

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Appeal No. 275/2025/SCIC

Mrs. Antoneta Fernandes,
H.No.642, Karebhatt, Orgao,
Panch Ward No.6,
Loutulim, Salcete-Goa 403718.
V/s

-----Appellant

1.The Public Information Officer,
Town and Country Planning Department,
South Goa District Office,
Margao-Goa.

2.The First Appellate Authority,
Town and Country Planning Department,
South Goa District Office,
Margao-Goa.

-----Respondents

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

Relevant Facts Emerging from the Appeal

RTI application filed on	15/07/2025
PIO replied on	13/08/2025
First Appeal filed on	19/08/2025
First Appellate order on	11/09/2025
Second appeal received on	05/11/2025
Decided on	16/02/2026

Information sought and background of the Appeal

1. Mrs. Antoneta Fernandes filed an application dated 15/07/2025 under RTI Act, 2005 to the PIO, Town and Country Planning Department, Margao seeking following information :
 - i) *"Certified copy of the approved layout plan submitted by Mr. Cancio Mascarenhas for development in Survey No. 13/1 situated at Karebhat, Orgao, Loutulim, Salcete Taluka.*
 - ii) *Certified details confirming whether the developer has complied with the open space norms as per approved layout.*
 - iii) *Copies of all approvals, NOCs, permissions and any other relevant documents issued by the Town and Country Planning Department in relation to this development project."*

2. In response to the RTI application, PIO (Dy. Town Planner), Town and Country Planning Department, Margao vide letter dated 13/08/2025 replied as under :

"As regards to information sought by you is not available in the office records as such information sought cannot be furnished. Further, if you have any specific reference of the approval issued, the same may be furnished to locate the information if available in record of this office."

3. Being aggrieved by the reply received from the PIO/ Town and Country Planning Department, Appellant filed first appeal dated 19/08/2025 before the First Appellate Authority praying for direction to the Respondent PIO to immediately provide the sought information and to take strict action against the concerned PIO for failing to discharge his duties as per RTI Act, 2005.

4. First Appellate Authority (Senior Town Planner, South, Margao) vide order dated 11/09/2025 directed the Respondent PIO to take extra efforts to search the concerned file and to provide the specific relevant information point-wise to the Appellant within 08 days as per the application submitted.

5. Pursuant to the order passed by the First Appellate Authority, Respondent PIO vide letter dated 18/09/2025 informed the Appellant that information sought at all the three (03) points in the RTI application dated 15/07/2025 is not available in the office records.

6. Subsequently, Appellant preferred second appeal dated 05/11/2025 before the Commission enclosing copies of construction licence dated 14/01/2025 granted by the office of the Village Panchayat, Loutulim to one Cristina Gonsalves, Technical Clearance Order dated 26/09/2024 issued by the Town and Country Planning Department, South Goa to Cristina Gonsalves for carrying out the work of proposed construction of compound wall in Survey No. 13/1-U of Village Loutulim and copy of an Affidavit dated 11/10/2024 submitted by Cristina Gonsalves, r/o. H. No. 662, Cujira,

St. Cruz, Tiswadi Taluka, Goa stating that he will comply the conditions of Technical Clearance Order dated 26/09/2024.

Appellant prayed for directions to the Respondent PIO to furnish complete information and inquire into the non-availability or suppression of mandatory Town and Country Planning Department records.

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 17/12/2025 for which Appellant and Respondent PIO present. Respondent PIO filed submission stating that the information sought by the Appellant is not available in the office records and it was informed to the Appellant vide letter dated 13/08/2025 and had requested to furnish any specific reference to locate the sought information if available in the office records.

8. Matter took up for final argument on 16/02/2026 for which Appellant and Respondent PIO present. Respondent PIO reiterated in the written submission dated 16/02/2026 that the information sought by the Appellant is not available in the office records.

However, Respondent PIO produced file pertaining to the sanction granted to carry out the work of compound wall in Survey No. 13/1-U. Appellant however insisted that she sought information pertaining to the property in Survey No. 13/1, Loutulim Village. Since Respondent PIO categorically stated the non-availability of information in respect of the property bearing Survey No. 13/1, Village Loutulim and in possession of files/records in respect of the property bearing Survey No. 13/1-U, Presiding Commissioner directed the Respondent PIO to allow the Appellant to physically inspect the files pertaining to Survey No. 13/1-U and avail information if anything found after the said inspection.

DECISION

Commission decided to dispose the matter with the following **directions to the Respondent PIO -**

- i) Allow the Appellant to physically inspect the files/records pertaining to the developmental sanction to the property**

bearing Survey No.13/1-U, Village Loutulim, Salcete Taluka, South Goa and subsequently provide desired information to the Appellant, free of cost, on receiving written requirement of the documents from the Appellant after the inspection, within seven (07) days from the receipt of this order.

- ii) Respondent PIO should make another attempt to ascertain whether Mr. Cancio Mascarenhas has filed any approved layout planor application in the recent past for carrying out developmental activities in property bearing Survey No. 13/1, Village Loutulim, Salcete Taluka, South Goa. If available, furnish the same and if not available inform the same in writing to the Appellant during the course of inspection.

Compliance report should reach the Commission within two weeks from the receipt of the order.

- Matter disposed.
- Proceedings stand 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

