

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 16/2023/SIC

Shri. Ramkrishna G. Desai,
H.No. 2983, V.N. Naik Road,
Chandrawada, Fatorda,
Margao, South Goa,
403602.

-----Appellant

v/s

1. The Public Information Officer,
Office of the Mamlatdar / Administrator of Devalaya,
Canacona Taluka,
Canacona Goa 403702.

2. The Dy. Collector / Sub-Divisional Officer,
Canacona Taluka,
Canacona Sub- Division,
Canacona, Goa 403702.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 18/03/2022
PIO replied on	: 12/04/2022
First appeal filed on	: 29/08/2022
First Appellate Authority order passed on	: 09/11/2022
Second appeal received on	: 09/01/2023
Decided on	: 31/08/2023

ORDER

1. The appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') has preferred second appeal against Respondent No. 1, Public Information Officer (PIO), Mamlatdar / Administrator of Devalayas, Canacona Taluka and Respondent No. 2, First Appellate Authority (FAA), Deputy Collector/ Sub Divisional Officer, Canacona Taluka, which came before the Commission on 09/01/2023.
2. The brief facts of the matter are that, the appellant had sought information from the PIO which according to him was denied initially (within the stipulated period) and later, inspite of the direction by the FAA, information was not furnished to him. Being aggrieved, the appellant has appeared before the Commission.
3. Pursuant to the notice, Shri. Manoj P. Korgaonkar, PIO and Shri. Ramesh N. Gaonkar, FAA appeared in person. PIO filed reply

dated 26/04/2023, reply dated 11/07/2023 to the rejoinder of appellant and additional reply dated 21/08/2023. Appellant appeared in person and filed rejoinder dated 05/06/2023.

4. Appellant contended that, the PIO being the Mamlatdar, is the Administrator of Devalayas of Canacona Taluka thereby the custodian of records of all Devasthan in the Taluka. Thus, the PIO is duty bound to provide full and complete information, however, the PIO has failed to furnish the information even after clear direction issued by the FAA. Also, Article 70 (16) of the Devasthan Regulation authorises the PIO to call for the information from the concerned Devasthan and furnish the same to the appellant. Therefore, he prays for complete information and penal action against the PIO.
5. PIO stated that, he had not denied the information, on the contrary, has made all possible efforts to get the information from the concerned Devasthan and furnish the same to the appellant. PIO further submitted that, he had issued letter to the Committee of Devasthan to provide the said information and undertakes to depute staff of his office to verify the records available in the Devasthan.
6. Upon perusal, it is seen that, the appellant had sought information on 7 points, out of which point no. 1 to 6 pertains to the appointment of clerk for Shri Mallikarjun Devasthan of Gaondongri. However, the PIO has stated that the said Devasthan has not appointed any clerk, and the same fact has been accepted by the appellant. Meaning, information on point no. 1 to 6 was never created in the records of the PIO, thus there exists no information on point no. 1 to 6.
7. Further, with respect to point no. 7 (a), (b) and (c), the appellant has requested for information pertaining to withdrawal of Civil Suit No. 270/2004 from the District Court, Margao. PIO initially stated that the said information is not available in his office, hence the appellant was aggrieved. Later, FAA had directed him to furnish the information, yet no information was furnished.
8. During the present appeal proceeding Shri. Manoj P. Korgaonkar, PIO and Smt. Gayatri Naik Dessai, Awal Karkun took initiative to get the information from Shri Mallikarjun Devasthan, Gaodongri, Canacona and furnished part information to the appellant. Then, upon Commission's direction PIO undertook to facilitate inspection of the relevant records of Shri Mallikarjun Devasthan, Gaodongri and furnish the information as exists in the records. PIO also volunteered to

accompany the appellant to the office of Shri Mallikarjun Devasthan in order to inspect records of Devasthan.

9. The Commission finds that the appellant has agreed to visit office of the PIO as well as office of Shri Mallikarjun Devasthan, Gaodongri for inspection and identification of the relevant information and PIO has undertaken to furnish the documents identified by the appellant.
10. With this, the Commission holds that the PIO has made convincing efforts to ensure that information as available is provided to the appellant. Hence, though there is delay in complying with the direction of the FAA, penal action, as prayed by the appellant need not be initiated against the PIO, although importantly, PIO is required to comply with the undertaking given before the Commission.
11. In the light of the above discussion, the present appeal is disposed with the following order:-
 - a) PIO is directed to facilitate inspection to the appellant, of the records pertaining to information sought vide application dated 18/03/2023, within one week from receipt of the order and furnish the identified information to the appellant, free of cost within one week thereafter.
 - b) All other prayers are rejected.

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.

