispute. If the Appellant feels that, any official is not performing his duty in proper manner or doing something that is contrary to the law, the Appellant certainly can approach to the legal enforcement authorities to address his grievance.
8. The Hon'ble High Court of Madras in the case of **Public Information Officer,Registrar (Administration) v/s**

B. Bharathi (W.P. No. 26781/2013) has also given its opinion about vexatious litigations crippling the public authorities and held as follows:-

"The action of the second respondent in sending numerous complaints and representations and then following the same with the RTI applications; that it cannot be the way to redress his grievance; that he cannot overload a public authority and divert its resources disproportionately while seeking information and that the dispensation of information should not occupy the majority of time and resource of any public authority, as it would be against the larger public interest."

9. In the matter of **Rajni Maindiratta v/s Directorate of Education (North West-B) (W.P. (c) No. 7911/2015)**, the Hon'ble High Court of Delhi vide its order dated 08/10/2015 has held that:-

"8..... Though undoubtedly, the reason for seeking the information is not required to be disclosed but when it is found that the process of the law is being abused, the same become relevant. Neither the authorities created under the RTI Act nor the Courts are helpless if witness the provisions of law being abused and owe a duty to immediately put a stop there to."

10. The High Court of Andhra Pradesh in **Divakar S. Natarajan v/s State of Information Commissioner A.P. (AIR 2009 (NOC) 1362 (AP))** has held that:-

"26. The Act is an effective device, which, if utilized judiciously and properly, would help the citizens to

become more informed. It no doubt relieves an applicant from the obligation to disclose the reason as to why he wants the information. However, indiscriminate efforts to secure information just for the sake of it, and without there being any useful purpose to serve, would only put enormous pressure on the limited human resources, that are available. Diversion of such resources, for this task would obviously, be, at the cost of ordinary functioning. Beyond a point, it may even become harassment, for the concerned agencies. Much needs to be done in this direction to impart a sense of responsibility on those, who want to derive benefit under the Act, to be more practical and realistic.”

11. In the above stated circumstances, I find no merit in the appeal and hence dispose the appeal with following:-

ORDER

- The appeal is dismissed.
- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner