

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 62/SIC/2008

Shri Joseph A. Pereira,
H No. 58, Corjuem,
Aldona, Bardez – Goa.

..... Complainant.

V/s.

The Public Information Officer,
The Mamlatdar of Bardez,
Mapusa – Goa.

..... Opponent.

Complainant alongwith Adv. W. D'Souza present.

Shri Shankwalkar, Public Information Officer present in person.

J U D G M E N T

(Per Afonso Araujo)

The denial of information by the Public Information Officer and confirmed by the First Appellate Authority is the grievance in this Complaint.

2. The Complainant by letter dated 18/8/2008 sought information enumerated at items No. 1 to 5 and which pertains to survey records Form I and XIV for survey No. 144/12 of Corjuem Village Aldona. The Public Information Officer, Opponent by letter dated 23/09/2008 directed the Complainant to collect copy of Form I & XIV in respect of Survey No. 144/12 and items No. 2, 3, 4 and 5 it is stated that the information is not available in that office. The Complainant preferred First Appeal and by judgment and order dated 07/01/2009, the Appeal was dismissed. Adv. Wency D'Souza submitted that in the old Form No. III the name of Leo Philip Pereira and Diago Francis Pereira figures in survey No. 144/12 Part 2 and in Form I & XIV the name of Diago Francis Pereira is bracketed and the Complainant wants to know in what manner the name of Diago Francis Pereira is bracketed. Shri Shankwalkar, Public Information Officer stated that the name of Leo Philip Pereira is inserted at No. 399 and Diago Francis Pereira under 228 and the process of mutation has been carried by the Talathi.

...2/-

3. I have gone through the records and proceedings of the case and the submission of both the parties.

4. The information which the Complainant sought is in respect of the mutation which was in survey No. 144/12 of Corjuem village wherein the name of Diago Francis Pereira was bracketed. In the reply, the Opponent provided the copy of the Form I & XIV and regarding points No. 2, 3, 4 and 5 of the request dated 18/08/2008, the Opponent stated that the information is not available in his office. In the matters of mutation the procedure to be carried out is by the concerned Talathi of the Village Panchayat and the orders are issued by the authority under the Land Revenue Code. The information required is not with the Public Information Officer, the Opponent. In such circumstances, the Opponent should take recourse to the provision of section 5(4) of the Right to Information Act, 2005 (for short the RTI Act) and seek assistance of the Talathi of the Corjuem Village and seek the information sought by the Complainant. Once the assistance is sought under section 5(4) of the RTI Act, the officer from whom the assistance was sought turns out to be a deemed Public Information Officer under section 5(5) of the RTI Act.

5. Since the Complainant requires all the documents which led to carrying out the mutation in survey No. 144/12 of Corjuem village and that the Talathi is the dealing hand which prepares and processes the mutation cases, the information sought is required to be provided by the said Talathi rather than the Opponent. Hence, the following order: -

ORDER

1. The Opponent is directed to seek assistance and made over the request for information pertaining to the survey No. 144/12 of Corjuem village and which is mentioned at items No. 2, 3, 4 and 5 in the letter dated 18/08/2008 to the Talathi within 5 days from the date of receipt of this Order.

2. The Talathi of Village Panchayat Corjuem is directed to provide the information at points No. 2, 3, 4 and 5 to the Complainant within 15 days from the receipt of the request from the Mamlatdar of Bardez, Mapusa.

3. The deemed Public Information Officer, Talathi of Village Panchayat to report the compliance before this Commission on 10/08/2009.

Pronounced in open court on this 17th day of July, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

