

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. 246/2023/SIC

Mr. Rajkumar Raju Gadge,
Office No. 301, 302 & 306,
3rd Floor, Commerce Centre Building,
Opp. Old Mapusa Municipal Building,
Mapusa, Bardez-Goa 403507.

-----Appellant

v/s

1. The Public Information Officer,
O/o. Town & Country Planning Department (HQ),
Dempo Tower, 2nd Floor,
Patto, Panaji-Goa.

2. The First Appellate Authority,
O/o. Senior Town Planner (HQ),
2nd Floor, Dempo Tower,
Patto Plaza, Panaji-Goa.

----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 09/03/2023
Application transferred on	: 10/03/2023
PIO replied on	: 04/04/2023
First appeal filed on	: 03/05/2023
First Appellate Authority order passed on	: 29/05/2023
Second appeal received on	: 10/07/2023
Decided on	: 13/02/2024

ORDER

1. Being aggrieved by denial of information by Respondent No. 1, Public Information Officer (PIO) and dismissal of the first Appeal by Respondent No. 2, First Appellate Authority (FAA), the appellant under Section 19 (3) of the Right to Information Act, 2005 has filed the present second appeal against both the respondents, which came before the Commission on 10/07/2023.
2. Notice was issued to the concerned parties, pursuant to which, Shri. Prakash Bandodkar, PIO appeared in person and filed reply dated 14/09/2023 and additional reply dated 06/12/2023. Appellant appeared in person, filed submission on 11/10/2023 and additional submission on 10/01/2024.
3. Appellant stated that, he had requested for information with respect to change of zone from Non-Settlement /Orchard/ Agriculture land to

Settlement Zone, for the period of last 05 years. PIO's reply stating that the change of zone was approved only for the Government purpose and no change of zone has been allowed with respect to private property is not acceptable. That, the Official Gazette has published some cases of conversion of private properties and he desired to have the said information from PIO.

4. PIO submitted that, the Town and Country Planning Department has only changed zone of the properties for Government purpose and change of zone of other properties have not been carried out under Section 16 B and or under Section 17 (2) of TCP Act, 1974 from Non-Settlement / Orchard / Agriculture land to Settlement Zone, for the period from 09/03/2018 to 09/03/2023. PIO further stated that, in the case of some private properties, change of zone was approved provisionally and the said decision is not final.
5. Upon perusal of the records, it is seen that, PIO could not furnish the information sought by the appellant since the Town and Country Planning Department although has processed applications for change of zone of private properties, the decision taken by the Department is only provisional. However, the same has been published in the Government Gazette. Although, the said decision is provisional, the appellant has requested for the details of Government Gazette where the said information has been published.
6. The Commission finds that, the PIO is required to provide the details of Government Gazette which has published the information pertaining to provisional approval to change of zone of private properties, as stated by the PIO. The details would facilitate the appellant to access the said Government Gazette online and get the desired information as requested by him.
7. In the background of the above mentioned findings, the instant appeal is disposed with the following order:-

PIO is directed to provide details of the Government Gazette which has published the information sought by the appellant vide application dated 09/03/2023, within 07 days from receipt of this order.

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.