

**GOA STATE INFORMATION COMMISSION**  
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**Shri. Atmaram R. Barve**

State Information Commissioner

**Appeal No. 456/2023/SIC**

Shri. Pandit KrishnaTiwari,  
H. No. D/3, Sabnic Apt.,  
Manseer, Verem, Bardez-Goa, 403114 .....Appellant

**V/s**

1. Public Information Officer (PIO),  
Awal Karkun, Office of Mamlatdar of Tiswadi Taluka,  
Panaji-Goa.
2. First Appellate Authority (FAA),  
Mamatdar of Tiswadi Taluka,  
Panaji-Goa .....**Respondents**

**Filed on: 20/12/2023**

**Disposed on: 05/02/2025**

**ORDER**

1. The present second Appeal arises out of the Right to Information application dated 17/07/2023 addressed to the Public Information Officer in the Office of the Mamlatdar of Tiswadi Taluka wherein the Appellant herein Shri. Pandit Krishna Tiwari had sought certified copies of the tenancy case No. TNC/Jt/Miar/ADDL/1/77.
2. Vide reply dated 02/08/2023 Ms. Sana Bi Shekh the PIO holding charge for Smt. Anusha Gaonkar, informed the Appellant herein that the said information is not available.
3. Aggrieved by this reply the Appellant herein filed his first appeal dated 12/09/2023.
4. Vide Order dated 30/11/2023 the First Appellate Authority (FAA) dismissed the said appeal citing the ground that thorough search was made and that the said documents was not available.

5. Thereafter, aggrieved by the order of the First Appellate Authority (FAA) the Appellant herein preferred the second appeal dated 20/12/2023 on the grounds that proper and correct information has not been furnished by the Respondent PIO and that the order of the First Appellate Authority is arbitrary.
6. Notices were issued on 16/01/2024 and the matter came up for hearing from 08/02/2024 onwards.
7. In the meantime the said PIO Smt. Anusha Gaonkar was transferred and Ms. Shradha Naik took charge in her place as the PIO in the Office of the Mamlatdar of Tiswadi.
8. By the next date of hearing the former State Information Commissioner demitted Office and regular proceedings in this matter commenced from 09/10/2024.
9. In the mean time the present PIO filed the reply to the Appeal memo on 14/03/2024 providing a detailed chronology of communications with the other Mamlatdar of Tiswadi Taluka to trace the document sought by the Appellant herein the PIO further stated that the PIO is not supposed to create, collate, produce or generate information and that the role of the PIO is only to furnish the information that is available.
10. The Appellant herein vide rejoinder dated 25/11/2024 stating that the Respondent PIO has not mentioned or annexed any documents or correspondence regarding a store room search and also not mentioned about any physical damage or loss of the said documents.
11. The Appellant herein further vide memo dated 18/12/2024 produced an unauthenticated photo copy of the tenancy order as sought by him in the original RTI application.
12. The Mamlatdar of Tiswadi the First Appellate Authority in this matter filed the reply challenging the authenticity including the seal on the alleged tenancy order produced by the Appellant herein vide his mentioned above.

13. Both the parties expressed their desire that this matter is decided on the basis of their submissions and did not proceed with any oral arguments.

14. Upon perusal of the Appeal memo as well as other material on record this Commission is of the considered opinion as under:-

a) Prima facie the PIO appears to have made necessary communications to trace the record sought by the Appellant herein from the Offices of various Mamlatdars in the jurisdiction of the Tiswadi Taluka.

b) However, there appears to be no attempt on the part of the PIO to transfer the said application under section 6(3) of the Right To Information Act, to any other public authority which could have been in possession of the said document in the normal course.

c) It is a common observation that PIO's adopt standard plea that "information is not available." However, there ought to be visible actions on the part of the PIO to suggest that sincere attempts were made to trace and locate such information and further disseminate the information to the seeker.

d) The document brought on record by the Appellant herein vide his memorandum cannot be simply ignored and especially in the light of the submissions made by the Mamlatdar Tiswadi the said matter ought to be investigated. Failing which it would be construed that information was denied to the seeker.

15. Therefore in the light of the above the present second appeal is disposed off with the following orders:-

a) The present second appeal is allowed.

b) The present Public Information Officer, Ms. Shraddha Naik is directed to carry out a fresh search for the said document in the

record room and every such place where the said document could have existed and provide authenticated copies of the said documents to the Appellant herein on or before 6/03/2025.

- c) The Public Information Officer shall take the assistance of any staff in order to expedite the said process and the Mamlatdar of Tiswadi Taluka is directed to provide all the necessary support to the PIO in order to comply with this orders.
- d) Registry to issue showcause notice to the PIO, Ms. Shraddha Naik and the PIO is directed to remain present with the reply to the show cause notice as well as a compliance report in view of the above mentioned directions on 10<sup>th</sup> March, 2025 at 11.00 a.m. failing which necessary penalty and disciplinary proceedings shall be initiated.
- e) The Secretary – Department of Revenue, Government of Goa is hereby directed to conduct an inquiry in so far as the existence, authenticity and also to determine the aspect of forgery if any. The said report to be submitted to this Commission by 17/03/2025
- f) The Chief Secretary Government of Goa is once again directed to initiate the process of formulating a comprehensive record retention policy for all the Public Authorities in the State of Goa, under the purview of the Right to Information Act, 2005.
- g) No order as to cost.
- h) Registry to ensure that all the parties mentioned above are served with the authenticated copies of this Order.

Appeal disposed off with no order as to cause.

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