

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Shri. Atmaram R. Barve

State Information Commissioner

Appeal No.172/2023/SIC

Sushant P. Nagvenkar,
H.No. C-312, Fonduvem,
Ribandar-Goa.

.....Appellant

V/S

1.The Public Information Officer (PIO),
Office of the Mamlatdar III Bardez,
Mapusa-Goa.

2. The First Appellate Authority (FAA),
Office of the Mamlatdar III Bardez,
Mapusa-Goa.

.....Respondents

Filed on: 17/05/2023

Disposed on: 06/01/2025

ORDER

1. The present second appeal arises out of the original Right to Information (RTI) application dated 15th February, 2023 made by the Appellant Shri. Sushant Nagvenkar and addressed to the Public Information Officer (PIO) in the office of Mamlatdar-III, Bardez-Goa.
2. It is contended by the Appellant that upon passage of the stipulated time period of 30 days no response to his application was communicated by the PIO and as such he filed the First Appeal before the competent authority on 23rd March, 2023.
3. Even after passage of 45 days the First Appellate Authority (FAA) also did not issue any response or communication to the Appellant, therefore, the Appellant preferred this second appeal on 17th May, 2023.

4. In the hearing dated 27th June, 2023 the Commission directed the PIO to provide inspection of the documents to the Appellant.
5. However, it is contended by the Appellant that the said directions were not honored by the competent authority and inspection was not provided.
6. The replies filed by the Joint Mamlatdar Shri. Dhiren Banaulikar, PIO Rupesh Kerkar, PIO Sanjeev Signapurkar and the present PIO Ullo Mangueshkar are also taken on record.
7. Upon perusal of the facts documents and submissions of the concerned parties this Commission is of the considered opinion that the present matter is of clear case of denial of information to the Appellant.
8. In the instant matter the Appellant had sought information pertaining to the mutation of land record which is reasonably in the ambit of the concerned Mamlatdar of the respective area.
9. Shifting onus onto subordinate staff by designating them as PIO and also not deciding the first Appeal is a case of gross disregard towards the letter and spirit of the RTI Act.
10. The conduct of the First Appellate Authority (FAA) in terms of not hearing or deciding the same is serious in nature and appears to be solely aimed at denying the right of obtaining information to the Appellant herein.
11. There is no material on record which can even remotely suggest that any functionary in the Office of the Mamlatdar has done any action which could be construed as a fair attempt towards upholding the right of the Appellant herein.

12. Such a conduct calls for immediate action on the part of the Govt. of Goa and hence the Government of Goa through its Chief Secretary is called upon to immediately review the Conduct of the PIO's, APIO's and First Appellate Authorities (FAA) designated under this Act.
13. The present matter calls for a larger scrutiny of the conduct of the authorities constituted under this Act, rather than simply levying penalty under section 20(1) or (2) of this Act.
14. In view of the above, the present Second Appeal is disposed off with the following Orders:-
 - a. The Joint Mamlatdar III of Bardez Taluka is hereby directed to trace and provide the necessary information to the Appellant herein in terms of his original RTI application dated 15th February, 2023 on or before 20th January, 2025 free of cost.
 - b. The Joint Mamlatdar III of Bardez Taluka, to take necessary assistance of the present or any of the previous PIO's who have been in charge at the Office of Joint Mamlatdar III of Bardez-Taluka between 15th February, 2023 till date.
 - c. The present PIO as well as the Joint Mamlatdar III of Bardez Taluka to submit a compliance report in terms of the above mentioned orders on or before 22nd February, 2025.
 - d. A showcause notice be issued against the present PIO as well as Shri. Rupesh Kerkar and Shri. Sanjeev Signapurkar, Shri. Dhiren Banaulikar, Jt. Mamlatdar III as to why action should not be initiated in terms of non adherence to section 7 of the RTI Act and also

why penalty should not be initiated in terms of section 20 (1) of this Act.

- e. The parties to remain present with reply to the show-cause notice on 23/01/2025 at 11.00 a.m. failing which Registry to initiate penalty proceeding accordingly.
- f. Registry to ensure that copies of this order are issued to Chief Secretary Govt. of Goa. as well as the Secretary (Revenue) Govt. of Goa to review the appointment and conduct of First Appellate Authority, PIO and APIO respectively, to uphold the sanctity of the RTI Act, 2005.

No order as to cost.

Appeal disposed accordingly.

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/-

(Atmaram R. Barve)

State Information Commissioner

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Sushant P. Nagvenkar,
H.No. C-312, Fonduvem,
Ribandar-Goa.

.....Appellant

V/S

1.The Public Information Officer/Secretary,
Office of the Mamlatdar III Bardez,
Mapusa-Goa.

2. The First Appellate Authority,
Office of the Mamlatdar III Bardez,
Mapusa-Goa.

.....Respondents

CORRIGENDUM

In view of the Order passed in Appeal No. 172/2023/SIC ON 06/01/2025 necessary correction be made in paragraph 14 (e) of the order i.e. in line 'The parties to remain present with reply to the show-cause notice on 23/01/2025 at 11.00 a.m.' shall be read as 'The parties to remain present with reply to show-cause notice on 25/02/2025 at 11.00 a.m.' wherein date has been corrected.

Rest contents of the Order remains the same.

(Shri. Atmaram R. Barve)
State Information Commissioner
Goa State Information Commission
Panaji-Goa

Date:- 23/01/2025
Place:- Panaji-Goa

