GOA STATE INFORMATION COMMISSION

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Appeal No. 27/2025/SCIC

Shri. Hire Mahadev Parab,
H.No.17, Khalchawada, Virnoda,
Pernem-Goa. -----Appellant

V/s

1.The Public Information Officer,
Office of the Collector North Goa,
Panaji-Goa.

2.The Public Information Officer,
Office of the Deputy Collector & SDO,
Pernem-Goa.

3. The Public Information Officer,
Revenue Department,
Secretariat, Porvorim-Goa.

4. The Public Information Officer,
Office of the Mamlatdar of Pernem,
Pernem-Goa. -----Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal

RTI application filed on	-	20-08-2024
PIO replied on	-	18-09-2024
First Appeal filed on	-	Nil
First Appellate order on	-	04-12-2024
Second appeal received on	-	23-01-2025
First hearing held on	-	02-04-2025
Decision of the Second Appeal on	-	24-04-2025

Information sought and background of the Appeal

1. Shri. Hire Mahadev Parab filed an application under RTI Act, 2005 to the PIO, Office of the Collector, North Goa seeking information on 8 points which internalia includes:

   i) Total area of land in square meters belonging to Government in Taluka and Sub-District Pernem as per records of rights in Form I maintained under Integrated Textual Land Records Management System or any platform.

ii) Total number of Land holdings belonging to Government situated in Taluka and Sub District Pernem as per record of rights in Form I maintained under Integrated Textual Land Records Management System or any computer based platform.

iii) Total number of proceedings initiated for eviction of person under Section 40 of Goa Land Revenue Code 1968 (Act No.9 of 1969) in respect of land vested in the Government situated in Taluka and Sub District Pernem with effect from the date of commencement of Goa Land Revenue Code 1968.

2. In response to the RTI application of the Appellant, the PIO, Office of the Deputy Collector (DRO), North Goa District (Shri. Ishwar M. Madkaikar) vide letter dated 18/09/2024 transferred the application u/s 6(3) to the PIO, Office of the Deputy Collector and SDO Pernem, North Goa mentioning the following:

"*I am to transfer herewith an application dated 20/08/2024 received by the office on 27/08/2024 from Hire Mahadev Parab, H.No. 17, Khalchawada, Virnoda, Pernem, Goa as the information sought by the applicant vide his said application pertains to your office.*

Hence the above application is transferred to your office u/s 6(3) of the RTI Act, 2005 to provide the information directly to the applicant under intimation to this office."

3. On receipt of the RTI application through transfer from the Office of the Deputy Collector (Revenue)/PIO, North Goa District, PIO, Office of the Deputy Collector and SDO, Pernem Goa (Smt. Shanti M. Poke) vide letter dated 14/10/2024 replied to the RTI applicant Shri. Hire Mahadev Parab as under:

i. With regard to Point No 1 and 2***-Transferred to PIO, Office of Mamlatdar, Pernem vide letter dated 14/10/2024.***

ii. With regard to Point No 3,4 and 5- ***You are requested to remain present in the office of the undersigned for clarification in the matter in order to furnish the desired information***.

iii. With regard to Point No 6 and 7- ***Transferred to PIO, Revenue Department, Secretariat, Porvorim vide letter dated 14/10/2024***.

iv. With regard to Point No. 8- ***Same as reply for Point No.3,4 and 5.***

4. In receipt of the RTI application dated 18/09/2024 through transfer u/s 6(3) of the Act, PIO, Office of the Deputy Collector and SDO, Pernem vide letter dated 14/10/2024 replied to the PIO, Office of Mamlatdar, Pernem that" after *perusal of the said application, it is observed that the information sought by the Applicant at point number 1 and 2 in the RTI application pertains to your office. You are therefore requested to kindly furnish information directly to the applicant under intimation to this office."*

5. PIO, office of the Deputy Collector SDO, Pernem vide letter dated 14/10/2024 replied to the PIO, Revenue Department, Secretariat, Porvorim that" *after perusal of the said RTI application, it is observed that the information sought by the applicant at Point numbers 6 and 7 pertains to your office and you are therefore requested to furnish the information directly to the applicant under intimation to this office*."

6. Thereafter, PIO, Section Officer (Revenue-I), Secretariat, Porvorim vide letter dated 25/10/2024 communicated to the RTI applicant Hire Mahadev Parab to deposit Rs.4/- towards charges prescribed under RTI Act 2005 to 02 documents and to collect the requisite documents.

7. There is no copy of the first appeal filed by the Appellant before the First Appellate Authority found amongst the documents submitted along the Second appeal filed by the Appellant. However, copy of the Judgement and order passed by the First Appellate Authority Varsha Parab, Deputy Collector/Election having additional charge of Deputy Collector/Revenue, North Goa District) dated 04/12/2024 is found among the records. FAA vide order dated 04/12/2024 directed the Respondent No. 2 (PIO,O/o Dy. Collector and SDO, Pernem) to furnish information with respect to Point No.6 and 7 to the Appellant within a week's time from the date of order and with respect to Point No.1 to 5 and 8 is dismissed for want of Jurisdiction order.

8. Pursuant to the Judgement and order dated 04/12/2024 passed by the FAA, PIO(Dustiana E.D'Costa, Head Clerk/Revenue), Office of District Collector, North Goa) vide letter dated 02/01/2025 furnished information in respect of Point No.6 and 7 of the Appellant's RTI application.

9. Subsequently, Appellant preferred Second appeal dated 23/01/2025 before the Commission stating that the decision of the FAA to dismiss the appeal with reference to item Numbers 1 to 5 and 8 for want of Jurisdiction is dehorns the law and against the well established mandate of RTI Act,2005 and prayed before the Commission:

   i) To pass an order directing the Respondents to provide the information sought by the Appellant vide application dated 20/08/2024.

   ii) Impose fine against Respondents under the Act.

Facts Emerging in Course of Hearing

10. Pursuant to the filing of Second appeal, parties were notified fixing the matter for hearing on 02/04/2025 for which Respondents appeared in person but none present for appellant.

11. Respondent No.2(PIO, O/o. Deputy Collector and SDO, Pernem) in written reply dated 02/04/2025 submitted that information with respect to Point No.3,4,5 and 8 of the Appellant's RTI application, Respondent No.2 has not denied the information but requested the Appellant to remain present in the office for clarification in order to furnish the desired information. However, Appellant failed to present before the Respondent No.2. Reply further stated that Respondent No.2 has no comments to offer on information sought at Point No.7-11 of the Appeal.

12. Respondent No.1 (PIO/Head Clerk, Revenue Office of Collector, North Goa) in the written reply dated 02/04/2025 submitted that the FAA vide order dated 04/12/2024 while partly allowing the first appeal directed the Respondent No.1 to furnish information pertaining to Point No.6 and 7 of Appellant's RTI application and dismissed the matter pertaining to Point No. 1 to 5 and 8 for want of Jurisdiction Order. Respondent No.1 submitted that the subject matter of the application is not related to the Respondent No. 1. However, merely because of the direction given by the FAA to provide information on Point No. 6 and 7, Respondent No. 1 provided the information. Respondent No.1 prayed before the Commission to discharge

from the present appeal on the ground that subject matter of RTI application is not related to Respondent No.1

13. Respondent No.3 in written reply dated 01/04/2025 submitted that with respect to Point No.7, Appellant was duly intimated vide letter dated 25/10/2024 to deposit an amount of Rs.4/- and collect the information. However, the Appellant has neither contacted the Respondent No. 3 or office for collection of information nor filed an appeal before the FAA of Respondent No.3 for non-receipt of information.

14. APIO, Office of Mamlatdar, Pernem (Respondent No.4) vide letter dated 25/01/2025 communicated to the Appellant to collect the information available on record with regard to Point No.1 and 2 by paying on amount of Rs.834 (information consist of 417 pages).

15. During the hearing today i.e. 24/04/2025 Respondent No.3 (PIO, Revenue Department, Secretariat) submitted that information pertaining to Point No.6 and 7 is kept ready and intimated the Applicant vide letter dated 25/10/2024 but till date information was not collected by the Appellant.

16. **During the hearing today i.e. 24/04/2025, it is found that:**

i) Information pertaining to Point No.6 and 7 has been furnished by the Respondent No.1(PIO, Revenue Section, Office of the Collector, North Goa).

ii) Information in respect of Point No.6 and 7 is kept ready by Respondent No.3 (Revenue Department, Secretariat) for furnishing the Appellant and intimated the Appellant but neither collected nor contacted the Respondent No.3 till date by the Appellant.

iii) Information consisting of 417 pages in respect of Point No.1 and 2 of Appellant's RTI application has been kept ready by Respondent No.4 (PIO, Office of Mamlatdar, Pernem) to furnish the Appellant and despite intimating the Appellant to pay the prescribed fee of Rs.834/- and collect the desired information, Appellant did not turn up so far to collect the information by paying the necessary fee.

iv) Respondent No.2 (PIO, Deputy. Collector, Pernem) vide letter dated 24/04/2025 replied to the Appellant that information sought at Point

No.3,4,5 and 8 is not available in the records of the office of Respondent No.2.

v) Neither Appellant nor authorised person attended the hearings held in his appeal before the Commission.

DECISION

Based on the above said facts and circumstances and submissions/written reply placed before the Commission by the Respondents, it has come to the conclusion that despite communicating the Appellant by the Respondents to collect the information by paying the necessary fee under the provisions of the RTI Act,2005, Appellant till date has not approached the Respondents to collect the desired information by paying prescribed fees. Moreover, either Appellant or his authorised representative did not turn up before the Commission to place his say in the matter. Hence the Commission decided to dispose off the present appeal today i.e. 24/04/2025 with the direction to the Appellant to collect information from Respondent No.1,3 and 4 based on the communication (collect the information paying prescribed fee under RTI Act, 2005) received from them.

Respondent No.2 vide letter dated 24/04/2025 communicated to the Appellant that information sought at Point No.3, 4 and 5 is not available in the office records.

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.

- Proceeding stands closed.
- Pronounced in open Court.
- Notify the parties.

Sd/-

(ARAVINDKUMAR H. NAIR)
State Chief Information Commissioner, GSIC