

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 313/2008

Shri J. F. Marshall,
R/o. Ubo Dando,
Santa Cruz,
Tiswadi – Goa

... Appellant

V/s.

1)Public Information Officer,
North Goa District Office,
Town & Country Planning Department,
Mapusa – Goa

... Respondent No.1

2)The First Appellate Authority,
Chief Town Planner,
Town & Country Planning Department,
Government of Goa,
2nd Floor, Dempo Tower,
Patto Plaza,
Panaji – Goa

... Respondent No.2

ORDER

(Per Afonso Araujo)

The Appellant in the request dated 08.09.2009 addressed to the Assistant Public Information Officer, Town & Country Planning Department sought information under the Right to Information Act, 2005 and required certified plan copy of the sub-division approved by letter No. DE/1538/1760/7475 dated 03.10.1974 of sub-divided plot bearing survey No.18 of Calapur Village. The Respondent No. 1 by communication dated 24.10.2008 informed the Appellant that the reference file No. DE/1538/1760/7475 of the year 1974 is not readily traceable in the records and consequently letter No. DE/1538/1760/7475 dated 03.10.1974 cannot be made available.

2. Aggrieved by this decision the Appellant preferred First Appeal and by order dated 18.12.2008 the First Appellate Authority on the reasoning that the information sought is non-existing with the Public Authority, dismissed the appeal. This is the Impugned Order.

...2/-

3. The contention of the Respondent is that the relevant file of the year 1974 could not be traced inspite of continous search being made. It appears that the Appellant has a certified copy of the letter

No.DE/1538/1760/7475 dated 03.10.1974 of Town & Country Planning Department alongwith certified copy of the plan. The Respondent in all fairness agreed to provide the information sought by the Appellant, based on the certified copy of the plan which the Appellant has obtained from the Town & Country Planning Department.

4. Since the primary concern of the Public Information Officer is to provide the information to the Appellant, this arrangement in providing the certified copy from the certified copy existing with the Appellant will meet the requirement of the Appellant and the Respondent to provide the information sought in the letter dated 08.09.2008. The appeal is disposed off accordingly.

Pronounced in the open court on this 29th day of September, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

