

**GOA STATE INFORMATION COMMISSION AT
PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 18/SIC/2009

Shri Umesh Pagi,
H. No. 65/2, Tamnane,
Loliem, Post Painguinim,
Canacona - Goa

... Complainant

V/s.

The Deputy Collector & S.D.O.,
Office of the Deputy Collector & S.D.O.,
Quepem - Goa

... Opponent

Dated: 14.09.2009

Complainant in person.
Opponent in person

ORDER

(Per Afonso Araujo)

Initially the Complainant sought information on 09.02.2009 under the Right to Information Act, 2005 and sought documents pertaining to the Case No. LRC/CORR/119/90/2280. On 11.02.2009 in reply to the letter of the Complainant dated 09.02.2009 the Opponent informed that the file bearing No. LRC/CORR/119/90/2280 is in the process of being located since the same could not be traced.

2. Subsequently, on 19.03.2009 on the strength of an extract of a register issued by the Mamlatdar of Canacona, wherein the Opponent has directed the Mamlatdar to carry out necessary changes in Form No. I and XIV of the property bearing survey No. 27/13 of the Loliem Village in pursuance of the order passed in the case bearing No. LRC/PART/CORE/119/90/2280 and the Mamlatdar carried out these changes according to the said order, the Complainant sought following information under the Right to Information Act, 2005 namely:

- (1) Copy of the final order passed.
- (2) Application filed by the applicant.

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- (3) Documents relied upon by the applicant.
- (4) Reply filed by the Opponents.
- (5) Copy of the notice issued in the above matter.

The Opponent on 16.04.2009 replied the request dated 19.03.2009 stating that the file bearing No. LRC/CORR/119/90 is in the process of being located in records maintained by the office and the certified copies will be issued as soon as the file is traced. Not satisfied with the reply and being deprived of the information sought the present complaint was filed on 21.05.2009

3. Shri Pagi contented that he has been denied the information and both the replies from the Opponent is that the file is not traceable. Shri Furtado stated that the case file is not traceable since some old records have been destroyed by white ants and due to seepage of rain water in the office premises and efforts are being made to locate the said file through the Work Assistant looking after the cases and that the reply given to the complainant was not with intention to deny the information.

4. I have gone through the records of the case and submissions of both the parties. It appears that the Opponent passed an order in the case No. LRC/PART/CORE/119/90/2280 and directed the Mamlatdar to carry out necessary changes in Form I and XIV of the property bearing survey No. 27/13 of the Loliem Village and in compliance of this order the Mamlatdar carried out the necessary changes. By annexing the extract of the register the Complainant sought the information under the RTI Act and required the five documents mentioned in the letter dated 19.03.2009 addressed to the Opponent. Right from the time the initial information was sought by the Complainant on 09.02.2009 to the reply dated 16.04.2009, the Opponent merely stated that the relevant file is in the process of being located in the records maintained by the office and the certified copies will be provided as soon as the file is

traced. No doubt that this file pertains to the mutation case which is being traced by the Opponent, is of the year 1990. But, merely replying to the information sought by stating that the file is in the process of being located and is not traced out, does not in any manner give effect to the provisions of the RTI Act so that the Complainant obtains the information required. After all, the case No. LRC/CORR/119/90/2280 is of judicial proceedings wherein rights of the parties were adjudicated and in all aspects the Opponent ought to have maintained proper records of all files pertaining to judicial matters. Moreover, the RTI Act mandates all the public authorities to maintain proper records systematically so that whenever the information is sought it can be provided promptly.

5. Before dealing with the question of penalties the Opponent is directed to provide the information sought in request dated 19.03.2009 by covering all aspects such as searching for the file, taking appropriate action in case the file is still missing and order enquiry, if necessary. The Opponent to provide this information sought in the letter dated 19.03.2009 within fifteen days from the date of this order and report compliance on 05.10.2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

