

**GOA STATE INFORMATION COMMISSION**  
Ground Floor, "Shrama Shakti Bhavan," Patto Plaza, Panaji.

Appeal No. 165/SIC/2008

Shri Guilherme Conceicao  
R/o. H. No. 1258/1, Carona  
Aldona  
Bardez-Goa

.... Appellant

V/s.

1. The Public Information Officer  
The Deputy Collector & SDO  
Mapusa – Goa

... Respondent No. 1

2. The First Appellate Authority  
The Additional Collector  
Collectorate of North  
Panaji – Goa

.... Respondent No. 2

**CORAM:**

**Shri G. G. Kambli  
State Information Commissioner**

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

**Dated: 24.11.2008**

**Appellant in person.  
Respondent No. 1 in person and  
Authorised Representative, Kum. S. Narvekar, A.K.**

**ORDER**

This is a second appeal filed under sub-section (3) of section 19 of the Right to Information Act, 2005, (for short "The Act") by the Appellant against the Respondents.

2. The facts of the case, in brief, are that the Appellant herein requested the Respondent No. 1 to provide him information on several points vide application dated 07.03.2008. The Respondent No. 1 furnished the information vide letter dated 28.03.2008. Dissatisfied with the said reply, the Appellant preferred an appeal before the Respondent No. 2, the First

...2/-

Appellate Authority who by his order dated 16.06.2008 partly allowed the appeal and directed the Respondent No. 1 to provide to the Appellant copies of any checklist filed by the Mamlatdar as regards survey No. 348/0 of Village Aldona in response to the memorandum of the Respondent No. 1 dated 14.02.2008, within seven days from the receipt of the order.

3. The Appellant submits that inspite of said order of the First Appellant Authority, the Respondent No. 1 did not provide the said information and, therefore, the Appellant has filed the present appeal. In the appeal memo, the Appellant has stated that he is also aggrieved by the order of the First Appellate Authority, i.e. Respondent No. 2 herein.

4. Upon issuing the notices, both the Respondents filed their replies. The arguments were also heard. The Appellant had also filed his written submissions.

5. On perusal of the application dated 07.03.2008 of the Appellant, it is seen that the Appellant sought information on various points and the Respondent No. 1 has replied the same point wise. In fact, in one of the points the Appellant sought the reasons from the Respondent No. 1 which is not permissible under the Act. However, the Respondent No. 1 has provided the reasons too even though it was quasi judicial proceedings.

6. The Respondent No. 1 has passed detailed reasoned order. In the appeal memo, the Appellant has stated that he is also aggrieved by the order of the Respondent No. 1. However, he has not explained as to how he has aggrieved by the order of the Respondent No. 2. That apart, no grounds are advanced by the Appellant challenging the order of the Respondent No. 2. In fact, in written submissions, the Appellant has submitted that he had no intention to implead the Respondent No. 2 and, therefore, he prayed to delete the Respondent No. 2 from these proceedings. In other words, the Appellant has not aggrieved by the order of the Respondent No. 2.

7. Therefore, the only point that has to be seen in the present case is whether the Respondent No. 1 has complied with the order of the First Appellate Authority. Immediately on passing the order by the Respondent No. 2, the Respondent No. 1 brought to the notice of the First Appellate Authority that no checklist has been filed by the Mamlatdar and, therefore, the copy of the checklist could not be provided to the Appellant. Even before this authority, the Appellant has made a statement which has been duly verified that no checklist has been filed by the Mamlatdar of Bardez as regards to survey No. 348/0 of Village Aldona in pursuance to the memorandum dated 14.02.2008 of the Sub Divisional Magistrate and, therefore, he was unable to provide a copy of the checklist.

8. On careful perusal of the order of the Respondent No. 2, it is seen that the Respondent No. 2 had directed the Respondent No. 1 to provide to the Appellant copies of any checklist filed by the Mamlatdar, Bardez. This shows that the Respondent No. 2 was also not sure whether any checklist was filed by the Mamlatdar of Bardez. The Appellant in his written submissions has stated that the Respondent No. 2 did not raise this point of non-availability of checklist before the Respondent No. 2.

9. Be that as it may, the fact remains that the Respondent No. 1 has not received any checklist from the Mamlatdar of Bardez in respect of the said survey No. The Appellant has also failed to furnish the details of the checklist if any, submitted by the Mamlatdar of Bardez. In the absence of the documents, the Public Information Officer is not expected to create any documents and provide the same to the Appellant.

10. The grievances of the Appellant are that the Respondent No. 1 has taken against his construction for want of conversion sanad; whereas the Respondent No. 1 is not taking any action against the constructions which have come up in the said survey No. without valid conversion sanad. This Commission cannot give any directions to the Respondent No. 1 to initiate

any action as it is outside the scope of the Act. It is for the Appellant to take up the matter before the appropriate competent authority.

11. An appeal u/s. 19(3) of the Act lies to this Commission against the order of the First Appellate Authority passed under section 19(4) of the Act. Admittedly, the Appellant is not aggrieved by the order of the Respondent No. 2 who is the First Appellate Authority. Therefore, on this count alone, the present appeal is liable to be dismissed. In the result, I did not find any merit in the present appeal and, therefore, the same is hereby dismissed.

Pronounced in the open Court on this 24<sup>th</sup> day of November 2008.

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