

GOA INFORMATION COMMISSION

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

Appeal / 31 / SIC / 2008 /

Shri Francis Monteiro,
Hno: 137/2, Mercedes Vady,
Carmitta Bhat, Tiswadi - Goa.

..... Appellant

V/s

1. The Public Information Officer,
Shri. Rupesh Alankar,
The Secretary,
Village Panchayat Mercedes,
Merces, Tiswadi - Goa. Respondent No.1..
2. The First Appellate Authority,
The Block Development Officer,
Tiswadi Block,
Panaji - Goa. Respondent No.2..
3. The Village Panchayat Mercedes,
Through its Secretary &/or Administrator,
Merces, Tiswadi - Goa. Respondent No.3..

CORAM:

Shri G. G. Kambli
State Information Commissioner

(Per G. G. Kambli)

Dated: 29/08/2008

Shri R. S. Sardesai Advocate for the Appellant.

Shri Ashwin D Bhobe Advocate for the Respondent No. 3

Shri Pravin Faldesai Advocate for the Respondent No. 1.

Respondent No. 2 absent.

JUDGMENT

This is a second Appeal filed by the Appellant under section 19 read with section 4(1)(a)(d), 18 (e) 20(1) of the Right to Information Act 2005 (for short the Act) against the Respondents.

2. According to the Appellant, the facts of the case, in brief, are that the Appellant had purchased the property bearing Sy. No.10/20 at Carmitta Bhat Mercedes Vaddy alongwith the House by sale deed dated 22/04/1978 and 20/04/1979. The said house of the Appellant was bearing house No. 137/2 and the houses around the said house were bearing house No.'s 136,137/1,138, 139/2 etc. in the house tax register of the Respondent No. 3. All the correspondence meant for the Appellant were received with address

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of this house No. 137/2. During the month of January 2008, the Appellant came to know that the Respondent No. 3 has made an announcement asking the villagers to pay house tax and therefore, the Appellant went to the office of the Respondent No. 3 to make the payment of the House tax but the Respondent No. 3 refused to accept the house tax on the ground that the said house of the Appellant is not registered.

3. The Appellant therefore approached the Respondent No. 1 with an application under the Act seeking inspection of the record of the Respondent No. 3, which was refused by the Respondent No. 1. The Appellant therefore filed the Appeal before the Respondent No. 2 who allowed the Appeal directing the Respondent No. 1 to provide the inspection of the records. During the inspection of the house tax register, the Appellant noticed that the word "Xavier" has been inserted between the word Francis Monteiro in respect of the year 1997-98 of the house No. 137/2 at Sr. No. 20 of the house tax register.

4. The Appellant, therefore, by his request dated 03/03/2008 under the Act sought the information from the Respondent No. 1 on 5 points in respect of the house No. 137/2. The Respondent No. 1 by his reply dated 19/03/2008 informed the Appellant that the information sought by the Appellant is not traceable except the point No. 4. As regard to the information on point No. 4, the Respondent No. 1 provided a copy of the House tax receipt. Having not satisfied with the reply of the Respondent No. 1, the Appellant preferred an appeal before the Respondent No. 2 who by his order dated 11/04/2008 allowed the Appeal of the Appellant thereby directing the Respondent No. 1 to furnish the information on or before 20/04/2008. Pursuant to the said order of the Respondent No. 2, the Respondent No. 1 vide his letter dated 16/04/2008 provided the information to the Appellant point wise. The Respondent No. 1 informed the Appellant that on verifying the record of the Respondent No. 3, the information sought by the Appellant on point No. 1, 2 and 3 are not available in the records of the Respondent No. 3.

5. At point No. 3 the Appellant requested the Respondent No. 1 to provide copy of the application and the resolution of the Panchayat for effecting the change in the house tax register for inserting the word "Xavier" in respect of house No. 137/2. The Respondent No. 1 informed the Appellant that this change was made in the year 1997-98 and the concern person who was incharge at the relevant time would be in a better position to explain the correct fact. The Respondent No. 1 has also informed that the inward register for the year 1997-1998 and the resolution book was also verified but no application was received nor any resolution found recorded for affecting the said change in the house tax register.

6. Upon issuing the notices, the Respondent No. 1 and 3 filed their replies. The Respondent No. 3 raised preliminary objection stating that the Respondent No. 3 was not a party before the Respondent No. 2 in the first Appeal and therefore the present second appeal is not maintainable against the Respondent No. 3. The Respondent No. 1 in his reply has also stated that whatever information available in the records have been produced to the Appellant. The notice was also issued to the then Secretary Shri R. S. Gawas who express his inability to remain present on account of his sickness.

7. According to the Respondent No. 1, the change in the house tax register has been made during the year 1997-1998. An extract of the House tax produced by the Appellant shows the name of the Appellant in respect of the house No. 137/2 for the year 1996-1997. The Respondent No. 1 has clearly stated that there exist no records to show the basis on which the word "Xavier" has been inserted between the word Francis Monteiro in respect of house No. 137/2. This gives the reasons to believe that house tax Register has been forged or tempered with and there are no records available on the basis of which the word Xavier has been inserted. The house tax register is the Public document of the Panchayat and if tempered requires detail investigation by the competent agencies.

8. In view of the above I pass the following order.

ORDER

The Respondent No. 1 is hereby directed to file a Complaint (FIR) before the concerned Police station for tempering with the records of the Panchayat by inserting the name Xavier between the word Francis Monterio without any valid document or resolution of the Panchayat. The Respondent No. 1 shall also request the Police Authority to find out whether any person by name Francis Xavier Monterio resides at Carmita Bhat, Mercedes and the house bearing No. 137/2 belongs to that person. The compliance report shall be submitted to the Commission on 6/10/2008 at 11.00 a.m.

The Appeal stands disposed off accordingly.

Announced in the open Court on this 29th day of August, 2008.
Parties may also be informed in writing.

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

