GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa
Tel No. 0832-2437908/2437208 email: spio-gsic.goa@nic.in website:www.gsic.goa.gov.in

---

Appeal No. 95/2023/SCIC

Mr. Peter Paul Almeida,
R/o. H.No. 142, Ward No. 3,
Carrasco Vaddo,
Mapusa, Bardez-Goa 403507. .....Appellant

V/S

The Public Information Officer,
Office of the Deputy Collector/ S.D.O., Panaji,
Collectorate Building, Panaji-Tiswadi, Goa. .....Respondent

Shri. Vishwas R. Satarkar State Chief Information Commissioner

Filed on: 09/03/2023
Decided on: 20/10/2023

ORDER

1. The Appellant, Mr. Peter Paul Almeida, r/o. H.No. 142, Ward No. 3, Carrasco, Vaddo, Mapusa, Bardez-Goa vide his application dated 31/12/2021 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), Deputy Collector, North Goa, Panaji-Goa:-

"Reference : Property bearing survey no.278/2 and 278/6 of Village Sodiem, Siolim, of Bardez Taluka.

I require the following information

1) Kindly furnish certified true copy of the Award passed under notification no. RD/LQN/203/79 under section 11 of the Land Acquisition Act 1894.

2) Kindly furnish the entire Acquisition Proceedings and the details of amount paid to respective parties towards Acquisition of the said Property and the exact Area that was acquired. Enclosing copy of the notification for ready reference."

2. The said application was responded by the PIO on 07/01/2022 and again on 10/02/2023 and requested the Appellant to visit the office of the PIO for clarification and further by letter bearing No. RTI/DYCL/TIS/07/2022/4080 dated 19/04/2022 replied in the following manner:-

> *"In continuation to letter from this office bearing No. RTI/DYCL/TIS/07/2022/3619 dated 10/02/20233, and with regards to your RTI reply dated 14/01/2022, it is to inform you that the information in respect to the file No. LAN/157/79 is not traceable."*

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant preferred first appeal before the Deputy Collector and Sub Divisional Office at Panaji-Goa, being the First Appellate Authority (FAA).

4. The FAA vide its order dated 06/02/2023 dispose off the first appeal with the direction to the PIO to furnish the information to the Appellant if the said file bearing No. LAN/157/79 is traced out in future.

5. Feeling aggrieved and dissatisfied with the order of the FAA dated 06/02/2023, the Appellant landed before the Commission by this second appeal 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. S. D. Kolwalkar appeared on behalf of the Appellant, the PIO, Ms. Shradha Naik appeared and filed her reply on 25/04/2023.

7. Through the reply dated 25/04/2023, the PIO contended that, upon the receipt of the RTI application dated 30/12/2021, she responded the same on 05/01/2022, 07/01/2022, 10/02/2022 and finally on 19/04/2022 informing the Appellant that file

No. LAN/157/79 is not traceable. Further, according to her, after the receipt of the order of the FAA dated 06/02/2023, she also made fresh efforts to locate the file with the help of peon attached to the office of Deputy Collector at Panaji, Shri. Namdev Mandrekar. However, file No. LAN/157/79 could not be traced. To substantiate her claim she also produced on record letters dated 05/01/2022, 07/01/2022, 10/02/2022, 19/04/2022, 14/02/2023 and 20/04/2023.

8. Having gone through the entire material on record, it reveals that the PIO has taken efforts to locate the file. It is consistent stand of the PIO that, file bearing No. LAN/157/79 is not traceable in the records of Deputy Collector and SDO Panaji Goa. It is also pertinent to note that the information sought with regards to the Acquisition of Land pertains to the year 1979 which is sought after the span of about 43 years. It is quite probable that the records may not be available with the records of the office of Deputy Collector and S.D.O. Panaji.

9. I have perused the order of the FAA dated 06/02/2023, particularly the operative part of the said order reads as under:-

> " *In view of the above, the appeal filed on 09/01/2022 by the appellant Peter Paul Almeida stands disposed with the direction to the PIO to furnish the information sought by the appellant, if the said file bearing No. LAN/157/79 is traced out in future."*

From the plain reading of the above, it indicates that the FAA was also not fully convinced about availability of information.

10. In the course of argument on 14/09/2023 the PIO, Ms. Shradha Naik submitted that despite her all efforts said file is not traceable in the office of the public authority. On the

background of the above facts, the Commission directed the PIO to file an Affidavit to that effect and matter was posted for filing Affidavit on 20/10/2023.

11. In the course of hearing on 20/10/2023, the PIO, Ms. Shradha Naik appeared and filed Affidavit dated 16/10/2023, the PIO categorically submitted on oath that, the file bearing No. LAN/157/79 is not traceable in the office of Deputy Collector and S.D.O., Tiswadi, Goa. Since the information is not available in the records, the Commission cannot issue any direction to the PIO to furnish non-existing information. In case at any time in future the file bearing No. LAN/157/79 is traced, the PIO is duty bound to furnish the information to the Appellant. Moreover, in case at any time the contents of the Affidavit are found false, the person swearing it would be liable for action for perjury.

12. In the light of above facts and circumstances, the appeal is disposed off.

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

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner