

GOA STATE INFORMATION COMMISSION
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Shri. Atmaram R. Barve

State Information Commissioner

Appeal No. 240/2024/SIC

Julio Heredia,
H. No. 353, Piedade,
Divar-Goa, 403403

..... Appellant

V/s

1. Public Information Officer (PIO),
Mamlatdar of Tiswadi,
Panaji-Goa
2. Public Information Officer (PIO),
Talathi of Goltim-Tiswadi,
Divar-Goa, 403403,
3. The First Appellate Authority (FAA),
Mamlatdar of Tiswadi,
Panaji-Goa

.... Respondents

Filed on:- 30/10/2024

Disposed on:- 06/05/2025

ORDER

1. The present second appeal arises out of the Right To Information (RTI) application dated 19/06/2024 made by Shri. Julio Heredia the appellant hear in and addressed to the Public Information Officer (PIO) at the Office of the Mamlatdar of the Tiswadi Taluka where in the Appellant had sought certified copy of a mutation entry in village Goltem.

2. The PIO Ms. Shradha Naik vide communication dated 21/06/2024 transferred the said RTI application under section 6(3) to the PIO/Talathi/Saza of Goltim Tiswadi.
3. The PIO Shri. Swapnil Kunkalkar, vide reply dated 12/07/2024 informed the Appellant herein that the information sought by him is not available in the office records of Talathi of Goltim Navelim, Divar-Tiswadi-Goa.
4. Aggrieved, by this reply the Appellant herein preferred the first Appeal on 02/08/2024.
5. Aggrieved by this non-response by the First Appellate Authority the Appellant herein preferred present second Appeal on 30/10/2024
6. The First Appellate Authority (FAA) issued two notices dated 09/08/2024 and 19/09/2024 respectively, however, there is no order passed by the said authority on record.
7. Notices were issued on 16/01/2025 and matter was taken up for hearing from 18/02/2025 onwards.

8. Upon perusal of the appeal memo and other material on record this Commission is of the considered opinion as under:-

a) Public Information Officer (PIO)

Ms. Shradha Naik is found to have promptly acted to transfer the said RTI application to the relevant PIO.

b) Public Information Officer (PIO)

Shri. Swapnil Kuncolinkar also appears to have provided response to the Appellant herein within the stipulated time.

c) Although both the Public Information Officers have very much acted within the ambit of the RTI Act, however, the core issue of resolving the grievance of the information seeker remains at standstill.

d) The First Appellate Authority ought to have perused this matter in detailed and ought to have passed necessary orders which would have enabled the

Appellant herein, access to the desired information.

e) Inaction on the part of the First Appellate Authority has caused a grave prejudice to the information seeker.

f) The very fact that the Appellant herein has provided survey number, village name and mutation number, there are reasons to believe that the revenue authorities must definitely be in the position to provide necessary information.

g) "Information not available" cannot be used as a blanket provision to escape from the responsibility under the RTI Act.

9. Therefore, in view of the above, the present second appeal is disposed off with the following orders:-

a) The present second appeal is upheld.

b) The Government of Goa through its Revenue Secretary is directed to initiate inquiry proceedings against the relevant First Appellate Authority for not deciding the First Appeal for an indefinite period. The inquiry shall be completed by 30/06/2025 and compliance report to that effect shall be submitted to this Office on 03/07/2025 at 11.00 a.m.

c) The Government of Goa through its Revenue Secretary is directed to designate an Officer not below the rank of the Deputy Collector to trace, locate and disseminate information pertaining to mutation No. 489 regarding survey no. 23/06 of Village Goltim in Tiswadi Taluka to the information seeker in this matter. The entire exercise of appointing such an officer and providing information shall be completed on or before 30/06/2025 and compliance report to that effect shall be submitted to this office on 03/07/2025 at 11.00 a.m.

d) Registry to ensure compliance of the orders and that authenticated copies of

this order are issued to the concerned parties.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

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