

GOA STATE INFORMATION COMMISSION

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Shri. Atmaram R. Barve

State Information Commissioner

Appeal No. 452/2023/SIC

Minguel Salvador Pereira,
H.No. 18/185, Odlem Bhat,
Taleigao, Tiswadi-Goa 403524.

..... **Appellant**

V/s

1.Public Information Officer (PIO),
Office of the Mamlatdar of Tiswadi Taluka,
Panaji-Goa 403001.

2.First Appellate Authority (FAA),
Office of the Mamlatdar of Tiswadi Taluka,
Panaji-Goa 403001.

..... **Respondents**

Filed on: 22/12/2023

Disposed on: 26/11/2024

Dictated on : 02/01/2025

ORDER

1. This present second appeal was filed by Shri. Minguel Salvador Pereira on 22/12/2023.
2. The Appellant had filed the original RTI (Right to Information) application dated 16th February 2023 before the Public Information Officer (PIO) in the Mamlatdar Tiswadi Taluka.
3. The Respondent PIO provided reply to the said application on 12th April, 2023 i.e. beyond the stipulated time period of 30 days.
4. Aggrieved by the said response the Appellant preferred the first Appeal before the Mamlatdar of Tiswadi Taluka on 20th April, 2023.

5. It is contended by the Appellant that the First Appellate Authority (FAA) vide its order dated 07/08/2023 disposed the first Appeal with directions to the PIO to research the records and furnish information to the Appellant within one month.
6. However, it is also alleged by the Appellant that copy of the said order of the First Appellate Authority was never communicated to the Appellant.
7. The PIO vide letter dated 05th October, 2023 informed the Appellant about the order passed by the First Appellate Authority and expressed inability to furnish information as the same could not be traced.
8. The matter was taken up by this Commission from 8th February, 2024 onwards.
9. However, no proceedings could take place in the interim period on account of the Commissioners demitting Office and that proceedings were resumed from 9th October, 2024 onwards.
10. The Respondent PIO vide reply dated 14th March, 2024 made the stand clear by listing out the grounds on which the said information could not be furnished to the Appellant herein.

11. It has been observed that except on the hearing dated 7/06/2024 the Appellant herein has not remained present during the entire course of proceedings in this matter.
12. The Appellant has not even filed any response in connection with the reply or submissions made by the Respondents, inspite of timely intimations.
13. In the meantime the PIO has also submitted a copy of the communication between the Mamlatdar of Tiswadi Taluka and the Police Inspector Panaji-Goa, dated 19/11/2024 pertaining to registering FIR about the missing file which is the subject matter of the original RTI application of the Appellant herein.
14. Upon perusal of this matter it is amply clear that the PIO in the present matter has made every effort to ensure that necessary information is furnished to the Appellant herein, either directly or through any other public authority which was likely to be in possession of the said information.
15. On the contrary, the conduct of the Appellant has been that of negligence and lack of intent in pursuing the instant second Appeal in its right spirit.
16. In this contest the maxim ***vigilantibus non dormientibus subvenit lex*** (the law aids the vigilant not those who sleep over their rights) applies wherein the Appellant herein has not made

any effort to point out the aspect of denial of information.

17. However, the Secretary (Revenue) and Collectors of North and South Goa respectively are directed to ensure that the Mamlatdars, the Deputy Collectors or any other Officer designated as Public Information Officer or the First Appellate Authority (FAA) are duly instructed to keep the original applicants or Appellants before the competent authority as the case may be, duly informed about the status of their applications and also duly serve them with authenticated copy in case any order is passed.
18. In the light of the above the present second appeal stands dismissed.
19. Authenticated copies of this order to be issued to the Appellate, the Public Information Officer, Collector North Goa District, Collector South Goa District and Secretary (Revenue) Government of Goa accordingly.

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