

**GOA STATE INFORMATION COMMISSION AT
PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 314/SIC/2008

Mr. Moreshwar N. P. Navelkar
2nd Floor, Syne Court Building
Near Gomantak Bhavan, St. Inez
Panaji – Goa

...Appellant.

V/s.

1) The Public Information Officer
The Additional Collector
Office of the Collector
Panaji – Goa

...Respondent No. 1

2) The First Appellate Authority
The Collector
North Goa, Office of the Collector
Panaji – Goa

...Respondent No. 2

Appellant absent.

Shri Vinod Gaude for Respondent No. 1

J U D G M E N T

(Per Afonso Araujo)

The Order of the First Appellate Authority dismissing the appeal as the same was withdrawn by the Appellant, is challenged in this Appeal.

2. The Appellant in his letter dated 15.12.2008 sought the information which consist of certified copy of corrected Sanad, which by letter dated 04.11.2008 the Appellant requested the Collector for corrections/rectifications of the Sanad. As the Appellant did not obtain any reply to his request dated 15.12.2008, preferred the First Appeal before the First Appellate Authority who by Order dated 24.02.2009 disposed the Appeal by dismissing it as withdrawn. Not satisfied with the Order of the First Appellate Authority, the present Appeal.

...2/-

3. Written arguments were filed by the Appellant and Shri Volvoikar for the Respondent No. 1 stated that the reply filed by the Respondents may be taken as arguments. I have gone through the records of the case and written submissions of the concerned parties.

4. The Appellant in his letter dated 15.12.2008 addressed to the Respondent No. 1 sought information under the RTI Act and required certified copy of corrected Sanad. It appears that the Appellant addressed a letter dated 04.11.2008 to the Collectorate of North Goa for corrections/rectifications of Sanad in respect of the property surveyed under No. 27/1 of Bainguinim Village. The Respondent No. 1 did not provide the information sought which led the Appellant to prefer the First Appeal before the First Appellate Authority – Respondent No. 2. The Respondent No. 2 while disposing the appeal by Order dated 24.02.2009 made the following observation:

“The appellant was explained Law Position but the Sanad issued in 1985 cannot be rectified now unless it is challenged in the appellate Forum since being quasi-judicial proceedings and required him to seek legal remedy. Being convinced, Appellant prayed for withdrawal of the Appeal. Prayer is granted. Proceedings stands disposed.”

The Respondent No. 2 has dismissed the appeal in view of the fact that the Appellant withdrew the same. It is strange that the Appellant agreed with the observation made by the Respondent No. 2 in the Order dated 24.02.2009 and consequently withdrawing the appeal, and still the Appellant insisted in challenging the said Order in the Second Appeal.

5. The Appellant approached the Collector of North Goa for rectification of the Sanad issued in the year 1985 and as the same was not carried out, the Appellant sought under the RTI Act a

certified copy of the corrected Sanad. Corrections of the Sanad is to be carried out by following the procedure prescribed under the Land Revenue Code and in case such correction is not carried out the Appellant has to approach appropriate authorities under the Code to seek his grievances rather than make use of the RTI Act to rectify the Sanad issued in 1985. The Respondent No. 2 has rightly observed that rectification of the Sanad has to be done in the appropriate appellate Forum being a quasi-judicial proceedings. The remedy available for the Appellant to rectify the Sanad is by taking recourse to the provisions of Land Revenue Code and not Right to Information Act. Hence, I pass the following order:

ORDER

The Appeal is dismissed.

Pronounced in the open court on this 15th day of July, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner