

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 97/SIC/2010

Shri Rosario S. Fernandes,
R/o. H. No. 213, Bamotem Ward,
Arossim,
Cansaulim – Goa

... Appellant.

V/s.

1) First Appellate Authority,
Executive Engineer (Roads Division),
Public Works Dept., Division VI,
Fatorda,
Margao – Goa

... Respondent No.1.

2) Public Information Officer,
Asst. Engineer (Roads Division),
Public Works Dept., Sub-Div. III,
Baina,
Vasco-da-Gama, Goa

... Respondent No.2.

Appellant in person.

Respondent No. 2 in person.

J U D G M E N T

(Per Afonso Araujo)

The Appellant by request dated 05.01.2010 sought information under RTI Act pertaining to area acquired under survey No. 120/2 of Arossim Village in the Award dated 10.03.1988 and required the dimensions of the triangle viz. length of the base and height as also the actual area of the triangular portion as worked out by the Public Works Department.

2. The Respondent No. 2 by communication dated 04.02.2010 stated that the area acquired under survey No. 120/2 towards the acquisition of land for the construction of Arossim beach road has been furnished to the Appellant and in case the latter was not satisfied, to approach the Land Acquisition Officer/Dy. Collector at Mormugao for further details. Not content with the reply provided the Appellant preferred the First Appeal on 16.02.2010. The First

...2/-

Appellate Authority did not decide the First Appeal in accordance with the provisions of RTI Act. Hence, this Second Appeal.

3. The information sought by the Appellant is specific and requires the area of the triangular portion constructed for the road in his property under survey No. 120/2 of Arossim Village. The Respondent No. 2 provided the information by giving the area of acquired land from the said survey No. 120/2. Aggrieved by this reply the Appellant approached the First Appellate Authority and it was not proper on the part of the First Appellate Authority not to decide the First Appeal. Section 19(6) of the RTI Act mandates that the First Appeal to be disposed within thirty days of the receipt of the appeal or within such extended period not exceeding total of 45 days from the date of filing thereof as the case may be for the reasons to be recorded in writing. An obligation was cast on the First Appellate Authority to decide the Appeal in accordance with section 19(6) and having failed to comply with the said mandatory provisions, the proper course is to direct the First Appellate Authority to decide the First Appeal filed by the Appellant on 16.02.2010. Hence, the following Order:

ORDER

The Appeal is allowed.

The Respondent No. 1 – the First Appellate Authority to decide the First Appeal filed by the Appellant on 16.02.2010 in accordance to the provisions of section 19(6) of the RTI Act.

The Appellant and the Respondent No. 2 to appear before the First Appellate Authority on 23.08.2010 at 03:00pm.

Pronounced on this 21st day of July, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner

