

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 319/2008

Shri Gajanan D. Phadte,
898, Nila Niwas, Alto Torda,
Porvorim – 403 521

..... Appellant.

V/s.

1. The Public Information Officer,
The Mamlatdar, Bardez,
Mapusa - Goa

..... Respondent No. 1

2. The Deputy Collector & SDO,
Bardez,
Mapusa – Goa.

..... Respondent No. 2.

Appellant in person.

J U D G M E N T

(Per Afonso Araujo)

The Appellant in the request dated 15.12.2008 sought information under the RTI Act, 2005 and required detailed certified information and inspection records in Mutation Entry No. 1873 in Land Revenue Records of Village Salvador do Mundo in respect of Form I and XIV of Survey No. 113/2. The Respondent No. 1 by communication dated 07.01.2009 to the Appellant stated that as per order No. LRC/MISC/167 dated 20.05.1988 the Mutation Entry No. 1873 was certified from the Dy. Collector and Sub-Division Officer, Mapusa.

2. Not satisfied with the information provided the Appellant preferred First Appeal and the First Appellate Authority by order dated 02.03.2009 has observed that what was required to be supplied is the copy of the order passed on Form IX Register and not the basis on which the mutation has been carried out and directed the Respondent to supply certified copy of Form XIV Register in respect of Mutation Entry No. 1873

of Village Salvador do Mundo within a period of 15 days. As the Respondent No. 1 did not provide the certified copy of Form IX Register and did not give inspection of records, the Appellant approached this Commission with the Second Appeal.

3. Shri Phadte contends that the information was sought on 15.12.2008 and in reply dated 07.01.2009 the Respondent No. 1 stated that the copy of the case 1873 is enclosed when in fact it was not enclosed and the order of the First Appellate Authority was not complied with as non-certified copy was provided and that there was a delay of six months in providing the information. Shri Shankhwalkar submitted that the order of the First Appellate Authority was complied and Xerox copy was provided and if the Appellant requires certified copy the same has to be applied separately and that there was no delay.

4. I have gone through the records and proceedings of the case and taken into consideration the submissions of both the parties. The information sought by the Appellant on 15.12.2008 is in respect of Mutation Entry No. 1873 carried in Form I and XIV of Survey No. 113/2 of Village Salvador do Mundo and the Appellant required the detailed certified information and inspection of records in the said case. The Respondent No. 1 provided the information on 07.01.2009 but as the same was not as per the request of the Appellant the First Appeal was preferred and the First Appellate Authority directed the Respondent No. 1 to provide the certified copy of Form IX Register. Accordingly, the Respondent No. 1 provided copy of Form No. IX Register on 10.03.2009. Mere fact that a Xerox copy of the document was provided to the Appellant does not mean that the information was not provided. For all purposes the Respondent No. 1 by providing the copy of Form IX Register has complied with the order of the First Appellate Authority and

consequently provided the information required. Besides, there is no delay in providing the information as initially, the information sought on 30.12.2008 was provided on 07.01.2009 and the order of the First Appellate Authority dated 02.03.2009 directing the Respondent No. 1 to provide the information within a period of 15 days, the Respondent provided the information on 10.03.2009 within the period of 15 days stipulated in the order. However, there is nothing on record to indicate that the Respondent No. 1 has provided inspection of documents concerning this mutation case, which the Appellant required.

5. Since the information sought and which refers to the Form IX Register the Respondent No. 1 complied with the directions of the First Appellate Authority. The Respondent No. 1 is directed to provide the inspection of records in respect of Mutation case if the Appellant desires. With these observations this appeal is disposed off.

Pronounced in the open court on this 10th day of September 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

