

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Appeal No. 49/SIC/2011**

Shri G. D. Phadte,  
898, Nila Niwas, alto Torda,  
Porvorim,  
P. O. – 403 521

.... Appellant

V/s.

1) Public Information Officer,  
Administrator of Comunidades,  
North Zone,  
Mapusa - Goa

... Respondent No.1.

2) First Appellate Authority,  
Additional Collector-II (North),  
Panaji – Goa

... Respondent No. 2.

Appellant in person.

Adv. Shri K. H. Bhosale for Respondent No.1.

**J U D G M E N T**  
**(29.06.2012)**

1. The Appellant, Shri G. D. Phadte, has filed the present Appeal praying that the Respondent No. 1/P.I.O. be directed to provide information sought in the later part of 1 – permanent possession of lands and inspection of records sought at item No. 3; that penalty be imposed on the PIO and that compensation be granted to the Appellant.

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

That the Appellant, vide application dated 11.10.2010 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 after 46 days delay the PIO gave part information on 27.12.2010 in front of First Appellate Authority (F.A.A.)/Respondent No. 2 while hearing the First Appeal. That the Appellant informed FAA/Respondent No. 2 that it concerned leases of lands and not to permanent possession of lands. That despite this the F.A.A./Respondent No. 2 disposed the Appeal without speaking order as regards item No. 1 and 2 on Roznama sheet. Besides,

FAA/Respondent No. 2 failed to dispose item No. 3 i.e. inspection of records. Being aggrieved the Appellant has filed the present Appeal.

3. The Respondent No.1 resists the Appeal and the submissions by Respondent No. 1 are on record. The Respondent No.1 denies that the P.I.O. failed to provide requested information. That the Comunidades are autonomous bodies functioning under Code of Comunidades and as such record pertaining to each of the Comunidade is maintained by the said Comunidade and hence Respondent No. 1 being P.I.O. has to seek the assistance of the Registrar/Attorney of the particular Comunidade whenever any information sought by the applicant in the right earnest to provide information. That the PIO under Section 5(4) of the RTI Act, sought the assistance of Registrar/Attorney of Comunidade of Serula vide letter dated 20.10.2010 which was duly communicated to the applicant by the copy of the said letter. That since the office of Comunidade of Serula was sealed on 22.10.2010, required information could not be obtained. However, as soon as information available, the same was earnestly provided to the applicant by letter dated 10.12.2010 and the copy of the same was furnished to the Appellant/applicant on 27.12.2010 in the presence of the FAA while hearing was on. That the receipt of the same has been duly endorsed and acknowledged by the Appellant/applicant and with his consent the appeal was disposed. That the information as regards para 3(A) has duly been provided in Column 6 of the copy of the statement produced by the Appellant. That the PIO has not delayed the information, on the contrary it is evident that he has earnestly sought the same under Section 5(4) of the RTI Act and tried to provide in good faith even under the eventuality mentioned above and as such comes under Section 20 of RTI Act.

4. Heard the Appellant and Adv. Shri K. H. Bhosale for Respondent No. 1. Besides written submissions of the parties are on record.

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 11.10.2010 the Appellant sought certain information consisting of 3 points/items i.e. Sr. No. 1 to 3. By letter dated 20.10.2010 the A.S.P.I.O. sought assistance of the Registrar/Attorney of Comunidade de Serula under Section 5(4) of the R.T.I. Act as the relevant information was in the possession of Comunidade of Serula. A copy of the letter was also sent to the Appellant herein. It appears that no information was furnished and as such the Appellant on 29.11.2010 preferred an appeal. It appears that during hearing on 27.12.2010 the Respondent No. 1 furnished the information. By order dated 27.12.2010 the appeal was disposed as regards item No.1 and 2. It was observed as under:-

“The Appellant is present in person. Respondent is represented by Adv. Bhosale furnished the requisite information to the Appellant today. With the consent of the Appellant this appeal is disposed as regards item No. 1 and 2 of his application dated 11.10.2010.”

It is the grievance of the Appellant that later part of item No. 1 and 3 is not furnished. According to the Adv. for Respondent No. 1 the information is furnished.

I have perused the information furnished and which is on record. The same mentions “List of Serula Comunidade plots approved by the Government. The permanent possession referred appears to be of the said plots. Besides inspection also not given as per records.

6. To my mind the Respondent No. 1 can definitely state if permanent possession of lands granted other than the said lease. So also inspection can be given on a mutually agreed date.

7. Now coming to the aspect of delay. The information was sought by application dated 11.10.2010. The reply is furnished on 27.12.2010. Advocate for Respondent No.1 in his written submission states that the information was sent by letter dated 10.12.2010. Even if this date is taken then apparently there is delay. However to my mind the Respondent/P.I.O. as well as Registrar/Attorney should be given an opportunity to explain about the same in the factual backdrop of this case.

8. In view of all the above, I pass the following Order:-

## **ORDER**

The Appeal is allowed. The Respondent No.1/P.I.O is hereby directed to furnish the information sought by the Appellant in the later part of the item No. 1 – permanent possession of lands and item No. 3 i.e. inspection of records, **within 30 days from the receipt of this Order.**

The Respondent No. 1 to give the **inspection of records** to the Appellant on a mutually agreed date but **within 10 days from the receipt of this Order.** The whole process **to be completed within 30 days.**

Issue notice under Section 20(1) of the Right to Information Act, 2005 to the P.I.O./Respondent No. 1 and Registrar/Attorney of Comunidade of Serula, Alto Porvorim, Bardez-Goa; to show cause as to why penal action should not be taken against him/them for causing delay in furnishing the information. The explanation, if any, should reach the Commission on or before **14.09.2012.** P.I.O./Respondent No.1 and Registrar/Attorney of Comunidade of Serula to remain present for the hearing.

Further inquiry posted on **14.09.2012 at 10:30a.m.**

A copy of the Order be sent to the Registrar/Attorney of Comunidade of Serula, Alto Porvorim, Bardez-Goa

The Appeal is accordingly disposed off.

Pronounced in the Commission on this **29<sup>th</sup> day of June, 2012.**

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





