

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri M. S. Keny, State Chief Information Commissioner

Appeal No. 140/SCIC/2010

Shri Sebastiao Araujo,
Cujira,
Santa Cruz,
Tiswadi – Goa

..... Appellant.

V/s.

1) The Secretary,
Public Information Officer,
Village Panchayat Santa Cruz,
Santa Cruz,
Tiswadi – Goa

..... Respondent No. 1

2) The Block Development Officer,
First Appellate Authority,
Tiswadi,
Panaji – Goa

..... Respondent No. 2.

Appellant alongwith Adv. Jaiprakash NaiK.

Adv. D. Rosario for Respondent No. 1.

Shri Mahesh Kuttiker, representative of Respondent No. 2 present.

J U D G M E N T
(20.09.2010)

The Appellant, Shri Sebastiao Araujo has preferred this appeal praying that the Appeal be allowed and Respondent No. 1 be directed to furnish the correct information; that penalty may be imposed on the Public Information Officer for not complying the provisions of the RTI Act; that disciplinary action be recommended against the Public Information Officer.

2. The brief facts leading to the present Appeal are as under:

That the Appellant, vide his application dated 16.04.2010 sought certain information from the Respondent No. 1 under Right to Information Act, 2005 (RTI Act for short).

That by letter dated 19.05.2010 the Respondent No. 1 knowingly and deliberately furnished wrong information thereby refusing to supply the request information

...2/-

to the Appellant. Being not satisfied the Appellant preferred the First Appeal before the Respondent No. 2. That the First Appeal was disposed by Order dated 26.05.2010. Being aggrieved by the Order the Appellant preferred the present Appeal on the grounds as set out in the memo of appeal.

3. The Respondents were duly served and in pursuance of the Notice Respondent No. 1 alongwith his Advocate appeared. Shri Mahesh R. Kuttiker, representative of Respondent No. 2 also appeared. The Respondents resist the application and say of Respondent No. 1 is on record.

It is the case of Respondent No. 1 that the appeal is baseless and malafide in nature and bad in law and as such liable to be dismissed. That by his letter dated 19.05.2010 the information is furnished. That the compound wall exists in old Survey No. 11/16 and license was already granted for construction of said compound wall in Survey no. 11/16 in the year 2002 to Mr. R.V.S. Cuncolienkar. That the license referred which is granted to Gonsalo Velentino D'Souza is for proposed construction of the shop and residential house in Survey No. 11/16A of Cujira Village. That the Appeal is liable to be dismissed.

4. Heard Adv. Shri Jaiprakash Naik for Appellant and Adv. Shri D. Rosario for Respondent No. 1 and perused the records. It is seen that the applicant preferred an application dated 16.04.2010 seeking certain information from the Respondent No. 1. The information is as follows: "whether Mr. Gonsalo Velentino D'Souza, Santa Cruz, Tiswadi-Goa has been permitted by your office to construct a portion of compound wall with bricks/stones and cement by affixing a steel gate to the plot of land under Survey No. 11/16-A, in the Village Cujira which permanent construction is within the limits of the reserved area of land allotted to the construction of four lanes National Highway-17".

By reply dated 19.05.2010 the Respondent No. 1 informed that a valid license has been issued to construct the compound wall approved by Town and Country Planning Department and Public Works Department in Survey No. 11/16 of Cujira Village, Tiswadi taluka. Copy of the license is furnished. It is seen that the said license is in the name of Shri Ramnath V. S.Cuncoiencar. There is also on record one more reply from Public Information Officer, T.C.PD. Tiswadi taluka office Mala, Panaji-Goa dated 27.04.2010 addressed to the Appellant herein. The same is also in relation to the application dated 16.04.2010. As per the reply it is mentioned that no NOC for the construction of compound wall is issued to Mr. Gonsalo Velentino D'Souza by the Town and Country Planning Department. It appears from the record that Appellant also preferred First Appeal. It is seen from the order and the roznama that Appellant stated that he has received the letter on 20.05.2010. It is also mentioned that Respondent No. 1 - Public Information Officer has already furnished the information.

5. From the reply of the Respondent No. 1 it appears that license has been given in respect of Survey No. 11/16 and in respect of survey No. 11/16-A no license has been furnished. However, this has not been stated in clear words.

6. During the course of arguments when this was pointed, Advocate for the Appellant submitted that the Appellant was satisfied with the information. Since information is already furnished no intervention of this Commission is required.

7. It is seen that application was made on 16.04.2010 and reply was furnished on 20.05.2010. Apparently there is 2/3 days delay. It is seen from the order of the First Appellate Authority that information has been furnished free of cost. In view of this no further action is required considering the delay is of 2/3days. However, Public Information Officer should bear in mind that the information has to be furnished within thirty days as per RTI Act.

8. In view of all the above, I pass the following Order:

ORDER

No further intervention of this Commission is required. The Appeal is disposed of.

The Appeal is disposed off accordingly.

Pronounced in the Commission on this 20th day of September, 2010.

Sd/-
(M.S. Keny)
State Chief Information Commissioner

GSIC/Appeal No. 140/SCIC/2010
Goa State Information Commission
Shrama Shakti Bhavan, Gr. Floor,
Patto Plaza, Panaji-Goa

22.09.2010

To,

- 1) Shri Sebastiao Araujo,
Cujira,
Santa Cruz,
Tiswadi – Goa
- 2) The Secretary,
Public Information Officer,
Village Panchayat Santa Cruz,
Santa Cruz,
Tiswadi – Goa
- 3) The Block Development Officer,
First Appellate Authority,
Tiswadi,
Panaji – Goa

Sub: Appeal No. 140/SCIC/2010.

Sir,

I am directed to forward herewith copy of the Order dated 20th September, 2010 passed by the Commission in the above referred Appeal for your information and necessary action.

Yours faithfully,

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

Encl: As above.

