

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 305/SIC/2008

Shri Ramdas Malvankar,
H. No. 62/I, Gongorem,
Assagao, Bardez – Goa.

..... Appellant.

V/s.

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

..... Respondent.

Shri C. S. Barreto, authorized representative for Appellant present.

Respondent present in person.

ORDER

(Per Afonso Araujo)

Non-compliance of the order of the First Appellate Authority to provide the information in respect of the mutation case by the Public Information Officer is the grievance of the Appellant in this Appeal.

2. By letter dated 22/07/2008, the Appellant sought information from the Mamlatdar of Bardez, the Respondent Photostat copies of all the documents in respect of the entries No. 658, 11124, 12945 pertains to survey No. 292/1 of village Anjuna, Bardez. The Respondent on 23/09/2008 provided the information only in respect of mutation cases No. 11124 and 12945 and not in respect to mutation case No. 658. Aggrieved by this incomplete information provided, the Appellant preferred First Appeal and by order dated 6/1/2009, the First Appellate Authority directed the Respondent to provide Photostat copies of all the documents in mutation case No. 658 within 10 days. As the order was not complied the present Appeal.

3. Shri Barreto contended that the Respondent provided the information in mutation cases No. 11124 and 12945 of survey No. 292/1 and all the Appellant requires now is the copies of the mutation case No. 658 of the same survey number. Shri Shankwalkar stated that the Talathi provided the information of Entry No. 658 which has a reference to Circular dated 1/4/97.

...2/-

4. I have gone through the records of the case and submissions of both the parties. The Appellant requires the copies of the documents in respect to mutation entry No. 658. This mutation was carried by the Talathi of Anjuna village and there is an endorsement carried by him stating that the mutation is effected as per Circular of the Dy. Collector No. 22/114/96-EST/96-97/1368 dated 1/4/97. On perusing the Circular, it states that the direction has been given to the Talathi that whenever the orders are being passed by the Dy. Collector in the mutation cases under section 96 of the Land Revenue Code, the Talathi should not once again issue notice to the interested parties in Form No. X and XII and the orders issued by the Dy. Collector are to be given effect without further notice to the parties. It appears that based on this Circular, the Talathi effect the mutation. Now the question is which public authority are having the documents which led the Dy. Collector to pass order and the Talathi effected the mutation entries based on the order of the Dy. Collector.

5. For all purposes, the order of carrying out the mutation was passed by the Dy. Collector on the strength of the documents produced by the concerned party and it is precisely this document which the Appellant requires under the Right to Information Act. In case the documents pertaining to the mutation case No. 658 has been sent alongwith the order to the Talathi to effect the mutation entry then the Respondent has to seek assistance of the Talathi of Anjuna village under section 5(4) of the RTI Act and obtain the information sought under the RTI Act and provide the documents of mutation case No. 658, otherwise if the document still continues with the Dy. Collector, the Respondent has to transfer the information sought under section 6(3) of the RTI Act to the Public Information Officer in the office of the Dy. Collector.

6. With these observations, the Appeal is disposed off and the Respondent to report compliance on 7/9/2009 at 10.30 a.m.

Pronounced in the open court on this 30th day of July, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

