

**GOA STATE INFORMATION COMMISSION**  
**AT PANAJI**

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

**Appeal No.283/SCIC/2010**

Manguesh Kuttikar,  
Curca Canturlim,  
P.O. Goa Velha,  
Tiswadi-Goa

...Appellant

**V/s**

1. The Public Information Officer,  
Tiswadi Taluka Office,  
Town & Country Planning Dept. (H.Q.) Respondent no.1
  
2. The First Appellate Authority,  
& senior Town Planner,  
Town & Country Planning Department,  
North Goa District Office,  
Government of Goa  
Government Office Complex, 2<sup>nd</sup> floor,  
Mapusa-Goa ... Respondent No.2

Appellant present

Respondent No.1 present

Respondent No.2 absent

**JUDGEMENT**  
**(25-08-2011)**

1. The Appellant , Shri Manguesh Kuttikar, has filed the present Appeal praying that the appeal be allowed and order of the Respondent No.2 be set aside; that Respondent No.1 be directed to furnish the information immediately; that penalty under section 20 (1) be imposed on the P.I.O./Respondent No.1 and that information be provided free of cost.

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

That the Appellant, vide application dated 15/04/2010, sought certain information under Right to Information Act, 2005 (R.T.I.' Act for short) from the Public Information Officer (P.I.O.)/Respondent No.1. That the Respondent No.1 rejected the request at point no.2 by his letter dated 27/04/2010 on

the ground that application is incomplete as it does not contain No. of concerned file, reference No. of the Approval/NOC etc. That the Appellant by letter dated 26/08/2010 again sought same information and by letter dated 8/9/2010, the Respondent no.1. once again refused to provide the said information. Being not satisfied the Appellant filed the appeal before the First Appellate Authority (F.A.A.). By order dated 26/10/2010. The Respondent No.2 directed the Respondent No.1 to make one more effort to track the concerned file and furnish the information to the Appellant . That at the same time the Appellant was directed to identify the details sought by Respondent No.1 for rejecting the requests of the said information by obtaining them from the village Panchayat or other source. Being aggrieved the Appellant has filed the present appeal on various grounds as set out in the memo of Appeal.

3. The Respondent resists the appeal and the reply of Respondent no.1 is on record. It is the case of the Respondent No.1 that application seeking information was received and the same was furnished. The Respondent No.1 also refers to the Appeal before F.A.A. order passed etc. That the Respondent No.1 complied with the directions of F.A.A. and a letter dated 16/11/2010 was issued to the Appellant. It is further the case of the Appellant that whatever information available on records is to be furnished.

4. Heard the Appellant and the Respondent and perused the records.

It is seen that by application dated 15/04/2010, the Appellant sought certain information. The information consisted of two points (1) and (2). BY reply dated 27/04/2010. The P.I.O. furnished information in respect of point No.1 and regarding point no.2 informed that application is incomplete and that they do not maintain files based on survey records. On 26/08/2010, the Appellant filed

another application seeking some information and by reply dated 8/09/2010 same reply was given regarding point No.2. However information furnished regarding point No.1. Being not satisfied the appellant preferred first appeal. By order dated 25/10/2010, the F.A.A. directed Respondent No.1 to furnish the information and the Appellant was advised to identify the file/Ref. No. name of the Applicant who possibly might have obtained N.O.C. from the Department in the said Sy.no. from the village Panchayat or other sources and furnish it to P.I.O to locate the file and furnish information.

Being aggrieved the Appellant landed in this Commission 5. On 03/05/2011 during the course of hearing this Commission suggested the Appellant to take inspection. The Appellant and the Respondent no.1 agreed i.e Respondent no.1 agreed to give inspection. It appears that Appellant has taken the inspection and he also got the required information. According to him information is furnished and that he has no grievance of any sort..

There is no delay in furnishing information. Both the application have been replied in time. i.e. within the statutory period of 30 days.

6. The grievance of the Appellant is that he cannot provide file no. Reference no.and sometimes name of the parties. What he knows is survey No. I do agree with the Appellants contentions. It is also true that according to Respondent no.1 files are not maintained as per survey records.

There is observation of F.A.A. in the order dated 25/10/2010 which is as under:-

“..... the P.I.O. should also furnish the information in writing stating whether NOCs were granted or not from January 2009 in respect of the said survey numbers as survey number wise records are readily available.

In my view the information seeker sometimes can be a common who do not know about certain things. If the purpose and aim of R.T.I. is to be served then information must reach to such a common man the purpose of the R.T.I. Act would be fulfilled. In my view the senior Officers of Town and Country Planning Department should see that information is available even on survey nos. I am in full agreement with the Appellant that he may not know the name or ref/file no.

To day we are living in a highly scientific and technological age where impossible is possible. And I leave it to the ingenuity of the town Planning Department to address themselves to the grievance of the Appellant .

7. In view of the above, 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 accordingly disposed off.

Pronounced in the Commission on this 25<sup>th</sup> day of August

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