

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

Appeal No.191/2025/SCIC

Constantino Chagas Charles Carvalho,
 H.No.721, Santerxet,
 Aldona, Bardez-Goa 403508. -----Appellant
 V/s

1.The Public Information Officer/Office of Talathi,
 Village Panchayat Aldona,
 Cottarbhat, Aldona,
 Bardez-Goa 403508.

2.The First Appellate Authority
 Mamlatdar of Bardez,
 Mapusa, Bardez-Goa. -----Respondents

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

Relevant Facts Emerging from the Appeal

RTI application filed on	13/12/2024
PIO replied on	NIL
First Appeal filed on	17/01/2025
First Appellate order on	NIL
Second appeal received on	03/09/2025
First Hearing held on	16/10/2025
Decided on	08/12/2025

Information sought and background of the Appeal

1. Shri. Constantino Chagas Charles Carvalho filed an application dated 13/12/2024 under RTI Act, 2005 to the PIO, O/o the Talathi, Village Panchayat Aldona seeking "*complete up-to-date mutation file of Survey No.336/6*".
2. Failing to receive any reply/information from the Respondent PIO to his RTI application within the stipulated time frame, Appellant filed first appeal dated 17/01/2025 before the First Appellate Authority stating that the Talathi failed to furnish the required information.

3. As per the material available with the present appeal filed by the Appellant, notice of hearing dated 05/02/2025 has been served on the Appellant fixing the hearing in first appeal on 25/02/2025. However, there is no document available with the present appeal indicating the order passed by the FAA in the first appeal of the Appellant dated 17/01/2025.

4. Appellant preferred Second appeal dated 03/09/2025 before the Commission submitting that :

- a. Being aggrieved by the deemed rejection of his RTI request, filed first appeal dated 17/01/2025 before the FAA.
- b. Attended four hearings (between February 25, 2025 to June 23, 2025) but no order has been passed by the FAA.
- c. During the course of hearing in first appeal, Respondent PIO submitted that "the sought file is not traceable in the office of the Talathi, Aldona".

Appellant prayed for direction to the Respondent PIO to furnish correct and complete information, impose penalty on Respondent PIO, recommend disciplinary action against Respondent No.1 (PIO) and 2 (FAA) for dereliction of duties and issue an order directing the Respondent No.2 (Mamlatdar of Bardez) to register an FIR on the missing of the sought document.

FACTS EMERGING IN COURSE OF HEARING

5. Pursuant to the filing of the present appeal, parties were notified fixing the matter for hearing on 16/10/2025 for which Appellant and Respondent PIO present. Respondent PIO/Talathi, Aldona filed written submission dated 16/10/2025 to the appeal memo. In the submission Respondent PIO submitted that :

- i. Upon receipt of the RTI application of the Appellant, a diligent and comprehensive search was conducted in the records available in the office but the concerned mutation file could not be traced.

- ii. The records maintained in the office comprise several decades old files, many of which are fragile, brittle and in a deteriorated physical condition.
- iii. On receipt of the notice from the Hon'ble Commission in the present appeal, the office once again undertook a re-verification exercise and re-checked all possible records. However, document sought by the Appellant remained untraceable.
- iv. In view of the above factual circumstances and the genuine difficulties faced in tracing old and delicate records, most humbly prayed before the Commission to (i) accept the present written submission on record. (ii) take note of the bonafide efforts made by the office in compliance with the RTI Act and (iii) dismiss the present appeal in the interest of justice.

Fixing the matter for further hearing on 04/11/2025, Presiding Commissioner directed to issue notice to the Mamlatdar, Bardez for his presence.

6. Matter took up for hearing on 04/11/2025 for which Appellant and Respondent PIO present. In response to the notice, Mamlatdar, Bardez informed telephonically his inability to attend the hearing as he has been detailed for Special Intensive Revision related duty. Matter posted to 08/12/2025.

7. However, Mamlatdar appeared before the Commission on 13/11/2025 and submitted that his office is not in possession of the files sought by the Appellant and Talathi is the best person to have a better say in this matter. Mamlatdar further submitted that when he inquired the matter with the concerned Talathi, he informed that the despite sincere effort and thorough search the file/document of the year 1997 sought by the Appellant could not find in the records.

8. Matter called for final hearing on 08/12/2025 for which Appellant present. During the last hearing, Respondent PIO submitted before the Commission that due to the ongoing Z.P. election related work he will not be able to attend the hearing on 08/12/2025 and his written submission dated 16/10/2025 may kindly be considered as his say in the present appeal.

During the course of hearing, Presiding Commissioner informed the Appellant about the oral submission made before the Commission by the Mamlatdar that the file sought by the Appellant is not available in his office or in the office of the Talathi, Aldona.

DECISION

Commission has come to the conclusion that the Respondent PIO (Talathi, Aldona) has carried out a diligent and comprehensive search to trace the mutation file of Survey No.336/6 in the available office records but could not trace the said file of the year 1997. Moreover, Mamlatdar of Bardez also submitted about the non-availability of the said file in his office records.

DIRECTIONS TO THE RESPONDENT PIO

- 1. Since the Respondent PIO could not trace the mutation File of Survey No.336/6 despite his sincere as well as genuine efforts and the Appellant is in dire need of the said document, Commission directed the Respondent PIO to file a police complaint to register an FIR over the missing of the said file.**
- 2. File the police complaint within 10 days from the date of receipt of this order and file compliance report to the Commission within 20 days of filing the police complaint.**
- 3. Copy of the police complaint and copy of the subsequent FIR should be provided to the Appellant.**

4. File Compliance Report alongwith copies of police complaint/FIR to the Commission by January 31, 2026.

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

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/-

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