

GOA STATE INFORMATION COMMISSION

“Shrama Shakti Bhavan”, Ground Floor, Patto Plaza, Panaji – Goa.

CORAM: Smt. Leena Mehendale, State Chief Information Commissioner

Penalty No. 18/2011
In Appeal 207/SCIC/2010

Decided on: 23/06/2014

Shri. Xavier Gomes,
R/o. H.No. 41/1, Tuin Banglow,
Damodem Tivim,
Bardez- Goa.

----- Appellant

V/s
The Mamlatdar of Bardez,
Mapusa –Goa.

----- Respondent

ORDER (Open Court)

This case arises out of order passed in appeal no 207/SCIC/2010 which in turn arises out of original RTI application filed by Shri. Xavier Gomes on 20/04/2010 to the Office of Mamlatdar / PIO Mapusa.

A small background of case is that some civil matter is pending in court between the appellant Shri. Xavier Gomes and one Smt. Veronica Noronha. A Tenancy case regarding the Tenancy right of Smt. Veronica Noronha by case no TNC/AK/30/88 of village Colvale, was conducted in the year 1988. The present appellant asked information under RTI for file bearing AK/33/88. Apparently he had some reason to believe that this file AK/33/88 dealt with the Tenancy Rights of Smt. Veronica. Information was provided to him on 17/06/2010 stating that there existed no file bearing no. AK/33/88 of village Colvale.

This finally resulted in Second Appeal no. 207/SCIC/2010 before SCIC Goa, order was passed on order 07/02/2011, directing the Deputy Collector of North Goa to conduct an inquiry regarding the missing file no AK/33/88 of Colvale and fix responsibility for misplacement or missing of the file.

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Thereafter the hearing was postponed from time to time. Today the Deputy Collector Mapusa Shri. Sabaji Shetye is present and submits that he has now carried out the said enquiry. He files his enquiry report dated.20/06/2014 which is taken on record. It reveals that the matter of Tenancy Rights of Smt. Veronica Noronha was decided under the file no. TNC/AK/30/88 and not under AK/33/88 which file does not exist.

The Advocate Shri. Sunil Sarsat is present for the appellant. He has received a copy of inquiry report filed by the Deputy Collector and concedes that there remains nothing further to pursue. He agrees to discharge the penalty notice. Accordingly the case is dismissed and the penalty notice issued to PIO namely Mr. Gaurish Shankwalkar (present today) is discharged.

Needless to say that if the appellant files any RTI application for information in respect of file no. TNC/AK/30/88, the same shall be replied as per the RTI Act, 2005.

With this direction the penalty case is dismissed and closed. Order Declared in Open Court. Inform the parties.

Sd/-
(Leena Mehendale)
Goa State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa