

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Appeal No. 54/2009

Shri V. A. Kamat.  
G-1, Ravindra-A,  
Next to Hotel Ameya,  
Opp. St. Inez Church,  
Panaji – Goa

... Appellant.

V/s.

- 1) Public Information Officer,  
North Goa District Office,  
Town & Country Planning Department,  
Government of Goa,  
Government Office Complex,  
Mapusa – Goa style="text-align:right">... Respondent No. 1
- 2) Public Information Officer,  
Town & Country Planning Department (HQrs.),  
Government of Goa,  
Dempo Tower (Second Floor), Patto Plaza,  
Panaji – Goa style="text-align:right">... Respondent No. 2.
- 3) First Appellate Authority,  
Chief Town Planner,  
Town & Country Planning Department,  
Government of Goa,  
Dempo Tower (Second Floor),  
Patto Plaza, Panaji – Goa style="text-align:right">... Respondent No. 3.

Appellant in person.

Respondent No. 1 and Respondent No. 2 in person.

11.06.2010

**ORDER**

On 14.03.2009 the Appellant sought information under RTI Act from the Respondent No. 1 pertaining to approval for change in land use, i.e. from Orchard to Settlement in survey No. 79/1 of Assagao Village and requires: (a) Certified copy of the application requesting for the said change in the land use; (b) Certified copy of the letter/NOC/approval accorded by the

...2/-

Town & Country Planning Department; (c) Certified copy of the communication received from the Government granting approval for the same. On transfer of the request dated 14.03.2009 the Respondent No. 2 by communication dated 13.04.2009 stated that the information could not be provided as the file pertaining to change in land use for survey No. 79/1 in Village Assagao was not available in the office record. Not content with the reply of the Respondent No. 2. the Appellant preferred the First Appeal and the First Appellate Authority by Order dated 14.05.2009 agreed with the decision of the Respondent and dismissed the Appeal. Hence, this Second Appeal.

2. The information sought by the Appellant consists of the Appellant requiring the application; letter/NOC/approval and communication received from the Government wherein Town and Country Planning Department has accorded approval for change of use of land from orchard to settlement in Survey No. 79/1 of Assagao Village. The contention of the Respondent No. 2 is that there are no records of the file pertaining to change of land use of survey No. 79/1 of Assagao Village. To counter the averments made by the Respondent No. 2 that there are no records of the file of change of user in that particular land, the Appellant produced a letter of Chief Town Planner addressed to Anastasio Fernandes dated 04.10.2010 and the subject matter is approval for change in the proposed land use zone in the Regional Plan for Goa and the copy of this letter was sent to Dy. Collector & S.D.O., Mapusa and Sr. Town Planner, Town & Country Planning Department, Panaji. In the said letter it is mentioned that the Government has accorded final approval for the change in the proposed land use in the Regional Plan in

respective survey No. 79/1 of Assagao Village. The contention of the Respondent No. 2 is that this letter produced by the Appellant is not found in the records either of the Town & Country Planning Department, Panaji; Dy. Collector, Mapusa or Sr. Town Planner, Town & Country Planning Department, Mapusa and the said letter is fabricated. Once, the said letter is of the Chief Town Planner of Town & Country Planning Department having a No. RP/1253/TCP and dated 04.10.2001 and such letter was not found in the records of any of these Public Authorities of Town & Country Planning Department, Panaji, Dy. Collector of Mapusa and Town Planner, Mapusa, it indicates that this letter dated 04.10.2001 is not genuine and cannot be relied upon. Since there are no records indicating that Town & Country Planning Department has accorded approval for change of land of use from orchard to settlement of Survey No. 79/1 of Assagao Village, the Respondent No. 2 has provided the information to the Appellant in the request dated 14.03.2009 and rightly the First Appellate Authority dismissed the First Appeal. There are no reasons for interference with the Impugned Order, hence the following Order:

**ORDER**

The Appeal is dismissed.

Pronounced on this 11<sup>th</sup> day of June, 2010.

Sd/-  
(Afonso Araujo)  
State Information Commissioner