

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

Complaint No. 12/2024/SCIC

Mr. Franky Monteiro,
H. No. 501, Devote,
Loutolim, Salcete-Goa.
403718.

-----Complainant

V/s
The Public Information Officer,
Office of Inspector of Survey & Land Records,
2nd Floor, Collectorate Building,
Margao-Goa 403601.

-----Opponent

SHRI ARAVIND KUMAR H.NAIR – STATE CHIEF INFORMATION COMMISSIONER

Filed On: 08-03-2024

Decided on : 12-02-2025

FACTS IN BRIEF

1. Mr. Franky Monteiro filed an RTI application dated 27/11/2023 to the PIO, Office of the Inspector of Survey & Land Records seeking inspection of files related to Re-Survey Case No. 4/ISLR/Re-Survey/Sal/Camu/21/23 and following information:
 - i. *Soft copy of reference points taken at site through total station instrument by the officials deputed in re-survey exercise on 26/10/2023.*
 - ii. *Hard copies of the reference points taken by the officials deputed to conduct the re-survey exercise carried out on 26/10/2023.*
 - iii. *Provide me the detailed process to be followed and documents to be perused by officials deputed to conduct re-survey.*
 - iv. *Certified copy of comparative plan prepared in re-survey exercise on 26/10/2023.*
 - v. *List of documents and plans perused by the concerned official in preparation and submission of said comparative plan.*
 - vi. *Provide me details of due process required to be followed by the IS and LR Authority in allowing and confirming a re-survey exercise.*

2. In response to the RTI application, PIO (Shri. Patrick. H. Gonsalves) vide letter dated 21/12/2023 replied as under:

"I am to refer to your application received under RTI Act, 2005 dated 21/11/2023 and to state that the file requested by the applicant has been traced in our office records. You may approach the office during office hours, inspect the file, pay necessary fees and seek the documents."

3. On 21/12/2023, the Appellant preferred first appeal to the First Appellate Authority (Superintendent of Survey and Land Records, Margao) stating that he has not received information within the prescribed time frame for providing information and prayed the FAA to issue direction to the Respondent PIO to provide complete information sought vide RTI application dated 21/11/2023 at the earliest, free of cost.
4. The FAA observed that the PIO has failed to act on his part as per the RTI Act and vide order dated 13/02/2023 directed the PIO to furnish the information, free of cost.
5. Mr. Franky Monteiro then approached the Hon'ble Commission with a complaint dated 08/03/2024 complaining about the careless and negligent attitude of the Opponent PIO and his failure to comply with the order passed by the FAA. The Complainant prayed before the Commission that the Opponent PIO be directed to provide correct and complete information as sought in the RTI application dated 21/11/2023, free of cost and to adequately compensate the complainant in terms of section 19(8) (vi) (b) of the RTI Act, 2005.
6. The complaint was not taken up for hearing as the post of SCIC and SIC remained vacant from March 2024 to September 2024.

Later parties to the complaint were notified fixing the hearing before the SCIC on 25/01/2025.
7. The matter was further called out for hearing today i.e. 12/02/2025. Complainant Mr. Franky Monteiro appeared in person and PIO (Shri. Babaji Parab, Inspector of Survey and Land Records) was represented by Smt. Rupali Lotlikar, Supervisor with an authority letter.

8. Smt. Rupali Lotlikar filed written submission of Opponent PIO, Shri. Babaji Parab. In his submission, present PIO, Shri. Babaji Parab stated that vide order dated 13/02/2023, FAA had directed the PIO to furnish information to Point No.1 in soft copy of reference points taken at site through total station instrument by the officials deputed in Re-Survey exercise on 26/10/2023. According to the present PIO, he joined the Office of Inspector of Survey and Land Records, Margao on 01/10/2024 only and the present PIO Shri. Patrick Gonsalves had furnished the information sought at Point No. 2 to 6. (all except one is soft copy of reference points) and hard copy of the reference points also furnished to the Appellant. The receipt of these information was duly acknowledged by the Complainant. The present PIO further submitted that the delay caused in delivering soft copy of reference points to the complainant was not intentional.
9. Smt. Rupali Lotlikar appeared on behalf of present PIO, Shri Babaji Parab submitted that soft copy was the only information which was not received by the Complainant and that too already furnished to the Complainant, who acknowledged the same.

ORDER

Since the Complainant received complete information to his 6-point RTI application dated 21/11/2023, Commission today i.e. 12/02/2025 disposed off the Complainant No. 12/2024/SCIC.

However Commission took a serious note on the careless and negligent attitude of previous PIO, Shri. Patrick H. Gonsalves in providing the information inspite of an order (13/02/2023) passed by the FAA directing him to furnish information to the Appellant. His failure to furnish information with regard to Point No. 1 in RTI application and casual approach only prompted the Complainant to approach the Commission with a complaint against the PIO which the PIO could have been averted by providing information.

- Proceeding in Complaint No. 12/2024/SCIC stands closed.
- Pronounced in Open Court.
- Notify the Parties.

Sd/-

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC

