

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

Appeal No. 109/SIC/2010

Mr. Domic D'souza,  
H. N.315/4, Tropa Vaddo,  
Sodiem, Siolim  
Goa

... Appellant.

V/s.

1) The Public Information Officer,  
Mamlatdar of Bardez,  
Mapusa – Goa

... Respondent No. 1

2) The First Appellate Authority,  
Dy. Collector & SDO.,  
Mapusa – Goa

... Respondent No. 2.

Representative of Appellant present.

Representative of Respondent No. 1 present.

Kum. Shama Narvekar, authorized representative of  
Respondent No. 2.

**J U D G M E N T**

(Per Afonso Araujo)

On the strength of a complaint moved by the Appellant before the Deputy Collector, Mapusa, in respect of planting coconut saplings in the Government nullah running between Survey No. 215/14 and Survey No. 271 and 272 of Village Sodiem, Siolim, the said Deputy Collector issued a Memorandum dated 30.12.2009 directing the Respondent No. 1 to inspect the site and take necessary action. Based on the said Memorandum the Appellant sought information under RTI Act and requires copies of the site inspection report along with the copies of panchanama, sketch and check list (if any).

2. As the information sought has not been decided within the stipulated period of thirty days, the Appellant preferred First

...2/-

Appeal on 26.02.2010 and the First Appellate Authority fixed the hearing of the Appeal on 17.03.2010. The Respondent No. 1 filed a reply on 17.03.2010 before the First Appellate Authority stating that the information sought by the Appellant has been kept ready and accordingly was informed by letter dated 04.03.2010 to collect the same and alongwith reply the Respondent No. 1 produced a letter No. 22/14/2010/DD/RTI/1505 dated 17.03.2010 addressed to the Appellant in reference to the application dated 04.01.2010 and furnishing the site inspection report alongwith the sketch of construction and checklist filed in respect of survey No. 215/14 of Village Sodiem-Siolim. He further stated no check list is available in respect of survey No. 271 and 272. As the information provided was not in consonance with the information sought, the Appellant preferred this Second Appeal.

3. The contention of the Appellant is that the information provided is in respect of a residential construction of one Premanand Patre and not in respect of coconut sapling planted in the Government Nullah.

4. On perusing the letter of the Appellant dated 04.01.2010 the information sought under RTI Act, the Appellant requires certified copy of site inspection and report carried by the Respondent No. 1 alongwith the copies of the panchanama, sketch and checklist. No doubt that above information sought is based on the complaint made by the Appellant before the Deputy Collector, Mapusa, stating that coconut sapling were planted in Government Nullah running between Survey No. 215/14 and Survey No. 271 and 272 of Village Sodiem Siolim and the Deputy Collector by the Memorandum dated 30.12.2009 directed the Respondent No. 1 to inspect the site

and take necessary action against the culprits. The Respondent No. 1 instead of giving information in respect of the nullah gave the information by providing site inspection report, or check-list in respect of Survey No. 214. Had the Appellant properly framed the question and asked information on the action taken on the Memorandum issued by the Deputy Collector, Mapusa, the confusion would not have arisen and the Respondent No. 1 would have been specific in answering the specific question on the Memorandum.

In such circumstances the proper course is to direct the Respondent No. 1 to provide the information on the action taken on the Memorandum dated 30.12.2009. Hence, the following Order:

**ORDER**

The Appeal is partly allowed. The Respondent No.1 to provide the information on the action taken on Memorandum dated 30.12.2009 directly to the Appellant and report compliance on 16.08.2010.

Pronounced on this 14<sup>th</sup> day of July, 2010.

Sd/-  
(Afonso Araujo)  
State Information Commissioner