

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 96/2023/SIC

Shri. Nitin Y. Patekar,
Oshalbag Dhargal,
P.O. Colvale Goa 403513.

-----Appellant

v/s

1. The Public Information Officer-8,
O/o. Town and Country Planning Department,
Head Office, Dempo Tower,
Panaji-Goa.

2. The First Appellate Authority,
Senior Town Planner,
Town and Country Planning Department,
Dempo Tower, Panaji-Goa.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 16/12/2022
PIO replied on	: 02/01/2023
First appeal filed on	: 17/01/2023
First Appellate Authority order passed on	: 09/02/2023
Second appeal received on	: 06/03/2023
Decided on	: 24/07/2023

ORDER

1. The appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), had sought from Respondent No. 1, Public Information Officer (PIO) following information:-

"The TCP Department Goa Govt issued any notification /Gazette for its does not attracts the provision for cutting of land upto 75 mtrs distance from centreline of the road? Yes /No. If yes give details."

2. It is the contention of the appellant that being aggrieved by the reply of the PIO he filed first appeal before Respondent No. 2, First Appellate Authority (FAA), which was disposed by the FAA vide order dated 09/02/2023. Not satisfied with the action of the respondents, appellant appeared before the Commission under Section 19 (3) of the Act by way of second appeal, against Respondent No.1, PIO and Respondent No. 2, FAA.

3. Notice was issued to the concerned parties, pursuant to which Smt. Nadiya Fernandes, PIO, Deputy Town Planner appeared in person and filed reply dated 03/07/2023. Appellant opted not to remain present before the Commission.
4. PIO stated that, the appellant had requested for details pertaining to Notification/Gazette on the subject mentioned in the application, however, the TCP Department has not issued any Notification/Gazette on the said subject, accordingly the appellant was informed. PIO further stated that, no information with regards to Notification/Gazette is available in the records of the TCP Department. Hence no information can be furnished to the appellant.
5. Appellant vide appeal memo contended that the PIO has provided misleading/incorrect information. Further, he prays for the information and penal as well as disciplinary action against the PIO.
6. Upon perusal it is seen that, the appellant had requested for copy of notification /gazette with respect to provision pertaining to cutting of land upto 75 meters from centre line of the road. The appellant was informed by the PIO within the stipulated period that no such notification /gazette was issued by the TCP Department. It is further seen that, the PIO had taken the same stand during the proceeding of the first appeal and the FAA while disposing the appeal had upheld the stand of the PIO.
7. Now during the present proceeding, PIO has maintained the same stand and stated that, no record of any Notification/Gazette exists in the TCP Department. With this, the Commission finds that no such Notification/Gazette was issued by the TCP Department, hence, PIO cannot be directed to furnish any information with respect to the application dated 16/12/2022. Similarly, the Commission finds no merit in the prayers of the appellant.
8. In the light of the above discussion, the Commission concludes that the present appeal is devoid of merit, thus, the same is disposed as dismissed .

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.