GOA STATE INFORMATION COMMISSION

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Appeal No. 373/2023/SCIC

Shri. Nilesh Raghuvir Dabholkar,
R/o. 275/2, Dabholwada,
Chapora, Anjuna, Bardez-Goa ---Appellant

V/s

1.The Public Information Officer,
The Awal Karkun,
Office of Mamlatdar of Bardez and
Administrator of Devalayas,
Government Building,
Mapusa, Bardez-Goa.

2.First Appellate Authority,
Office of Mamlatdar of Bardez and
Administrator of Devalayas,
Government Building,
Mapusa, Bardez-Goa. ---Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal

RTI application filed on	22/05/2023
PIO replied on	22/06/2023
First Appeal filed on	20/07/2023
First Appellate order on	10/08/2023
Second appeal received on	**11/10/2023**
Decided on	**24/09/2025**

Information sought and background of the Appeal

1. Shri. Nilesh R. Dabholkar filed an application dated 22/05/2023 to the PIO, O/o. Mamlatdar of Bardez and Administrator of Devalayas seeking information at 10-pointspertaining to Shree Siddheshwar Devasthan, Chapora, Anjuna, Bardez Taluka Goa.

2. In response to the RTI application, PIO (Shri Rupesh Kerkar, Awal Karkun) vide letter dated 22/06/2023 replied to the 10-point RTI queries as under :

"Point No. 1	*Information not submitted by the Managing Committee of Shree Siddheswar Devasthan, Chapora*
Point No. 2	*Since the presentation of the Budget for the year 2023-24 is not submitted by the Managing Committee, information pertains to Point No. 2 is NIL*
Point No. 3	*Minutes of the meetings not submitted by the Managing Committee of Shri Sidheshwar Devasthan*
Point No. 4	*Information not available*
Point No. 5	*Copy of letter dated 08/03/2021 enclosed at Annexure 'A'.*
Point No. 6-10	*Information is NIL "*

3. Subsequently, Appellant filed first appeal dated 20/07/2023 before the First Appellate Authority stating that the Respondent PIO has failed to provide sought information and prayed that Respondent PIO be directed to provide complete and proper information sought by the Appellant.

4. The FAA (Mamlatdar of Bardez) disposed the first appeal by passing an order dated 10/08/2023 as under :-

"Matter called out. Appellant present. As per available information, the information is provided at Point No. 05 by the PIO. However a recent notice to Devasthan had been issued which is in process. The copy of the same may be provided to the Appellant for information in the matter. Matter stands disposed off accordingly".

5. Appellant then preferred Second Appeal dated 17/10/2023 before the Commission stating that Respondent No. 1 failed to provide the information sought by the Appellant and Respondent No. 2 disposed off the first appeal without any direction to the PIO to provide information.

Appellant prayed before the Commission that the Respondent PIO be directed to provide complete and proper information sought by the Appellant vide RTI application dated 22/05/2023, impose penalty and recommend disciplinary action against Respondent No. 1 (PIO) and 2 (FAA) under the Service Rules.

FACTS EMERGING DURING THE COURSE OF HEARING

6. Pursuant to the filing of the present appeal by the Appellant, parties were notified fixing the matter for hearing on 12/12/2023 for which Appellant and Respondent PIO present. Copy of the appeal memo duly served to the Respondent PIO.

7. On 29/01/2024, Appellant and Respondent PIO present. Respondent PIO filed reply dated 29/01/2024 to the appeal memo alongwith bunch of documents with copy to the appellant.

8. Respondent PIO submitted in his reply dated 29/01/2024 that in addition to the earlier information furnished by the then PIO, information pertaining to Point No. 1, 3 and 4 is furnished as Annexure A, B & C respectively. Matter fixed for 05/03/2024.

9. However, no hearing held in the matter from March 2024 to September 17, 2024as the post of SCIC and SIC remained vacant during that period.

10. Matter took up for hearing on 24/09/2024 for which none present and matter posted to 23/10/2024. Appellant present for the hearing on 23/10/2024 but none present for Respondents. Notice issued to the Respondents for submission on the next date of hearing.

11. Matter called out for further hearing on 26/11/2024 for which Appellant and present PIO Shri Ulo Mangueshkar present. Presiding Commissioner directed the present PIO to file his written submissions. Matter posted to 20/12/2024.

12. Appellant filed rejoinder dated 20/12/2024 to the reply dated 29/01/2024 of Respondent PIO to the appeal memo stating that –

i. Information furnished in respect of Point No. 1 of the RTI application does not carry the inward no. of the office of the Mamlatdar. Hence the information is created and invalid.

ii. No information is provided to Point No. 2 of the RTI application.

iii. Information is provided to Point No. 3 & 4 but it is difficult to identify the information given to point no. 3 and with regard to information to Point No. 4, it is difficult to identify when the information has been inwarded in the office of the Mamlatdar, Bardez

iv. Information sought at Point No. 6,7,8, 9 & 10 is not provided

v. Respondent PIO be directed to furnish proper information sought at Point No. 1,2,3,4,6,7,8,9 & 10,

13. Present PIO Shri Ulo Mangueshkar, Awal Karkun in his written submission stated that he is the third PIO after filing of the RTI application dated 22/05/2023 by the Appellant and immediately after assuming the office of PIO, he had issued Memo No. 01/03/2024 to Shri Damodar Morajkar, UDC, who is looking after the matter of Shree Siddheshwar Devasthan, Chapora to provide complete information sought by the appellant but till date, he has not furnished the information sought by the Appellant.

Present PIO prayed before the Commission to implead the Administrator of Devalayas, Bardez (Mamlatdar of Bardez) as Deemed PIO in the matter to furnish desired information sought by the Appellant. Accordingly issued notice to the Mamlatdar, Bardez.

14. When matter heard on 05/03/2025, Appellant present PIO and Mamlatdar of Bardez present. Mamlatdar, being the Administrator of Devalayas in Bardez Taluka, was directed to file submission.

15. After abstaining from the hearings on 06/05/2025 and 20/05/2025, Mamlatdar, Bardez present for the hearing on 29/05/2025, Appellant as well as present PIO also present. During the hearing, Mamlatdar submitted that he has received reply from the Devasthan Committee on 28/05/2025 and assured to file proper reply to the RTI application/submission on the next date of hearing and sought a short date.

16. Based on the oral direction of the Presiding Commissioner, Mamlatdar, Bardez & Administrator of Devalayas, Bardez vide letter dated 10.03.2025 had directed the functionaries of the Managing Committee, Shree Siddheshwar Devasthan, Chapora to furnish him the information sought by the Appellant on the following points :-

i. Copy of the minutes of Annual General Body Meetings and Extra Ordinary meeting and Extra Ordinary meetings of the Devasthan from 01.04.2020 till date
ii. Copy of the correspondence filed in the O/o. the Administrator of Devalayas regarding aforesaid meetings
iii. Copy of the minutes of the Managing Committee members and copy of the resolution authorising persons to pluck coconut of the property bearing Sy. No. 381/12 of Anjuna
iv. Copy of authenticated cash book from 01.04.2022
v. Copy of payment/voucher of payment to the coconut plucker

17. Matter took up for hearing on 10/06/2025 for which Appellant and Respondent PIO present but Mamlatdar was absent as he has proceeded on leave. Matter posted on 02/07/2025.

18. When the matter called out for hearing on 02/07/2025, Appellant and Mamlatdar present. Mamlatdar, Bardez being Administrator of Devalayas under his jurisdiction filed written submission stating that complying with the direction given by the Presiding Commissioner to collect the information, sought by the Appellant, from the Managing Committee of Shree Siddheshwar Devasthan, memo dated 10/03/2025 was issued to the Devasthan Committee and the Committee vide letter dated 02/05/2025 has submitted point-wise information to the RTI application of the Appellant alongwith enclosures (Annexure A-F).

19. With regard to the certified copy of the authenticated cash book of Shree Siddheshwar Devasthan from 01/04/2022 till date, it is mentioned as 'Not Available'.

In Appeal No. 197/2022/SCIC, UDC at the Administrator Office who is handling the Devasthan affairs stated that Administrator has not issued Certificate of Authentication of cash book to Shree Siddheshwar Devasthan for the period from 1976 till date.

With regard to the payment made to the coconut plucker, it is replied that the coconut plucker is providing his service free of cost.

20. The revised reply/written submissions filed by the PIO/Mamlatdar/Administrator was provided to the Appellant during the course of hearing on 02/07/2025 and Appellant submitted that he will file his rejoinder before the next date of hearing, 12/08/2025.

21. On 12/08/2025, Appellant and PIO/Mamlatdar present. Copy of the rejoinder of the Appellant received at the Registry on 28/07/2025 provided the PIO. In his rejoinder, Appellant termed information furnished at all 10-points of his RTI application as either incorrect or incomplete.

In his rejoinder, Appellant prayed that Respondent PIO be ordered to provide proper and complete information to his 10-point RTI application and also to file Affidavit to give the legal effects to his reply. Appellant further prayed to initiate legal proceedings against Respondent No. 1 and 2.

DECISION

i. **Commission has the opinion that Mamlatdar of Bardez despite being the Custodian of the Devalayas at the capacity of the Administrator & Mamlatdar of Bardez Taluka was not in possession of the information sought by the Appellant vide his RTI application dated 22/05/2023. However on the directive of the Commission, Mamlatdar of Bardez/Administrator vide Memo dated 10/03/2025 directed the functionaries of theManaging Committee of Shree Siddheshwar Devasthan to furnish information sought by the Appellant.**

ii. **Based on the information provided by the Devasthan Committee, Mamlatdar/Administrator (presently PIO too) furnished all available information pertaining to the 10-point RTI application.**

iii. **Commission cannot deny that the present PIO (Mamlatdar, Bardez) has not made any effort to procure the appellant sought information from the Devasthan Committee and accordingly furnished information to the appellant, who however found not satisfied with the information received from the Mamlatdar (PIO).**

iv. **Commission is of the view that Mamlatdar has furnished available and reasonably sufficient information to the Appellant.**

As far as Mamlatdar's effort to procure and furnish information to the appellant is concerned, Mamlatdar has made reasonable attempt on his part but as an Administrator of Devalayas of his jurisdiction (Bardez Taluka), he should be the custodian of information pertaining to the affairs of Devalayas of his jurisdiction.

v. **If the Appellant has grievance over the functioning of the Mamlatdar of Bardez as the Administrator of Devalayas, he is at liberty to take up the matter with appropriate authorities including the superior authorities of the Mamlatdar, Bardez to get his grievance addressed.**

vi. **Commission disposed the present appeal and proceedings stand closed.**

- Pronounced in Open Court.
- Notify the parties.

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/-

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC