

# GOA STATE INFORMATION COMMISSION

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## Appeal No. 279/2023/SCIC

Shri Vijay R. Gaonkar,  
r/o. H. No. 251/1, Madala wada,  
Shirgao, Goa 403503.

..... Appellant

v/s

1.The Public Information Officer,  
Superintendent of Survey & Land Records,  
Panaji – Goa 403001.

2.The First Appellate Authority,  
Deputy Director (Admn.),  
Directorate of Settlement & Land Records,  
Panaji – Goa 403001.

..... Respondents

**Shri Aravind Kumar H. Nair - State Chief Information Commissioner**

### **RELEVANT FACTS OF THE APPEAL**

RTI application filed on	20-03-2023
Respondent PIO reply	Nil
First Appeal filed on	24-04-2023
First Appellate order on	16-05-2023
<b>Second appeal received on</b>	<b>11-08-2023</b>
<b>Decision of the Second Appeal on</b>	<b>08-01-2025</b>

### **Information Sought and Background of the Appeal**

1. Shri Vijay R. Gaonkar filed and RTI application dated 20/03/2023 to the Directorate of and Settlement & Land Records, Panaji Goa seeking information as under :-

*"Kindly arrange to issue me the following documents of the Village Shirgao, Taluka Bicholim, North Goa-*

- The reference documents Basic document on which the survey been conducted and promulgated in the year 1972-73 for the old survey numbers 5, 16, 21, 38, 41, 45, 57, 65, 72, 80, 85, 88, 95, 97, 104, 124, 134, 139, 140, 147, 148, 171, & 180 of Village Shirgao.*
- The corresponding new numbers for the above mentioned old survey numbers.*

2. The PIO vide letter dated 04/2023 (date not mentioned) replied to the appellant as under :

*"As regards to Point No. 1, the said information as requested by you is not available in this office records".*

*"As regards to Point No. 2, the new survey numbers of Village Shirgao in Bicholim Taluka with respect to old Survey Nos. 5, 16, 21, 38, 41, 44, 45, 57, 65, 72, 80, 85, 88, 95, 97, 104, 124, 134, 139, 140, 147, 148, 171 & 180 of Village Shirgao in Bicholim Taluka is not readily available in this office records. If desired, you may visit this office in order to inspect the records during inspection hours between 10.00 a.m. to 12.30 p.m. on any working day and derive the desired information on payment of prescribed fees".*

3. Dissatisfied with the reply of the PIO, RTI applicant Vijay Gaonkar filed first appeal dated 24/04/2023 and the First Appellate Authority (FAA/Shri Mandar M.Naik, Dy. Director (Admn.), Settlement & Land Records, Panaji Goa) vide Order dated 16/05/2023 directed the PIO to trace and issue the documents sought by the Appellant in RTI application dated 20/03/2023 within the earliest time without any further delay.
4. Complying the order passed by the FAA dated 16.05.2023, PIO vide letter dated 02/06/2023 replied to the Appellant intimating that "the survey of Shirgao Village of Bicholim Taluka was conducted in continuation with the survey on adjoining villages and the details of modus operandi followed in conducting this survey is not found recorded in this office records. This office made frantic efforts to trace the information but could not be able to trace. It is not known to this office whether old survey records were used by the Surveyors for carrying out the new/present survey.
5. Prima facie the new service records have no correspondence with old survey records. It is submitted that there is no ready made available correspondence between the two surveys – old and the new- and for that purpose special exercise is to be undertaken and issued in terms of that certificate. Regarding old survey number corresponding to new survey number, original P.T. sheets are kept ready which are surveyed in 1972 and the same may be collected on payment on any working day".

6. Aggrieved by the reply received from the PIO as a follow-up to the FAA's order dated 16/05/2023, Appellant Vijay Gaonkar filed second appeal dated 11/08/2023 to the Commission. In his second appeal, Appellant submitted that with regards Point No. 1 of the RTI application, PIO had stated that information is not available in the office file, without justifying the reasons for 'non-availability'. With regard to Point No. 2 in the RTI application, Appellant submitted that PIO had offered inspection of records to identify old and new survey number but stated that he is not an expert in this field to identify the same. Accordingly, the Respondent has flagrantly and fancifully violated section 7 (1) of the RTI Act, 2005.
7. Respondent No. 1 in the reply dated 05/10/2023 to the second appeal stated that she had not denied/refused any information to the appellant. Since the records sought by the appellant was not found in the office records, same was conveyed to the appellant by office letter dated 02/06/2023. Pursuant to the order of the FAA dated 16/05/2023, the Appellant visited the office on 22/05/2023 and inspection was carried out free of cost and identified the corresponding old cadastral survey numbers with respect to new numbers. Accordingly, 20 original sheet numbers were identified and were issued to the Appellant on 22/05/2023 on prescribed fees as laid down under RTI Act.
8. Appellant in his rejoinder dated 09/11/2023 submitted that Respondent PIO is arbitrarily and dishonestly trying to change the information sought by him at Point No. 1 in the RTI application and as regards to Point No. 2, Respondent is trying to furnish wrong and incomplete information.
9. Respondent PIO further submitted that as directed by the Commission, joint inspection of the records was carried out by the concerned officer of the record section and the Appellant on 21/12/2023. Accordingly, the corresponding new survey numbers with respect to the old cadastral survey numbers as mentioned in the RTI application of the applicant were identified and provided to the appellant. With regards to the reference/basic document on which survey has been conducted in the

year 1972-73, it is submitted that there is no evidence in the office records as to how the survey was conducted.

10. During the hearing on 23/01/2024, the representative of the PIO placed on record additional reply of the PIO dated 23/01/2024 alongwith the copy of the notification published in the Official Gazette. Since the information regarding corresponding numbers of old survey numbers, it is not readily available and the compliance will need creation of information which is not recommended in the RTI Rules. Hence, the appellant may please be directed to apply in the prescribed format for the Corresponding Certificate desired by him under section 108-A of Land Revenue Code 1968 vide Notification No. 26/24/2016-RD/198 dated 25/01/2018 as published in the Official Gazette, Series I, No. 44 dated 01/02/2018. Since the information under RTI Act cannot be provided by creating the corresponding certificate, the Appellant may be directed to get it by applying in the prescribed format supported by the necessary documents.
11. Since the corresponding certificate need to be created by the authorities, in the Directorate of Settlement & Land Records and cannot be furnished under RTI, the Appellant was advised by the Commission on 04/11/2024 and get it by applying for the same in the prescribed Form No. IV.
12. When the matter took up for final hearing today, i.e.08/01/2025, APIO and two other officers from Directorate of Settlement & Land Records appeared on behalf of the Respondent PIO and Appellant appeared in person. APIO submitted that the PIO has already replied to the RTI application of the appellant dated 20/03/2023 furnishing information that -
  - i. The Directorate of Settlement & Land Records has no reference document or basic document on which the survey was conducted and promulgated in the year 1972-73 for the old survey numbers of Village Shirgao, Bicholim Taluka, North Goa and
  - ii. Details of corresponding numbers of old survey numbers need to be created and since the information cannot be furnished by creating, the applicant can avail the same by applying in the prescribed Form –IV.

**DECISION**

**Based on the submissions filed by the parties to the appeal and facts as well as circumstances mentioned above, the Commission today i.e. 08/01/2025 disposed off the Appeal giving direction to the Respondent PIO-**

- (i) To furnish reply stating that there is no document/record available as a reference on which survey was conducted/promulgated in the year 1972-73 for the old survey numbers of Village Sirgao-Bicholim Taluka Goa mentioned by the Appellant in his RTI application dated 20/03/2023.**
- (ii) Furnish corresponding new numbers (NOT corresponding certificate) for the old survey numbers cited by the appellant in his RTI application.**

**Information on above mentioned RTI queries of the appellant should be furnished to the appellant within 15 days from the receipt of this order.**

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.

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

Sd/-

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