

**GOA STATE INFORMATION COMMISSION**

**AT PANAJI**

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

Appeal No.54/SCIC/2011

Arjun H. Jogle,  
H.No.178-118 B,  
Narayan Nagar, Post Pratap Nagar,  
Honda-Goa

...Appellant

**V/s**

1. The Public Information Officer,  
M.V. Corjuenkar,  
The Office of Collector (North Goa),  
Government of Goa, Panaji

...Opponent no.1

2. The First Appellate Authority,  
N.R. Sawant,  
Additional Collector, (North Goa),  
Panaji-Goa

... Opponent No.2

Appellant in person  
Respondent No. 1 absent  
Respondent no.2 present

**JUDGEMENT  
(22-08-2011)**

1. The Appellant, Shri Arjun H. Jogle, has filed the present appeal praying that the requested information may kindly be provided free of cost as entitled under R.T.I. Act, 2005, that the accountability may kindly be fixed , that the responsible person /persons be penalized and that compensation of Rs. 5000/- may kindly awarded to the Appellant .

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

That the Appellant, vide application dated 25/09/2010 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. The information was in respect of the Appellants letter dated 18/05/2010 to Mamlatdar Valpoi in

connection with verification and correction in the Mamlatdar @ survey no.2/1 granted to Vinayak H. Jogle. It appears that no information was furnished. Being not satisfied the Appellant preferred appeal before the First Appellate Authority. However no information furnished . Being aggrieved the Appellant had preferred the present appeal.

3. The case of the Respondent is set out in the replies which are on records.

It is the case of respondents No.1 that the OSD to Minister for Revenue has forwarded the application dated 8/11/2010 under R.T.I. Act to their office and Respondent no.1 was informed by his letter dated 10/12/2010 stating that his application is transferred under sub-section 3 of section 6 of R.T.I. Act to the Mamlatdar of Sattari as the subject matter of information sought i.e mutation , relates to the office of Mamlatdar Sattari. That the information sought by the Appellant was from another P.I.O. i.e the office of Mamlatdar of Sattari and the application made by the Appellant has been rightly transferred as required under R.T.I. Act and the copy of the same was endorsed to the Appellant. That the appeal filed by the Appellant before F.A.A. was rightly rejected. It is further the case of the Respondent No.1 that he has not countered any provisions of the R.T.I. Act or denied or refused any information under R.T.I Act.

It is the case of Respondent No. 2 that the appeal was filed by the Appellant before the Respondent No. 2 That the said appeal was wrongly filed before Respondent No. 2 and accordingly Respondent no.2 informed the Appellant to file the same before Dy. Collector and S.D.O. Bicholim since the information which was sought by the Appellant was from the Mamlatdar of Sattari/P.I.O.

4. Heard all the three parties and perused the records. It is seen that the Appellant filed an application dated 25/09/2010 before P.I.O. office of Collector North Goa. By reply dated 6/10/-2010 the P.I.O. Dy. Collector (Rev.), Collectorate north Panaji transferred the said application to the Mamlatdar of Valpoi/Sattari under section 6(3) of the R.T.I. Act to furnish the information as the information sought by the Applicant relates to the Mamlatdar of Valpoi. Copy of the letter was endorsed to the Appellant with a request to pursue the matter. It appears that appellant was not satisfied and he preferred the appeal before F.A.A. on 25/11/2010. The Additional collector North Goa informed the appellant by letter 6/12/2010 that appeal lies before Dy. Collector & S.D.O. of the concerned Taluka when Mamlatdar/P.I.O. fails to provide information . The Appellant was requested to file an appeal before Deputy Collector & S.D.O. Bicholim to get the required information.1

5. The information is regarding mutation. Naturally the Mamlatdar of the concerned area is concerned. In my view the application ought to have been filed before P.I.O. Mamlatdar office Respondent No.1 rightly transferred to the concerned Mamlatdar. Appellant ought to have pursued the matter before the concerned Mamlatdar. Again appeal ought to have been filed before Dy. Collector S.D.O. of the concerned Taluka.

In any case because of this peculiar situation the application remained there. Moreover Mamlatdar was not made party to this proceeding.

6. In my view because of this factual position it would be proper and just to send the application to the Mamlatdar Valpoi/Sattari and the Mamlatdar to decide the same within the statutory period of 30 days. In case the Appellant is aggrieved the Appellant should approach First Appellate Authority before approaching the Commission.

7. In view of the above I pass the following order;-

**ORDER**

The application of the Appellant seeking information dated 25/09/2010 be sent to the Public Information Officer, Mamlatdar of Valpoi/Sattari and the concerned P.I.O. to deal with the same and dispose the same within 30 days from the receipt of this order.

The Complainant on his part to pursue the matter

The copy of the order along with copy of the Application dated 25/09/2010 be sent to the P.I.O. Mamlatdar Valpoi/ Sattari Goa .

The appeal is accordingly disposed off.

Pronounced in the Commission on this 22<sup>nd</sup> day of August 2011.

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