

GOA STATE INFORMATION COMMISSION

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Complaint No. 27/2023/SCIC

Shri. Ulhas R. Mainikar,
H. No. 170/3,
Pethwada, Kudnem,
Bicholim –Goa, 403505

.....Complainant

V/s.

1. Public Information Officer (PIO),
Ms. Smita Jagdish Gaonkar,
Inspector of Survey and Land Records,
Sattari,Goa
2. First Appellate Authority (FAA)
Smt. Anisha Matonkar,
Superintendent of Survey and Land Records,
Panaji-Goa

.....Opponents

Shri. Vishwas Satarkar, State Chief Information Commissioner

Filed on: 28/08/2023

Decided on: 10/01/2024

ORDER

1. The Complainant, Shri. Ulhas R. Mainikar, r/o. House No. 170/3, Pethwada, Kudnem, Bicholim Goa, vide his application dated 23/02/2023 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), The Superintendent, Settlement of Survey and Land Records, Panaji-Goa.

2. The PIO of the Office of Superintendent of Survey and Land Records, Panaji-Goa transferred said application to the PIO, Office of the Inspector of Survey and Land Records at Sattari, Valpoi, Goa on 02/03/2023 under section 6(3) of the Act.
3. The PIO of the Office of the Inspector of Survey and Land Records, Sattari, Valpoi Goa responded said application on 08/03/2023 in the following manner:

" This office is in receipt of an application dated 23-02-2023 under RTI Act, 2005 transferred under Section 6(3) of RTI Act, 2005 to this office on 02-03-2023 as regard to information sought at sr. No. 3, 5 and 12 of your application . In this regard it is to inform as follows:-

- 1. As regard the information sought at Sr. No. 3 and 12 it is to inform that the information sought for is voluminous and disclosure of such information would disproportionately divert the resources of the public authorities and hence this office would be unable to provide the information unless any specifics are made known to us of a particular case of partition and Demarcation.*

This is issued by taking into consideration the decision passed by the CIC in case No. CIC/DHEDU/A/2018/145972/02526 dated 3/1/2020.

- 2. As regard the information sought at Sr. No. 5 it is to inform that the information sought by you is not readily available and amounts to creation of information as the same is not maintained in the desired format."*

4. Being aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal before the Superintendent of Survey and Land Records at Panaji-Goa on 04/04/2023 being First Appellate Authority (FAA). The FAA, vide its order dated 09/06/2023, partly allowed the first appeal and held that the Appellant is entitled for inspection of relevant records.
5. Upon receipt of the order of the FAA, the Complainant visited the office of PIO at Valpoi, Sattari Goa on 03/07/2023 and filed an application for inspection of records in consonance with the order of the FAA.
6. Further according to the Complainant, subsequently, he was called for the inspection of records by the PIO by letter dated 06/07/2023 and accordingly, he appeared before the PIO on 20/07/2023 and inspected the file bearing No. ISLR/DEM/SAT/Podocem/02/2022 and other files. However, according to him, the PIO failed to provide the information/inspection with regards to information at point No. 3, 5 and 12 and therefore, he landed before the Commission by this Complaint proceeding under Section 18 of the Act.
7. Notices were issued to the parties, pursuant to which, the Complainant appeared in person on 04/10/2023. The PIO, Ms. Smita J. Gaonkar appeared and filed her reply on 04/10/2023, the FAA, duly served, opted not to appear in the matter.
8. In the course of hearing on 08/11/2023, the PIO submitted that the complainant had already carried out the inspection of records and identified the required documents, and informed

the PIO by letter dated 20/07/2023 concerning his requirement of documents.

The PIO also pointed out that vide letter No. ISLR/SAT/RTI/11/2023/412, she has already dispatched the Registered A.D. letter to the Complainant on 14/08/2023 to make a payment of Rs. 112/- and collect the information during any office hours.

9. The PIO, by her reply dated 04/10/2023, contended that, information listed at Serial No. 3 and 12 is not denied to the PIO, however said information is generated in the office of Inspector of Survey and Land Records (ISLR) Mapusa Goa. The Commission, therefore, directed the PIO to transfer said application to ISLR, Mapusa, Goa. The PIO also submitted that she is ready and willing to furnish the information at point No. 5. The Commission, therefore, directed the PIO to furnish the information on next date of hearing and matter was posted for compliance on 03/01/2024.

10. During the course of hearing on 03/01/2024, the PIO Ms. Smita Gaonkar appeared and submitted that she has complied with the direction of the Commission and provided the information at point No. 5 to the Appellant through Registered Post and to substantiate her claim, she produced on record a copy of the A. D. Card received from the postal authority which was duly endorsed by the Appellant on 19/12/2023, In so far as the information at point No. 3 and 12, she submitted that said information is in the custody of the Inspector of Survey and Land Records, City Survey, Mapusa, Goa and therefore, by letter dated 15/12/2023, she already transferred RTI application to ISLR, City Survey, Mapusa, with a request to

supply the information at Point No. 3 and 12 directly to the Appellant. She also produced on record a copy of transfer of application dated 15/12/2023 with the endorsement of the office of City Survey Mapusa, Goa. Since none appeared for the Complainant opportunity was granted to him and matter was posted for clarification/order on 09/01/2024.

11. In the present case, the PIO responded the RTI application on 08/03/2023 that is within stipulated time. The PIO also complied the order of the FAA and has given the inspection of the records to the Appellant. Considering the fact and circumstances, I do not find anything on record to show that the PIO has acted contrary to the mandatory provisions of the Act. The Complainant did not appear for the hearings on 03/01/2024, 09/01/2024 and 10/01/2024. Therefore I presume and hold that he is satisfied with the information provided by the PIO

12. In view of the above, the matter is disposed off

- Proceeding closed.
- Pronounced in the open court.
- Notify the parties

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner