

## **GOA STATE INFORMATION COMMISSION**

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### **Appeal No.201/2025/SCIC**

Pedrito Misquitta,  
Souza Vaddo, Candolim,  
Bardez-Goa, 403515.

----Appellant

V/s

1.The State Public Information Officer/Secretary,  
Office of the Village Panchayat Candolim,  
Candolim, Bardez-Goa.

2.The Block Development Officer-Bardez,  
First Appellate Authority,  
Mapusa, Bardez-Goa, 403507.

-----Respondents

**Shri. ARAVIND KUMAR H. NAIR-** State Chief Information Commissioner

### **Relevant Facts Emerging from the Appeal**

RTI application filed on	16/04/2025
PIO replied on	13/05/2025
First Appeal filed on	19/05/2025
First Appellate order on	
Second appeal received on	11/09/2025
Decided on	<b>22/01/2026</b>

### **Information sought and background of the Appeal**

1. Shri. Pedrito Misquitta filed an application dated 16/04/2025 under RTI Act, 2005 to the PIO, Village Panchayat, Candolim seeking following information pertaining to an Affidavit filed by the Sarpanch, Villlage Panchayat, Candolim before the Hon'ble High Court of Bombay at Goa in connection with the Suo-Motu Writ Petition No. 2/86 and related Writ Petition on illegal construction in CRZ area :
  - i. *Present status of the said Affidavit sworn in by the Sarpanch, Village Panchayat of Candolim.*
  - ii. *Status – withdrawn, discharged or still pending – of the 1012 show cause notices issued by the erstwhile Secretary of Village Panchayat Candolim in connection with the Suo Motu Writ Petition No. 2/86.*
  - iii. *Whether all the 1012 structures against which show cause notices were issued can be termed as legal."*

2. In response to the RTI application, PIO (Secretary, Village Panchayat Candolim) vide letter dated 13/05/2025 replied as under :
- “ i. The information sought pertains to ongoing legal proceedings and is sub-judice before the Hon'ble High Court of Bombay at Goa. Disclosure of such information is exempted under section 8(1)(h) of RTI Act, 2005 and as it would impede the process of investigation or apprehension or prosecution of offenders.*
- ii. The determination of legality of structures and the status of show cause notices involve interpretation of law and judgment, which does not fall within the definition of "information" under section 2(f) of the Right to Information Act, 2005.”*
- iii. Furthermore, certain records are voluminous and retrieval would disproportionately divert the resources of the public authority, which is protected under Section 7(9) of the RTI Act, 2005”.*
3. Being aggrieved by the reply/information received from the PIO, Appellant filed first appeal dated 19/05/2025 before the First Appellate Authority praying for direction to the Respondent PIO to furnish sought information, free of cost and take disciplinary action against the PIO.
4. First Appellate Authority (B.D.O-I, Bardez) vide order dated \_\_\_\_ directed the Respondent PIO–
- i. To facilitate a physical inspection of the relevant records concerning the application dated 16/04/2025 as per Panchayat records within 15 days from the receipt of the order.*
- ii. During the inspection, Appellant shall be allowed to identify the specific documents and provide copies, if requires by the Appellant, upon payment of the prescribed photo copying charges.”*
- First Appellate Authority upheld PIO's request to provide an opinion or determination on whether 1012 structures can be termed "legal" as it does not fall within the definition of 'information'.”*

5. Complying the order passed by the FAA, Respondent PIO (Secretary, Village Panchayat, Candolim) vide letter dated 12/08/2025, requested the Appellant to inspect on 18/08/2025 the documents pertaining to the status of 1012 show cause notices issued on the direction of the Hon'ble High Court of Bombay at Goa in Suo Motu Writ Petition No. 2/86.
6. Thereafter, Appellant preferred second appeal dated 11/09/2025 before the Commission praying for :
  - i) *Direction to the Respondent No. 01 to furnish information/copies of documents as sought vide RTI application dated 16/04/2025.*
  - ii) *Quash and set aside FAA's order upholding the decision of the Respondent PIO that "opinion on the 1012 structures can be termed "legal" does not fall within the definition of 'information'".*
  - iii) *Initiate penal action and recommend disciplinary proceedings against the Respondent PIO for refusing to furnish information.*

#### **FACTS EMERGING IN COURSE OF HEARING**

7. Pursuant to the filing of the present appeal by the Appellant, parties were notified fixing the matter for hearing on 16/10/2025 for which Appellant present but none present for Respondents. However, Registry of the Commission received an e-mail from the Respondent PIO's lawyer intimating that she is unable to attend the hearing due to some unavoidable personal grounds.
8. Matter took up again on 10/11/2025 for which Appellant present and Adv. Swati Verlekar present for Respondent PIO. Copy of memo served to Adv. Swati, who agreed to file reply to appeal memo on the next date of hearing slated for 08/12/2025.
9. Appellant and Adv. Swati Verlekar (Respondent PIO's lawyer) present for hearing on 08/12/2025. Adv. Swati requested for another opportunity to file reply to the appeal memo on the next date of hearing 22/01/2026. Presiding Commissioner gave oral direction to Adv. Swati

Verlekar to ensure the presence of Respondent PIO (Secretary, Village Panchayat of Candolim) for the next hearing scheduled on 22/01/2026.

10. Appellant present for the hearing on 22/01/2026 and Respondent PIO (Secretary, Village Panchayat, Candolim) present alongwith the lawyer.
11. Respondent PIO orally submitted before the Presiding Commissioner that the Affidavit was filed by the Secretary, Village Panchayat of Candolim as part of the response sought from all Panchayats and Municipalities by the Hon'ble Bombay High Court at Goa in its Suo-motu petition concerning illegal structures across Goa.
12. Respondent PIO further submitted that he, being Secretary, Village Panchayat Candolim is not aware of the status of the Affidavit filed before the Hon'ble High Court and the matter is still sub judice and Hon'ble High Court has recently appointed two Nodal Officers, Dy. Director of Municipal Administration and Extension Officer of Directorate of Panchayats, to analyse reports from Municipalities and Panchayats concerning illegal structures in the state.

**Commission has come to the conclusion that–**

- i) **Secretary, Village Panchayat, Candolim (Respondent PIO in the present appeal) would not be able to furnish the present status of the Affidavit over illegal structures in the Panchayat limit filed before the Hon'ble High Court of Bombay at Goa because once Affidavit is filed in the Court; Court is the Authority to decide on the said Affidavit. In the present case, the matter on which Affidavit has been filed is still sub-judice.**
- ii) **As sought by the Appellant, Village Panchayat Secretary is not the authority to pronounce/decide/confirm whether notices issued to 1012 individuals in SuoMotu Writ Petition concerning illegal structures can be termed as legal. The matter is sub-judice and Hon'ble Bombay High Court is the authority to decide such structures as legal or not.**

**DECISION**

Based on the above cited facts and circumstances, Commission decided to dispose the matter with the following **directions to the Respondent PIO -**

***Furnish a revised reply to the Appellant within 10 days from the receipt of this order clarifying that :***

- (i) "Since the Affidavit has been filed before the Hon'ble Bombay High Court at Goa and pending before the Hon'ble High Court's consideration, PIO, Village Panchayat Candolim is not in a position to furnish the present status of the said Affidavit.**
- (ii) If the Panchayat received any reply from the parties to the show cause notices (1012) served by the Village Panchayat Candolim, furnish the number of replies received with copies of few replies as samples.**
- (iii) Since the alleged structure related matter is sub-judice before the Hon'ble Bombay High Court at Goa, Village Panchayat Candolim has no authority to comment on the legality of 1012 structures against which show cause notices were issued."**
  - 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

