

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No.61/SIC/2008

Shri Rajan Halarnkar,
Tembwada, Morjim,
Pernem – Goa

... Complainant.

V/s.

1) The Dy. Collector & SDO,
Pernem Sub-Division,
Pernem – Goa

.. Opponent No. 1.

2) The Secretary,
Village Panchayat of Morjim,
Pernem – Goa

... Opponent No. 2.

Complainant absent.

Opponent No. 1 in person.

Opponent No. 2 in person.

Dated: 12.03.2010

ORDER

The Complainant on 30.11.2008 sought the following information under the RTI Act:

- 1) Whether the construction of compound wall in the property surveyed under Survey No. 119/3 is legal or illegal.
- 2) Whether any permission or licence taken by the Company True Axiz Pvt. LTd. for construction of compound wall.
- 3) What action has been taken by the Dy. Collector of Pernem against the Russian citizen who resides in the bungalow constructed by the above said Company? Whether the five bungalows situated near the temple of Bhumika, Varachawada are legal or illegal. What action has been taken by the Dy. Collector if these bungalows are illegal.
- 4) What action has been taken by the Dy. Collector if the compound wall is illegal in the property bearing Survey No. 119/3.

...2/-

- 5) Why notice under CRZ Rule is not issued to the Company or any Russian Director of the Company?
- 6) Why the Russian Director is not arrested for illegal construction.
- 7) Whether any inspection done of the illegal compound wall in the property bearing Survey No. 119/3 situated at Morjim, Tembwada? If inspection provide the panchanama and measurements of illegal compound wall.
- 8) Why the inspection is not done and action not taken against the Russian Director for illegal construction of five bungalows in the premises of True Axiz Pvt. Ltd. at Varachawada, near Bhumika temple?

By communication dated 29.12.2008 the Opponent No. 1 transferred the queries at Sr. No. 1 and 2 to the Opponent No. 2 and by communication dated 29.12.2008 provided the information at Sr. No. 3 to 8. On the strength that the information provided by the Opponent No. 1, is insufficient and vague the Complainant preferred this Complaint against the Opponent No. 1. As information at item No. 1 and 2 was transferred to the Secretary of Village Panchayat, by Order dated 15.12.2009 the Secretary of Village Panchayat, Morjim was added as Opponent No. 2.

2. On perusing the reply provided by the Opponent No. 1 dated 29.12.2008 the Opponent No. 1 provided the information required by the Complainant at Sr. No. 3 to 8. The information to be provided should be from the records and whether the bungalow constructed is legal or illegal is the opinion of the Public Information Officer and not from the records and such opinion is not information under the RTI Act. The contention of the Complainant is that it is the duty of the

Dy. Collector to find out whether any illegal constructions are coming up and inspection to be carried in this regard. Whether the Dy. Collector performed his duties or not is not under the RTI Act to question the Dy. Collector. It is for the Panchayat authorities to take action for illegal construction and under the RTI Act the information can be provided only on the aspect whether there are any documents to show whether any action was taken on the complaint. The Opponent No. 2 by communication dated 28.01.2009 also provided the information required at Sr. No. 6 and 7. Since the information provided by the Opponent No. 1 in the communication dated 29.12.2008 and of Opponent No. 2 in the communication dated 28.01.2009 meets the requirements to the request of the Complainant dated 30.11.2008, there are no reasons to proceed any further and the Complaint is disposed off accordingly.

Sd/-
(Afonso Araujo)
State Information Commissioner

GSIC/Complaint No. 61/SIC/2008
Goa State Information Commission
Shrama Shakti Bhavan, Gr. Floor,
Patto Plaza, Panaji-Goa

25.05.2010

To,

- 1) Shri Rajan Halarnkar,
Tembwada, Morjim,
Pernem – Goa
- 2) The Dy. Collector & SDO,
Pernem Sub-Division,
Pernem – Goa
- 3) The Secretary,
Village Panchayat of Morjim,
Pernem – Goa

Sub: Complaint No. 61/SIC/2008.

Sir,

I am directed to forward herewith copy of the Order dated 12th March, 2010 passed by the Commission in the above referred Complaint for your information.

Yours faithfully,

(Meena H. Naik Goltekar)
Under Secretary-cum-Registrar

Encl: As above.