

GOA STATE INFORMATION COMMISSION
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Appeal No. 340/2023/SIC

Mr. Amir Naik,
H. No. 232, Behind KTC Bus Stand,
Vollant, Vasco-da-Gama Goa 403802.**Appellant**

V/s

1.The Public Information Officer (PIO)/
Inspector of Survey and Land Records,
City Survey Department Office,
Vasco-da-Gama-Goa 403802.

2.Superintendent of Survey and Land Records/
First Appellate Authority (FAA),
South Goa District Margao,
Block No. 213, 2nd Floor,
Mathany Saldanha Administrative Complex,
Margao-Goa 403601.**Respondents**

Shri. Atmaram R. Barve State Information Commissioner

Filed on: 18/09/2024
Decided on: 28/11/2024

ORDER

1. The appellant Shri. Amir Naik had filed his original RTI application dated 12/01/2023 addressed to the Public Information Officer (PIO) of Inspector of Survey and Land Records City Survey Department Office, Vasco-da-Gama.
2. Accordingly the PIO vide reply dated 09/02/2023 replied to the said original application stating that the concerned file pertaining to Chalta No. 59 of P. T. Sheet No.

63 is not available and that the Appellant was invited to inspect the list of inventory of files to locate the same.

3. Vide application dated 21/02/2023 the Appellant further requested the PIO to provide the entire file in terms of the file number mentioned in the application therein. Vide response dated 13/03/2023 the PIO in response to the aforementioned application communicated to the appellant that the said file is presently not traceable.
4. Aggrieved by this reply the appellant preferred the first appeal on 11/04/2023. The First Appellate authority (FAA) vide judgment and order dated 20/06/2023 allowed the first appeal and directed the PIO to furnish the entire information sought by the appellant within 15 working days.
5. Thereafter the second appeal was preferred on the grounds that the said PIO initially denied the information to the Appellant and thereafter making only partial disclosure of information and non fulfillment of the orders passed by the FAA. In the hearing dated 12/11/2023 this Commission directed the PIO to provide inspection of the said documents to the Appellant on 29/11/2023 and thereafter the PIO vide hearing dated 03/01/2024 was

directed by this Commission to file an affidavit in respect of the status of the remaining information.

6. In the due course of time the Commissioners had demitted their Office and the Commission resumed regular hearings only in the month of September 2024. On 14/10/2024 a show cause notice was issued to the PIO for non submission of their affidavit and non compliance of the directions dated 03/01/2024. The said showcause notice was replied by the Respondent on 11/11/2024 along with affidavit dated 01/03/2024. Thereafter, arguments were led by both the parties wherein the Appellant contended that the Respondent has acted in contravention to the judgment and order of the FAA. And that the information sought has not been comprehensively provided.
7. It is the contention of the Respondent that the matter of partition of land records is dealt with by the Deputy Collector and also provided a copy of the Standard operating procedure of the same. And as such the Respondent tried to justify his inability to provide comprehensive information to the Appellant. Upon hearing the contentions of both the parties.
8. The Commission is of the opinion that the contention of the Appellant has merit and that

the actions on the part of the PIO were insufficient. It is laid down in the RTI Act in terms of section 6(3)(ii) *that whenever the subject matter of which more closely connected with the functions of the another public authority,*

the public authority, to which sub application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer.

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

9. There is no material on record which suggests that the PIO made any efforts to transfer the said RTI application to the concerned public authority so as to enable the appellant to obtain the necessary information.
10. In the light of the foregoing, the second appeal is allowed and the PIO is directed to take necessary steps in transferring the said application to the concerned public authority and ensure that the appellant is provided the requisite information without any further delay. This exercise is to be concluded on or before 30/12/2024 and compliance report to be submitted before this Commission on or before

9/01/2025 failing which penalty proceedings to be initiated.

11. Accordingly the present second appeal is disposed off and the proceedings stands closed. Formal copy of the order to be communicated to both the parties

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/-

(Atmaram R. Barve)

State Information Commissioner