

## **GOA INFORMATION COMMISSION**

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

Complaint No. 06/2008

Ms. Milagrina D'Souza,  
H. No. 142, Carrasvaddo,  
Mapusa – Goa.

..... Complainant.

V/s.

1. The Public Information Officer,  
The Administrator, North Zone,  
Office of the Administrator of Comunidades,  
Mapusa – Goa
2. Shri. Michael Carrasco,  
The Power of Attorney of the Mapusa Comunidades,  
Mapusa – Goa.
3. The first Appellate Authority,  
The Additional Collector – I (north),  
Office of the Collector,  
Panaji – Goa.

..... Opponents.

### **CORAM:**

Shri A. Venkataratnam  
State Chief Information Commissioner  
&  
Shri G. G. Kambli  
State Information Commissioner

(Per A. Venkataratnam)

Dated: 20/08/2008.

Adv. V. S. N. Alornekar for the Complainant.

Adv. K. H. Bhosale for the Opponent No. 1. Opponents No. 2 and 3 are absent.

### **ORDER**

This case has come up before us earlier and an order was passed in second Appeal No. 65/2007 on 07/03/2008. While allowing the second appeal partly, a direction was given to the Opponent No. 1, i.e. the Public Information Officer, the Administrator of Comunidades, North Zone, Mapusa to file a Police complaint about the missing documents and file a compliance report. The first Appellate Authority, the Opponent No. 3 herein, also has directed earlier to file the Police complaint by his order dated 28/05/2007. The present complaint is filed stating that our earlier order dated 07/03/2008 is not complied. Notices were issued and a reply was filed by the Opponent No. 1. Thereafter, both the Advocates have argued the matter. Thereafter a rejoinder was filed by the Complainant stating that a defective FIR was filed by the Opponent No. 1. It is her case that the Opponent No. 1 has purposely misled the Police making wrong

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statements in the FIR. For instance, she said that the missing file of Diago D'Souza bears No. 32 of the year 1930 whereas FIR mentions the file No. 30. Similarly, the Opponent No. 1 stated in the FIR that the Attorney of Comunidades, namely, Opponent No. 2 herein has filed a written statement mentioning that all files of Mapusa Comunidades "have taken by the Administrator's office". However, the Opponent No. 2 has never appeared before the first Appellate Authority or filed any reply to the appeal memo before the first Appellate Authority. According to her, this is also one of the misleading statements in the FIR. Finally, the Complainant prays that (i) strict action should be taken against the Opponent No. 1 for filing false complaint/FIR with the Police; (ii) that the Administrator of Comunidade of Mapusa be directed to investigate the matter in respect of the said missing file and fix the responsibility on the concerned persons and file a fresh report to the Police.

2. The short point is that the record requested by the Complainant is not available with the Opponent No. 1. It is also claimed by the Registrar of Comunidade of Mapusa that it is not available in his office as well. During the course of hearing, it has come on record in earlier Appeal No. 65/2007, all the files have been taken away by the Administrator's office. Infact, there is a letter of the Comunidade of Mapusa No. COM/MAP/414 dated 21/08/2006 signed by the Attorney of Comunidade of Mapusa, Opponent No. 2 herein addressed to the Administrator of the Comunidade of North Gpa which we have referred in our appellate order also. This states "Incidentally we remind you again that all our files have been taken by you and our work is hampered, especially in collection of foros. Moreover we have on several occasions requested that a whole time Registrar may be posted at our Comunidade. However no action has been taken by you". The learned Adv. Bhosale for the Administrator of Comunidades has submitted before us during hearing of the complaint that it is not true that all the files of the Comunidades have been taken over by the Administrator's office. Infact, the foros are being collected from whoever they are due to be collected. We are, therefore, at a loss to understand which statement is correct. The Opponent No. 3, the first Appellate Authority has also not thrown any light in this matter. He has not participated in the hearing before us and first Appellate Authority's order does not mention about the custody of all the files of the Comunidade of Mapusa. We, therefore, direct the Additional Collector of North Goa to inspect both the offices of Comunidade of Mapusa as well as the Administrator of Comunidades, North Zone, Bardez and to search

the missing file as well as fix up responsibility for the missing file. Thereafter, a revised FIR should be lodged with the Police by the Opponent No. 1 herein within a period of three months.

3. With this the complaint is disposed off in the above terms.

Pronounced in the open court, on this 20<sup>th</sup> day of August, 2008.

Sd/-  
(A. Venkataratnam)  
State Chief Information Commissioner

Sd/-  
(G. G. Kambli)  
State Information Commissioner