

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Complaint No. 23/SIC/2011

Blanche Carneiro,
Plot #51, Journalist Colony,
Alto Betim, Porvorim,
Bardez – Goa

...Complainant

V/s

Public Information Officer,
Shri Rajesh Naik,
Secretary, Village Panchayat Sodiem-Siolim,
Sodiem-Siolim,
Bardez – Goa

... Opponent

Shri J. Carneiro, representative of the Complainant.
Opponent in person.

ORDER
(09.08.2011)

1. The Complainant, Smt. Blanche Carneiro, has filed the present Complaint praying that penalty under section 20(1) of the Right to Information Act, 2005 be imposed on the Opponent and that disciplinary proceedings be recommended under Service Rules applicable to the Public Information Officer under section 20(2) of the Right to Information Act, and that delay in filing the application be condoned.

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

That the Complainant vide application dated 11.12.2008 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (PIO)/Opponent. That the Public Information Officer by reply dated 13.01.2009 denied information on all the three points quoting 'nil' on the ground "as per the construction register maintained by the Panchayat no record is available as regards new construction coming up in survey No. 282/16". That being aggrieved and shocked by the false and misleading information provided by the PIO a letter dated 20.01.2009 was submitted to the said Village Panchayat Secretary with photographic evidence showing the construction activity. That the Secretary further preferred to ignore his letter for reasons best known to him.

That being not satisfied with the reply of the said PIO/Village Panchayat Secretary who denied the existence of illegal activity in his attempt to cover up and conceal the illegal construction, the Complainant filed an RTI application on 14.03.2009 before the PIO. By reply dated 14.05.2010 the new PIO admitted the existence of construction of illegal activity carried out in survey No. 282/16 and stated that the alleged activity was being carried out without any approval/NOC, sanad from the concerned authority namely, PWD, Town and Country Planning Department, Panchayat licence, Health NOC, Dy. Collector (Revenue) North, etc. by a person without even the title documents of the property. That the Panchayat further informed that the person carrying out the said construction is not traceable. Being aggrieved the Complainant has preferred the present Complaint on the grounds as set out in the Complaint.

3. The Opponent resists the Complaint and the reply is on record. In short, it is the case of the Opponent that application seeking the information was received and the Opponent furnished the information as available in the records. That the information furnished is neither wrong nor misleading as alleged by the Complainant, as the same is furnished based on the available records and hence, there is no question of Complainant getting aggrieved and shocked by the same. That the reply submitted provides information regarding certified copies sought and not about illegal construction and its existence. Hence, the question of covering and concealing the construction activity by the Opponent does not arise as the same is not available in the records. That the reply dated 14.05.2009 nowhere admits the existence of illegal construction as stated by the Complainant. That the Complainant is misleading this Hon'ble Court by making false statements with malafide intention. That the two replies given maintains the same position and which are not at all contradictory as alleged by the Complainant. That the grounds enlisted in the Complaint are not in conformity with the information sought and, therefore, not maintainable. It is also the case of the Opponent that the Complainant has not explained the delay properly and that the Complaint is liable to be dismissed. In short, according to the Opponent, Complaint is liable to be dismissed.

4. Heard Shri J. Carneiro, the representative of the Complainant and also the Opponent.

5. I have perused the records of the case. I have seen the application seeking information as well as the replies furnished.

During the course of the arguments, the Complainant states that he does not wish to proceed with the Complaint. The Complainant also states that he does not have any grievance as such. Since he does not wish to proceed the Complaint is liable to be disposed off. Hence, I pass the following Order:-

ORDER

No intervention of this Commission is required.

The Complaint is disposed off.

Pronounced in the Commission on this 08th day of August, 2011.

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

