

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 512/SCIC/2010

Shri Gajanan D. Phadte,
898, Nila Niwas, Alto Torda,
Porvorim –Goa.

... Complainant.

V/s
The Public Information Officer,
Mamlatdar of Bardez,
Mapusa –Goa.

... Opponent.

Complainant in person.
Opponent in person.

O R D E R
(23/02/2011)

1. The Complainant, Shri Gajanan D. Phadte, has filed the present Complaint praying that Public Information Officer be ordered to provide information sought by him.

2. It is the case of the Complainant that by application dated 07/07/2010 he requested information under the Right to Information Act, 2005('RTI' Act for short) from the Opponent/Public Information Officer (PIO) however, PIO by his letter dated 20/07/2010 instead of providing information sought unjustly rejected application under the Right to Information Act. Hence the present complaint.

3. The Opponent resists the complaint and the reply of the opponent is on record. It is the case of the opponent that by letter dated 20/07/2010 the opponent informed the complainant that the information is in form of opinion and the same is not covered under the definition of information as defined under section 2(f) of the Right to Information Act. That their office has issued all information in respect of mutation entry No. 1873 to the Appellant from time to time and despite of this the Appellant has been filing same application and then preferring complaints to the Commission. That the present complaint is frivolous and without merits, hence the same be dismissed.

...2/-

4. Heard the arguments. Complainant also filed written arguments which are on record. According to the opponent same query is asked again and again.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration is whether the relief prayed is to be granted or not. It is seen that by application dated 07/07/2010 the complainant sought certain information from the opponent. By reply dated 20/07/2010, the opponent replied that the information sought is in the form of opinion and the same is not covered under the definition of section 2(f) of the RTI Act. It is seen that on 15/12/2008 one application was filed by the complainant regarding the same issue and by reply dated 07/01/2009 information was furnished. I have perused the order by the Hon'ble SIC in appeal No. 319/2008 which is on record. I have also perused documents produced on record. At the outset I must say that reply was provided by the opponent naturally if aggrieved the complainant ought to have filed appeal before the FAA. However, he has chosen to file the Complaint which is not maintainable in the factual back drop of this case henceforth the complainant to see that complaint can be entertained only in terms of provisions of section 18(1) of the RTI Act.

6. It appears that the similar information was sought earlier I have perused some of the rulings of CIC in which information seekers were advised to refrain from the practice of raising same query in different forms and different set of RTI request. Normally an information seeker cannot ask same question again and again. Now coming to the present request it is seen that on the earlier occasion that is by reply dated 07/01/2009 such a request was replied. In any case, this Commission is considering the request in the present complaint in the ends of justice even though the complaint is not maintainable.

The query sought is whether the mutation entry is certified by Revenue office as per the Goa Daman and Diu Land Revenue Rules 1969. I have perused the documents furnished earlier i.e. Form No. IX, Form No. 5, Form No. X and XII which are on record I have also perused form No. I & XIV and the relevant rules Xerox copy of which is on record. Considering the material and the fact that on earlier occasion such an information was furnished in my view PIO to furnish the said information. However complainant should take note that he should not again and again ask the same query. In case he has any grievance he should agitate before the appropriate forum.

In view of all the above I pass the following order:-

O R D E R

Complaint is allowed. The Opponent is hereby directed to furnish the information sought by the Complainant vide his application dated 07/07/2010 within 15 days from the receipt of the order and report compliance.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 23rd February, 2010.

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

