

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Appeal No.70/SCIC/2011

I.S. Raju,
H.No.706/A, Acsona,
Pendolpem, Benaullim,
Salcete-Goa 403716 .

... Appellant.

V/s

1) The PIO/Town Planner,
Town & Country Planning Dept.,
Margao-Goa.

... Respondent No.1

2) The First Appellate Authority.
Town & Country Planning Dept.,
Margao-Goa.

... Respondent No.2

JUDGEMENT
(13/06/2011)

1. The Appellant, Shri I.S Raju, has filed the present appeal praying that proper information be furnished for the points raised by him.

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

The appellant, vide his application dated 03/01/2011 addressed to the P.I.O./Town Planner, Margao, sought certain information under Right to information Act, 2005 ('R.T.I.' Act for short). That the reply given in his letter dated 02/02/2011 was vague, misleading and not to the point on what he had asked for and since he was not satisfied an appeal was made to F.A.A. That by order dated 16/03/2011, the appeal was disposed off. Being aggrieved the Appellant has preferred the present appeal.

3. Notice was issued to the Respondent. In pursuance of the same the Respondent No.1/P.I.O. remained present. He did not file any reply as such but advanced arguments.

4. Heard the Appellant and Respondent No.1 and perused the records. It is seen that the Appellant, vide application dated 03/01/2011 sought certain information which is as under:-

“ 3. Since the N.O.C. issued by you dated 15/07/2010 contradicts your office letter dated 16/05/2007 at point no.4, you are kindly requested to inform under what circumstances/conditions was the N.O.C. issued and what is the action taken to revoke the said N.O.C.”

The Respondent No. 1, by reply dated 02/02/2011 has furnished the information sought. Being not satisfied the Appellant preferred the appeal before First Appellant Authority. However, the appeal was disposed off holding that the same does not survive.

5. It is to be noted here that RT.I. Act, confers on all the citizens a right to access information and this right has been defined under section 2(j) of the R.T.I. Act. This right relates to the information held by or under the control of any public Authority. It does not mean that an information seeker can solicit opinion from the P.I.O. of a Public Authority. As decided by C.I.C in K. Anand Kini V/s. Canara Bank on 10/06/2007, no queries like why, what, how etc can be answered by a public Authority. It was further observed that in the guise of information seeking explanations and queries about nature and quality of action of public authority need not be raised for answer.

Again explanation for contradictory letters/orders is not information under R.T.I. So also future course of action is not information.

I have perused the reply furnished and find that information has been furnished.

I have also perused the orders of F.A.A. and I do not find any infirmity in the same.

6. Since information is furnished no intervention of this Commission is required. Hence I pass the following order.

ORDER

No intervention of this Commission is required as information is furnished. The Appeal is disposed off.

The appeal is accordingly disposed off.

Pronounced in the Commission on this 13th day of June, 2011

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

