

GOA STATE INFORMATION COMMISSION

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Appeal No. 297/2022/SCIC

Prakash Deena Naik,
Panelim, Sao Pedro,
Old Goa, 403402

.....Appellant

V/s

1. The Public Information Officer (PIO),
Office of the Mamlatdar of Tiswadi,
Tiswadi, Panaji-Goa, 403001
2. Talathi of the Se-Old-Goa,
O/o. the Mamlatdar of Tiswadi Taluka,
Panaji-Goa
3. The First Appellate Authority (FAA),
Office of the Mamlatdar of Tiswadi,
Panaji- Goa, 403001

.....Respondents

Shri. Vishwas Satarkar, State Chief Information Commissioner

Filed on: 28/11/2022

Decided on: 31/01/2024

ORDER

1. The Appellant, Shri. Prakash Deena Naik, r/o Panelim, Sao Pedro, Old Goa, vide his application dated 23/08/2021, filed under section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as Act), sought certain information from the Public Information Officer (PIO), Joint Mamlatdar-II, Tiswadi Taluka, Panaji-Goa

2. The PIO of the Office of Mamlatdar of Tiswadi transferred said application to the PIO, The Talathi of Ella, Old, Goa, Tiswadi-Goa on 30/08/2021 under section 6(3) of the Act.
3. The PIO of the Office of Talathi, Se Old Goa Saza responded the RTI application on 16/09/2021, in the following manner:

"With reference to your application dated 23/08/2021, received from the PIO of the office of Joint Mamlatdar II, Tiswadi Taluka, Panaji Goa vide referred No. Mam/TIS/RTI/279/2021/3006 dated 30/08/2021 your application is transferred under section 6(3) of RTI Act, 2005 to the undersigned i.e. Village Panchayat Se Old Goa Saza, and I hereby submit information as under:-

<i>Sr. No.</i>	<i>Question</i>	<i>Answer</i>
<i>1</i>	<i>It is understood that property under survey No. 3/2 and 3/4 situated at Panelim are allotted mutation with form I & XIV in the name of Govind Panvelkar. Kindly furnish the details of mutation of above said property with all details of papers based on which mutation of above property issued.</i>	<i>w.r.t point No. 1 Records not available in this office records</i>

2	<i>Furnish the information that NOC issued by Bhatkar of the property under survey No. 3/2 and ¾ situated at Panelim and furnish the copy of same to the undersigned.</i>	<i>w.r.t. to point No. 2. Records not available in this office records.</i>
3	<i>Also furnish the copy of survey report based on the same mutation is done and form No. I and XIV is issued</i>	<i>w.r.t. to point No. 3 Records not available in this office records.</i>

4. Being aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal before the Mamlatdar of Tiswadi Panaji Goa on 13/10/2021, being the First Appellate Authority (FAA).
5. The FAA, vide its order dated 18/08/2022, allowed the first appeal and directed the PIO to provide the inspection of records and furnish the information to the Appellant.
6. Since the PIO failed to provide the information sought for, the Appellant preferred this second appeal before the Commission under section 19(3) of the Act.
7. Notices were issued to the parties, pursuant to which, the Appellant, Prakash Naik appeared alongwith Adv. D. Pusekar on 13/01/2023, the incumbent Talathi of Se-Old Goa Panchayat, Shri. Swapnil Kunkalkar appeared and filed his reply on 13/01/2023, the then Talathi Shri. Satyawan Gaude

appeared and filed his reply on 17/02/2023, none appeared for the PIO and FAA.

8. Perused the pleadings, replies and scrutinized the documents on record and considered the submissions of Respondent No. 2
9. The Respondent No. 2, the then PIO, Talathi of Village Panchayat Se-Old Goa, through his reply dated 17/02/2023, contended that, upon receipt of the RTI application received from the office of Mamlatdar Tiswadi under Section 6(3) of the Act, he replied an RTI application on 16/09/2021. He further contended that, he complied with order of the FAA and granted inspection of file maintained by the office of Talathi on 26/02/2022 and available information has been furnished to the Appellant. And to substantiate his case, he produced on record copy of inspection report dated 26/02/2022.
10. From the reading of the said inspection report dated 26/02/2023, the facts emerged that the Appellant was granted inspection of records and furnished copies of the form IX and form No.I & XIV of survey No. 3/2 and 3/4, which is duly endorsed by the Appellant, he also mentioned that he did not receive details of the mutation of the property and NOC issued of the Bhatkar.
11. In this background, I heard the Respondent No. 2, who submitted that, the information sought for, by the Appellant is vague and unclear, neither he mentioned the mutation file number nor the year of the mutation. The Respondent No. 2 also submitted that in spite of all his efforts, he could not locate the information. Further, according to him, the Appellant is seeking the details of mutation prior to the promulgation of

records and same is not available in the records of the public authority.

12. Though, adequate opportunities were granted to the Appellant, he failed to remain present for the subsequent hearings viz. 20/12/2023 and 31/01/2024, thus showed a lack of bonafide and uncertainty on the part of the Appellant.

13. The Appellant substantially failed to establish that the information sought for is actually generated by the public authority and the PIO denied said information with malafide intention.

14. It is evident that, PIO replied the RTI application within stipulated time. The PIO also granted the inspection of records to the Appellant. Therefore, I do not find anything on the record to show that the PIO has acted contrary to the law. In the above circumstances, I find no grounds to invoke my powers under section 20 of the Act, to take any penal action against the PIO.

15. In the above circumstances, I find no merit in the appeal and therefore dispose the appeal with the following:

ORDER

- The appeal is dismissed.
- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner