

**GOA STATE INFORMATION COMMISSION**

Ground Floor, "Shrama Shakti Bhavan," Patta Plaza, Panaji.

Appeal No. 174/SIC/2008

Mrs Remetina Lucas  
H. No. 60, Villa Nova  
Colva  
Salcete – Goa

...Appellant

V/s.

1. The Public Information Officer  
Mr Dipak Desai  
The Sub-divisional Magistrate &  
Office of the Deputy Collector  
Margao, Salcete – Goa

...Respondent No. 1

2. The First Appellate Authority  
Office of the Collector, South  
Margao, Salcete – Goa

...Respondent No. 2

**CORAM:**

**Shri G. G. Kambli**  
**State Information Commission**

**(Per G. G. Kambli)**

**Dated: 26.11.2008**

**Appellant is represented by Shri Rony Dias**  
**Respondent No. 1 and Respondent No. 2 represented by**  
**Shri K. D. Salgaonkar, UDC from the Office of Respondent No. 1.**

**ORDER**

In this second appeal filed under section 19(3) of the Right to Information Act, 2005 (for short "The Act"), the Appellant has stated that the Respondent No. 1 has not provided the information sought by her vide application dated 18.06.2008. By the said application dated 18.06.2008, the Appellant requested the Respondent No. 1 under the Act to provide copy of the site inspection report conducted by the Respondent No. 1 on 06.09.2006 of the demolished house belonging to the

Appellant on 05.09.2006. The Respondent No. 1 by his letter dated 17.07.2008 informed the Appellant that copy of the site inspection report could not be issued as the Respondent No. 1 visited the site for law and order problem. In continuation to the said letter, the Respondent No. 1 informed the Appellant that the site inspection report is not available in the office record as it was not prepared and was not put up in writing as the site was visited in view of law and order problem.

2. Having not satisfied with the replies given by the Respondent No. 1, the Appellant preferred the first appeal before the Respondent No. 2 being Appeal No. 9/RTI/CVS/2008 who by his order dated 06.08.2008 directed the Respondent No. 1 to allow the Appellant to inspect the file and whatever information/extracts/records maintained should be issued to the Appellant within a week's time. Further, the Respondent No. 2 also directed the Respondent No. 1 to issue necessary information within one week which is existing/available in his office strictly in accordance with the provisions of the Act. The grievances of the Appellant are that inspite of the orders of the Respondent No. 2, the Respondent No. 1 has not provided the information to the Appellant.

3. Upon issuing the notices the Respondent No. 1 filed the reply. When the matter was fixed for arguments on 17.11.2008, the Respondent No. 2 was represented by Shri K. D. Salgaonkar, UDC from the Office of the Respondent No. 1 who presented a reply of the Respondent No. 2. The Respondent No. 1 also filed his written submission through the said Shri K. D. Salgaonkar on 17.11.2008. The Appellant was assisted by Shri Rony Dias. Shri Dias contented that the Respondent No. 1 in his order has clearly given the directions to the Respondent No. 1 to provide the necessary information to the Appellant and, therefore, the Respondent No. 1 cannot say at this stage that the information is not available. He further contented that the order of the Respondent No. 2 has not been challenged by the Respondent No. 1.

4. The Respondent No. 1 in his reply has maintained the same stand

stating that no inspection report was prepared by the Respondent No. 1 as he visited the site only on account of law and order problem. Therefore, no copy of the inspection report could be provided to the Appellant of non-existing documents. The Respondent No. 2 in his reply submitted that the Respondent No. 2 has passed an order in accordance with the provisions of the Act. However, the Respondent No. 2 in his reply stated that under the Act, only the information which is available in the records will be provided to the applicants and no documents can be manufactured and provided to the applicants. Be that as it may, the Respondent No. 2 ought to have examined this aspect while passing the order. The Respondent No. 2 has already given the directions to provide the necessary existing information to the Appellant and also to allow the inspection of the relevant files/records maintained by the Respondent No. 1.

5. The Respondent No. 2 being senior officer in terms of the provisions of sub-section (1) of section 19 of the Act and is the Appellate Authority, should ensure that the orders passed by him in the capacity as an Appellate Authority should be enforced/executed. It appears that the Appellant did not approach the Respondent No. 2 for execution of the orders of the First Appellate Authority. The Appellant, therefore, should approach the Respondent No. 2 for the enforcement of the order dated 06.08.2008 passed by the Respondent No. 2. The Respondent No. 2 shall ensure that his order dated 06.08.2008 passed by him in the aforesaid appeal is enforced so that the parties are not compelled to approach this Commission by way of second appeal only on the ground of non-execution of order of the First Appellate Authority.

6. With these observations the present appeal stands disposed off.

Pronounced in the open Court on this 26<sup>th</sup> day of November 2008.

**Sd/-**  
**(G. G. KAMBLI)**  
**STATE INFORMATION COMMISSIONER**

