

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 280/SIC/2010

Mr. Francisco A. Soares,
H. No.I015,
Near St. Cruz Post Office,
1st Bairro, Tiswadi - Goa

... Complainant

V/s

The Superintendent of Survey & Land Records,
& Public Information Officer,
Directorate of Settlement & Land Records,
Panaji - Goa

... Opponent

Complainant absent.
His representative Shri C. X. Barreto present.
Opponent present.

ORDER
(14/10/2011)

1. The Complainant, Shri Francisco A. Soares, has filed the present complaint praying that the Superintendent of Surveys and Land Records be directed to furnish the complainant with the information sought for by him vide application dated 08/01/2010; that the Superintendent of Survey and Land Records be directed to refund the excess fine charged by him for furnishing two Xerox copies of the Registo de Agrimensor and that he may be penalized at the rate of Rs.250 per day w.e.f. 8/1/2010.

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

That the complainant vide his application dated 08/01/2010 sought certain information under Right to Information Act 2005 (R.T.I. Act for short) from the Public Information Officer (P.I.O.)/opponent. That the opponent requested the complainant to inform him about the number of old cadastral survey numbers along with the corresponding new survey numbers allotted to the said old cadastral survey numbers.

That the opponent requested the complainant to inform him about the name of the village to which the said old cadastral numbers were requested for by letter dated 18/01/2010. That the opponent also informed that new corresponding survey numbers allotted to the old cadastral numbers are not readily available in his office and as such, he directed to locate/identify the new numbers corresponding to old cadastral numbers by inspecting the records in his office. That on 29/01/2010, the complainant wrote back to the opponent mentioning about section 6 (I) (b) i.e. R.T.I. application and the complainant also stated that it is clearly specified the information sought by him.

It is the case of the complainant that the opponent is creating hurdles not to furnish said new corresponding numbers for reasons best known to him. That the opponent also has charged an exorbitant fee of Rs.42/- per xerox copies. That the opponent has also directed the complainant to deposit the fee of Rs.410/- for six xerox copies of old survey numbers with corresponding new survey numbers. That the opponent has abused his authority. Being aggrieved the complainant has filed the present complaint.

3. The opponent resists the complaint and the reply is on record. In short, it is the case of the opponent that the complainant vide application dated 08/01/2010 requested to issue certified copies of the Registo do Agrimensor of old cadastral survey numbers. He also requested to furnish the new survey numbers allotted to said old cadastral numbers. That the opponent vide letter dated 18/01/2010 informed the complainant to furnish name of revenue village and talukas for issuing certified copies of Registo de Agrimensor as the application of the complainant was incomplete to furnish required information. Regarding information pertaining to new numbers allotted to old survey numbers, it was informed that the same is not readily available in the Office of the opponent and the complainant was directed to locate/identify the new survey numbers corresponding to old cadastral numbers by inspecting old records available in the office. That the complainant again by letter dated 29/01/2010 furnished the name of revenue as Calapor of Tiswadi taluka and asked for new survey number corresponding to old survey numbers without getting him involved to locate/identify old survey numbers. That by letter dated 19/02/2010 the opponent informed the complainant that the certified copies of Registo de Agrimensor in respect

of Sy. No.424 and 439 which were available with the Office of the opponent have been kept ready and the same may be collected after paying requisite fees which the complainant collected subsequently. The Registo de Agrimensor of remaining survey numbers requested by the opponent were not available as the pages containing the same are torned and spoilt due to constant use and accordingly it was informed to the complainant. The complainant was further informed that old cadastral records were prepared during Portuguese regime as per the then Portuguese Law in force and new survey records were prepared after liberation as per Goa Land Revenue Code 1968 and as such there is no link between old and new survey records. However, with the intention to help public, corresponding certificate are prepared by the Directorate on specific request of the applicant for which the applicant has to furnish information pertaining to old and new survey number and after paying the necessary fees the corresponding certificate is issued based on verification of relevant plans. That in response of Sec.4(1) (a) of the R.T.I. Act most of the records of this office are computerized. That as information sought by the applicant is not readily available with the records maintained by the public authority and the same needs to be created and under Right to Information Act only existing information is to be furnished. Relying on decision, the opponent also states that the Act does not make it obligatory on the part of the public authority to create information for the purpose of its dissemination. Referring to Menino Pereira of Nagoa, the opponent states that said Menino had duly furnished copies of new survey plan and old cadastral survey plan during processing of his application as per requirement of the Directorate. It is further the case of the opponent that the fees have been properly charged and that opponent has not collected any exorbitant fee. That issuance of corresponding certificate, the normal fees are Rs.410/-. In short according to the opponent whatever information was available was furnished as per section 2(f) of RTI Act 2005 and that the complaint is liable to be dismissed.

4. Heard the arguments. Shri C.X. Barreto, Representative of the complainant argued on behalf of the complainant and the opponent argued in person. The representative of the complainant referred to the facts of the case. According to him part 1 information regarding para 1 has been furnished. Any other corresponding numbers have not been given. The opponents argued on similar lines as mentioned in his reply.

During the course of his argument, opponent promised to help in locating the same. According to him available information has been furnished.

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 08/01/2010, the complainant sought certain information such as copies of Registo de Agrimensor and also new survey nos. allotted to the said old cadastral numbers. By letter dated 18/01/2010, the P.I.O. sought certain particulars. He also mentioned that new survey numbers allotted to old survey numbers the same is not readily available in their office and that one is required to locate/identify the new numbers corresponding to old numbers by inspecting the records in the office. The complainant wrote letter dated 29/01/2010. That thereafter by letter dated 19/02/2010, the opponent furnished the information. According to the opponent old cadastral records were prepared during Portuguese Regime as per the then Portuguese Law in force and new survey records were prepared as per Land Revenue Code, 1968 and as such there is no link between old and new survey records.

During the course of arguments the representative of the complainant states that first part of the information has been furnished. The opponent on his part states and assures to help the complainant in locating the said number.

Representative of the complainant states that in view of this he does not press the said part of information and that he has no grievance regarding the first part of information as the same is furnished.

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 complaint is disposed off.

The complaint is disposed off accordingly.

Pronounced in the Commission on this 14th day of October, 2011.

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