

GOA STATE INFORMATION COMMISSION
"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001
E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Appeal No.47/2024/SCIC

Shri. Mahesh Manoj Naik,
r/o. 879, Poinguinim,
Canacona, Goa 403702. -----Appellant
V/s

1. The First Appellate Authority,
The Mamlatdar of Canacona,
Canacona, Goa 403702
2. The Public Information Officer,
Office of the Mamlatdar of Canacona,
Canacona, Goa 403702 .

3. Shri Sandeep J. Phaldessai,
Intervener,
Shree Parashuram Panchaigram Devalaya,
Poinguinim, Canacona Goa,
403702. -----Respondents

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

Relevant Facts Emerging from the Appeal

RTI application filed on	27/10/2023
PIO replied on	16/11/2023
First Appeal filed on	28/11/2023
First Appellate order on	-
Second appeal received on	13/02/2024
Decided on	24/02/2026

Information sought and Background of the Appeal

1. Shri. Mahesh Manoj Naik filed an application dated 27/10/2023 under RTI Act, 2005 to the PIO, O/o. Mamlatdar, Canacona, Goa seeking information at nine (9) points which interalia includes -
- i) *How many survey numbers are included in the name of Parashuram Panchaigram Devalaya of Poinguinim, Canacona Taluka, Goa.*
 - ii) *How many survey numbers of Parashuram Panchaigram Devalaya of Poinguinim are in dispute or before court of law.*

iii) *Furnish survey numbers of Parashuram Panchaigram Devalaya, Poinguinim which are in dispute or before court of law.*

2. On receipt of the RTI application, Mamlatdar/Administrator of Devasthan, Canacona Taluka, South Goa vide letter dated 07/11/2023 directed the President/Secretary, Shree Parashuram Panchaigram Devalaya, Poinguinim, Canacona, Goa to furnish information to the office of Mamlatdar/Administrator of Devasthan, Poinguinim in respect of the following RTI queries within 08 days under Devasthan Regulation Act :

- i. *Survey numbers included in the name of Shree Parashuram Panchaigram Devalaya.*
- ii. *List of Survey numbers in the dispute or before court of law.*
- iii. *List of lease agreement or deed of lease registered or executed by the Devasthan with the names of lease holder.*
- iv. *List of lease agreement or deed of lease which are executed with the permission/NOC/consent of the Governor of Goa.*
- v. *List of Attorney or Presidents of Devasthan from the year 2000.*

3. On receipt of the Mamlatdar's letter dated 07/11/2023, President, Shree Parashuram Panchaigram Devalaya, Poinguinim, Canacona vide letter dated 10/11/2023 replied that -

- i. *Shree Parashuram Panchaigram Devalaya is a Devasthan and is a private body belonging to Mahajans, who manage the affairs under the by-law.*
- ii. *Devasthan are neither public authorities nor local authorities.*
- iii. *Mamlatdar has limited powers of supervision being Administrator, who supervises the Hindu temples without any interference in the management.*
- iv. *The party who has applied for information under RTI Act from the Devasthan is a private, who is neither a Mahajan nor related to temple and does not have any role in the functions of the Devasthan.*
- v. *The person who sought information is from the family of Naik, who filed several cases against Devasthan and the present purpose of seeking information is to put the Devasthan into litigation.*

vi. *The Goa State Information Commission in Subhash Narvekar v/s Dev Bodgeshwar Saunsthan, Mapusa had ruled that Devasthans and their Managing Committees are neither Constitutional bodies nor constituted under any Central or State Act.*

4. Subsequently, PIO, O/o. Mamlatdar, Canacona vide letter dated 16/11/2023 requested the applicant to visit the office for inspection in the matter on any working day during office hours.
5. Appellant then filed first appeal dated 28/11/2023 before the First Appellate Authority (Mamlatdar, Canacona) praying for direction to the PIO to furnish sought information and to take necessary action against the Respondent PIO for violating the provisions of the RTI Act, 2005.
6. Appellant subsequently preferred second appeal dated 13/02/2024 before the Commission stating that appeal filed under section 19(1) of the RTI Act dated 28/11/2023 has not decided by the First Appellate Authority. Appellant prayed before the Commission to direct the Respondents to furnish information sought vide application dated 27/10/2023.

FACTS EMERGING IN COURSE OF HEARING

7. Pursuant to the filing of the present appeal, matter took up for hearing on 15/01/2025 for which Appellant and Respondent PIO (Shri. Manoj Korgaonkar, Mamlatdar, Canacona) present. Presiding Commissioner directed orally to the Respondent PIO to give the Appellant inspection of records/reply to the RTI application and Respondent PIO agreed the same.
8. Appellant and Respondent PIO present for the hearing on 18/02/2025. During the hearing, Shri. Sandeep Janardhan Phaldessai, Intervener, on behalf of Shree Parashuram Panchaigram Prasanna, Poinguinim, Canacona appeared and filed an application for impleading

in the matter and also filed a certificate dated 26/01/2025 issued by the President, Shree Parashuram Panchaigram Prasanna, Poinguinim, Canacona declaring Shri. Sandeep J. Phadessai as Attorney of the Devasthan.

- 9.** In the application, Intervener submitted that Intervener (Shree Parashuram Panchaigram Prasanna, Poinguinim) is not a Public Authority within the ambit of the RTI Act and requested to implead the Intervener in the ongoing proceedings as a Respondent party as the information sought is concerning property owned by the Intervener, since several generations.
- 10.** Allowing the intervention application, Intervener was added as Respondent No. 03 in the present proceedings. Copy of the intervention application was duly furnished to the Appellant, Respondent No. 01 and 02. Appellant was instructed to file reply before the next date of hearing.
- 11.** Matter called out on 04/04/2025 for which Appellant and Respondent PIO present. Registry on 25/03/2025 received Appellant's reply to the intervention application. In his application dated 24/03/2025, Appellant submitted preliminary objection to the intervention application which according to Appellant is illegal, arbitrary and deserves to be dismissed. Appellant in his preliminary objection stated that the present matter concerns against the order of the Mamlatdar for denial of furnishing information under RTI Act. Since the Appellant sought information from Respondent No. 01 and 02 (Mamlatdar and PIO of the office of the Mamlatdar respectively), Intervener has no role to be played in the present appeal. Moreover, Intervener failed to obtain requisite permission in terms of the statute of Devasthan Regulation Act prior to filing intervention application. Appellant concluded that information sought by him is required to be maintained by the Mamlatdar in terms of Devasthan Regulation Act and since the Intervener has no role to play in whatsoever nature,

intervention application preferred by the intervener deserves to be dismissed.

12. Appellant and Respondent PIO present for the hearing held on 17/06/2025. Intervener, Shri. Sandeep J. Phaldessai informed that since his lawyer is busy with some urgent matters, he may please be permitted to file rejoinder in August 2025. Accordingly, Presiding Commissioner fixed 13/08/2025 as the date for filing rejoinder and 11/09/2025 as the date for argument/order.

13. As per the directions of the Presiding Commissioner on 13/08/2025, Intervener Shri Sandeep J. Phaldessai inwards three letters viz.

- i) An application for amendment of intervention application.*
- ii) Authorisation letter dated 01/04/2025 of the President of Shree Parashuram Panchaigram Prasanna, Poinguinim*
- iii) Rejoinder filed by the Intervener*

Appellant and Respondent PIO collected the said documents.

14. On 11/09/2025, the date fixed for arguments/order, Intervener present alongwith Adv. S. Sarmalkar but Appellant as well as Respondent PIO absent. Present PIO/Mamlatdar, Shri Gajesh Shirodkar present.

15. For the hearing held on 04/11/2025, Adv. Mayur Mahamal present for Respondent PIO. Adv. Sagar Sarmalkar present for the Intervener. Presiding Commissioner accepted the plea of Shri Sandeep Phaldessai as Intervener and impleaded as Respondent No. 3 in the appeal. Accordingly, a copy of the appeal memo provided to the Intervener. Partial arguments were placed by Advocates of Appellant and Intervener. Appellant's lawyer requested for time to file his say in the matter in the first week of December 2025. Matter fixed for further hearing on 12/12/2025.

16. When matter called out for hearing on 17/12/2025, barring Advocate for Intervener, none present for the hearing. Matter adjourned to 27/01/2026. However, the matter later adjourned to 24/02/2026.

17. Advocate for Intervener present for hearing on 24/02/2026 but none present for the Appellant and Respondent. After the hearing, Advocate for appellant visited the Commission and filed written argument dated 23/02/2026 of the appellant alongwith a copy of English translation of the original in Portuguese of the '*Regulation Governing Hindu Temples approved by Government Order No. 58 A dated 30th October 1886*'.

18. In the written argument, Appellant submitted that Mamlatdar of Canacona Taluka, who is the First Appellate Authority in the present appeal matter, is also the Revenue Officer, Canacona Taluka under Goa Land Revenue Code and is having entire data of the Form I & XIV of Canacona Taluka. Moreover, Mamlatdar is the Administrator of the Devalayas and non-furnishing of the available information attracts penal action under Section 20 of the RTI Act.

According to the Appellant, information of the entire survey records of Canacona Taluka is maintained and is under custody of Mamlatdar being Land Revenue Officer of the Canacona Taluka.

DECISION

- i. Taking into account of the facts and circumstances of the appeal and the written argument dated 23/02/2026, filed by the Advocate for the Appellant citing non-furnishing of the available information by the Mamlatdar of Canacona, who is also the Revenue Officer for Canacona Taluka and Administrator of the Devalayas of the Canacona Taluka, Commission hereby directs the Mamlatdar of Canacona being the Administrator of Devalayas in Canacona Taluka South Goa**

to furnish whatever information available in his office records in respect of Shree Parashurama Panchaigram Prasanna, Poinguinim, Canacona, Goa to the Appellant in accordance to his RTI application dated 27/10/2023 within 21 days from the date of receipt of the Order and file compliance report to the Commission within 30 days from the receipt of the order.

ii. As Appellant's lawyer filed written submission dated 23/02/2026, only after the completion of the hearing on 24/02/2026, copy of the same shall be attached to the order for Respondent PIO and Intervener.

- Matter disposed.
- Proceeding stands closed.
- 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