

GOA STATE INFORMATION COMMISSION

Ground Floor, Shrama Shakti Bhavan, Patto Plaza, Panaji-Goa.

CORAM: Smt. Leena Mehendale, State Chief Information Commissioner

Complaint No.36/SIC/2012

Decided on: 23/07/2014

Shri. Luel Fernandes,
R/o 136, Cotta,
Chandor, Salcete, Goa.

..... Complainant.

V/s

1. The Public Information Officer,
State Registrar-cum-Head of Notary Services,
Sharma Shakti Bhavan, 7th Floor,
Patto, Panaji-Goa.

.... Respondent.

J U D G M E N T

(1) This complaint arises out of decision passed by the SCIC earlier in second appeal No. 55/SIC/2011 dated 20/12/2011.

(2) It is therefore pertinent to note following important points of that judgment.

i) *“In the jurisdiction of V.P. Chandor, particular partition Deed was executed on 7/2/1983, the deed contains some blank spaces where some information should have been mentioned, further it has a reference to No. 99 but the details of registration No. 99 pertain to another village namely councolim. Subsequently giving reference to the same partition deed, another sale deed was executed on 2002.*

ii) *The complainant asked three questions under RTI Act on 27/10/2010, the claim of the PIO was that the said information does not fall within provision of Section 2(f) and 2(j). Although the PIO has tried to supply some other information which has some relevant.*

iii) *Three question asked were:*

I) *How is a Sale Deed valid, being based on another deed which has missed on some information.*

II) *if it is valid deed what is exactly conveyed.*

III) *The PIO and his Office will have to bear consequences of liability by for having registered such document.*

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iv) *In view of elaborate analysis of the situation in the forgoing paras, the Appeal is partly allowed. The PIO has to furnish information to Q.2 namely what is exactly conveyed by the Sale Deed. This information should be furnished within 20 days”.*

(3) The present complaint was filed 15/2/2012 against the PIO complaining that although the PIO has sent him a letter on 20/1/2012, it cannot be taken as proper reply to his question No. 2. It once again furnishes no information.

The said reply of PIO stated as below:

“The Sale Deed registered No. 1530 pages 283 to 298 of Book No.1, Vol No. 1330 dated 16/05/2002, clearly stated that the property which is conveyed is fully described in the Scheduled at page 11 and 12 read together with annex plan.”

During the hearing of the matter before then SCIC, the PIO had once again reiterated the reply on 18/6/2012, as below:

“That your Honour I Shri. R.L. Pednekar, P.I.O., O/o the State Registrar-cum-Head of Notary Services, Panaji-Goa furnish herewith the detail about the transfer/conveyed the immovable property to the buyer in the said sale deed. “Plot ‘A’ has an total area of 461 sq.mt. with common access and common portion of the house which has been mentioned at pg. 12 of the said sale deed.”

(4) While filing the present complaint the complainant had not filed the said copies of page 11 and 12 alongwith the plan as mentioned in the reply of PIO on 20/1/2012. Instead he had filed another say on 16/7/2012, entirely opposing the meaning of conveyance as transferring of 461sq.mts. His argument was that the Partition Deed contained words “*become owner of the northern of plot ‘A’*”, while the plot ‘A’ itself consist of compartments whose total area is only less than 80 sq. mts.”

(5) Finally, on 23/7/2014 he filed Xerox copies of Sale Deed, Partition Deed, site map which is part of the Sale Deed and Deed of Registration No. 99 which is not relevant to the present matter.

(6) It is seen that the Partition Deed of 1983 is between Mr. Caetano Joao Vaz and his wife Mrs. Rosita Vaz on First Part and Mr. Eugenio Vaz and his wife Mrs. Leonita Vaz on the Second Part. The Partition Deed is between two brothers between whom the total plot admeasuring 973.90 sq.mts. as well as the house contained in it has been partitioned. The northern part is marked 'A' on the map and southern part is marked 'B'. These marks have been put inside the boundary of the house. However the areas of 'A' and 'B' noted on the site map make it clear that the part marked 'A' is the part house alongwith open plot area adjoining on the northern side of the house and it falls to the share of one brother. The house part 'B' alongwith open plot area surrounding 'B' to the southern side of the plot comes to another brother. This can be seen clearly from the map attached to the document.

(7) The PIO has explained that the Sale Deed of 2002 conveys the plot at plot 'A' admeasuring 461 sq.mts. On the map attached to the Sale Deed a clear bold partition line has been drawn. It can be clearly understood from the map and measurements recorded on it that description 'A' does not remain confined only to the house area when the description throughout the Sale Deed uses the term "Plot A".

Under this situation I agree with PIO that nothing further remains to be explained by the PIO who has already stated that the Sale Deed conveys the property described at page 11 and 12 alongwith the attached site plan.

It may be mentioned that the complainant perhaps ignored the fact that description 'A' has been used more specifically for the whole plot and not just portion of the house that has fallen to the northern side of the partition.

---- **ORDER** ----

The complaint is dismissed as lacking any merit. Operative part of order was declared in open Court. Parties may be informed.

Sd/-
(Leena Mehendale)
Goa State Chief Information Commissioner,
Panaji – Goa.