

GOA STATE INFORMATION COMMISSION
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 Tel Nos.0832- 2437208,2437908

Appeal No. 474/2023/SCIC

Mr. Joaquim S. Fernandes,
 H.No.88, Motivaddo,
 Majorda, Salcete-Goa

....Appellant

V/s

1)The Public Information Officer,
 Secretary,
 Village Panchayat Majorda-Utorda-Calata,
 Majorda, Salcete-Goa

2)The First Appellate Authority,
 B.D.O Mormugao,
 Vasco-Goa

....Respondents

Relevant Facts Emerging from the Appeal

RTI application filed on	- 15-07-2023
PIO replied on	- 30-08-2023
First Appeal filed on	- 06-09-2023
First Appellate order on	- 29-09-2023
Second appeal received on	- 27-12-2023
Decision of the Second Appeal on	- 31-01-2025

Information sought and background of the Appeal

1) Mr. Joaquim S. Fernandes filed an RTI application dated 15/07/2023 to the Public Information Officer, Village Panchayat Majorda-Utorda-Calata seeking following information in connection with his complaint to the village panchayat against Shri. Minguel Pereira and his wife Smt. Rosalina Pereira and the show cause notice issued to them by the panchayat:

- A. *Furnish copy of the reply to the show cause notice along with documents submitted by Mr.Minguel Pereira and his wife as per the show cause notice dated 8/6/2023.*
- B. *Provide course of action taken by the Village Panchayat Majorda-Utorda-Calata,with regards to para 4(a) and 4(b) of my complaint dated 25/2/2022 as per section 66 of the Goa Panchayati Raj Act,1994.*

C. Kindly provide the copy of the Land conversion Sanad obtained from Land Revenue Department/Collector, South Goa District pertaining to the said construction file held by Village Panchayat Majorda-Utorda-Calata.

2) PIO, Village Panchayat, Majorda-Utorda-Calata vide letter dated 30/08/2023 replied as under:

- i. "With reference to point No. A(1), copy of the reply submitted by Smt. Rosalina Pereira may be obtained from this panchayat office during office hours after making payment sum of Rs.06/-.
- ii. With regards to point No.B (1), your complaint was placed before the panchayat body members in a meeting dated 03/03/2022 and panchayat body members have taken necessary decision on the same as per Resolution No.4 (3-13), which is self-explanatory. Copy of the resolution if required may obtain under RTI Act.
- iii. With regards to Point No.2, regarding Conversion Sanad, you may have to approach competent authority, who grants permission for Conversion Sanad".

3) Aggrieved by the reply of the PIO, Appellant Joaquim Fernandes filed first appeal dated 06/09/2023 before the First Appellate Authority, Block Development Officer, Mormugao. FAA vide order dated 29/09/2023 directed the Respondent PIO to furnish information with regards to point. A (1), B (1) and B (2) within 10 days from receipt of the order, free of cost.

4) Following the Order dated 29/09/2023 issued by the FAA directing the PIO to furnish information to the Appellant vide his RTI application, PIO, Village Panchayat Majorda-Utorda-Calata vide letter dated 21/10/2023 replied properly covering all the three points as under: -

- i. "With reference to your point at Sr. No. A (1), I am enclosing herewith xerox copy of the same for your kind perusal.
- ii. With reference to your point at Sr. No. B (1), no further action has been taken by this panchayat on the said matter since Minguel Pereira and Mrs. Rosalina Pereira have filed an appeal before the Additional Director of Panchayats-II, South Goa against the show cause notice and now the matter is Subjudice.
- iii. With reference to Point No. B (2), you have only mentioned to provide the copy of the Conversion Sanad "pertaining to the said file" and not specified properly from which file you required the copy of the

Conversion Sanad. Therefore, you are requested to provide the said details at the earliest to the undersigned in order to furnish the information, which is sought by you, if available in the concerned file on record".

5) Inspite of PIO giving proper reply by the PIO to two of the three points in the RTI application and requesting the RTI applicant to provide details to the furnish information, subject to the availability in the concerned file, pertaining to point at Sr. No. B. (2), Shri Joaquim Fernandes (RTI applicant) approached the Commission by filing second appeal dated 27/12/2023, praying for -

- i. *Direction to the PIO to furnish information sought for vide RTI application dated 19/07/2023.*
- ii. *Initiate necessary action against the PIO, Shri Custodio Faria for his arrogancy and totally ignoring information.*
- iii. *Impose penalty on the PIO for the delay caused by him to provide information*
- iv. *Direct the Government of Goa/Chief Secretary to take action against the PIO as per CCS Conduct Rule 64.*

6) Pursuant to the second appeal, parties were notified and the matter called out for hearing on 15/02/2024. The matter was not heard from March 2024 to September 2024, as the post of SCIC and SIC remained vacant.

Facts Emerging in Course of Hearing

7) The Respondent PIO filed written reply dated 15/06/2024 to the second appeal filed by the Appellant. In his reply, Respondent PIO submitted that there is absolutely no merit in Appeal as the Appellant was responded with all available information and justified prudently why certain requested information could not be furnished and its unavailability. In order to counter the allegations levelled against him, Respondent No.1 submitted that being the PIO, he has always carefully and prudently taken accountability and ensure that all RTI requests are responded to in a timely manner with the information requested by the members of the general public.

8) The matter was taken up for hearing by the incumbent SCIC on 18/09/2024 wherein Appellant was absent and Adv. Francis Dias present

on behalf of the PIO. Appellant remained absent for the next two hearings held on 12/11/2024 and 09/12/2024 but Adv. Francis Dias was present for the Respondent PIO on both the occasions. Accordingly notice issued to the Appellant for his presence for the next hearing slated for 09/01/2025, and Shri. Santana Piedade Afonso appeared on behalf of the Appellant with authority letter. Notice served on both the Appellant and the Respondent PIO to appear in person for the final hearing in the matter fixed on 31/01/2025.

- 9) During the hearing today 31/01/2025, both the Appellant as well as the Respondent PIO appeared in person. Respondent PIO submitted that he has already furnished information to 2 points of the 3-point RTI application and for providing information to Point No.3 in the RTI application (seeking copy of the Land Conversion Sanad obtained from Land Revenue Department/Collector, South Goa and submitted to the Village Panchayat for the construction purpose) PIO suggested the Appellant to give some specification of the property to trace it from the record of Village Panchayat. In reply to this request, Appellant stated that the detail is clearly mentioned in his complaint filed at Village Panchayat Majorda-Utorda-Calatain 2022. At this point, Commission directed the Appellant to provide some indication or specification about the property to enable the PIO to search said file/document to provide information to the Appellant.
- 10) Subsequently, the PIO gave file bearing No. 25/89-90 pertaining to the Shri. Minguel Pereira and Rosalina Pereira construction licenseto the Appellant for inspection before the SCIC to check the availability of Land Conversion Sanad in that file. Appellant could not find required document in that file. Then Appellant disclosed that the Land Conversion Sanad is pertaining to Survey No.17/10, in Village Majorda-Utorda-Calata. PIO submitted that he will get the Construction License Register for the year 1998 to till date (31/01/2025) from the record room and will allow the Appellant to have physical inspection of the files to trace the land conversion sanad of the said Survey No.17/10. If the Appellant trace the particular land conversion sanad, copy of the same will be provided to the Appellant and if not found, a written reply will be

furnished to the effect that "despite inspection of the Construction License Register for the year 1998 till date by the Appellant as well the PIO, The Land Conversion Sanad in respect of Survey No.17/10 sought by the Appellant is not found available in the records of Village Panchayat of Majorda-Utorda-Calata".

DECISION

- 1. Based on the facts and circumstances and the submissions made by the parties to the appeal, Commission has come to the conclusion that Respondent PIO has furnished information in respect of Point No. A (1) and B (1) and it was confirmed by the Appellant.**
- 2. With regard to the information pertaining to point B (2), since the information sought by the Appellant (Land Conversion Sanad) could not trace in file No. 25/89-90, Commission directs the Respondent PIO to find out the same by conducting a physical inspection of the Construction Licence Register for the period from 1998 till date (31/01/2025) and furnish copy of the same to the Appellant, if found available, and obtain acknowledgement from the Appellant.**
- 3. If the said record (Land Conversion Sanad) in respect of Survey No.17/10, Village Panchayat Majorda-Utorda-Calata) is not found available after inspection of the Construction Licence Register by the Appellant, the PIO should give in writing the non-availability of the same to the appellant.**

With the above directions to the Respondent PIO, Appeal No. 474/2023/SCIC stands disposed.

- **Proceedings closed.**
- **Pronounced in Open Court.**
- **Notify the parties.**

Sd/-

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

