

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 18/SIC/2009

Smt. Sukesha D. Loliencar,
R/o. H. No. 710, Betim,
Bardez Taluka,
Goa

... Appellant

V/s.

Public Information Officer,
Village Panchayat,
Penha de France,
Bardez – Goa

... Respondent

Appellant in person.
Respondent present.

J U D G M E N T

(Per Afonso Araujo)

The Appellant by request dated 05.09.2008 sought information under the Right to Information Act, 2005 in items mentioned at (a), (b), (c), (d), (e), (f) and (g) and which pertains to the Gada of one Gokuldas Halarnkar. The Respondent by letter dated 03.10.2008 replied to the information sought to the items mentioned in the letter. Not content with the reply provided the Appellant preferred First Appeal and by Judgment and Order dated 16.02.2009 the First Appellant Authority directed the Respondent to furnish correct and complete information within period of eight days from the receipt of the order. As the Respondent did not comply with the order of the First Appellate Authority the Appellant preferred this Second Appeal.

2. Shri Bhagat, Ld. Advocate appearing for the Appellant urged that the Respondent provided incomplete and wrong information at items (a), (c) and (d). Shri Mardolkar submitted that he was not the Public Information Officer at the time the information was sought and that the NOC of the Food & Drugs Administration was provided to the Appellant and that any information required would be provided to the Appellant.

...2/-

3. I have gone through the records of the case and submissions of both the parties. The information sought is in respect of a gada owned by Gokuldas Halarnkar and information at the items (a), (b), (e), (f) and (g) was

provided by the Respondent but the question remains whether the information sought at item (c) the total area of the land occupied by the said gada and at item (d) whether the said gada is movable or static and if static whether it is pakka construction or temporary shade, is incomplete and wrong. On perusing the reply given by the Respondent in his letter dated 03.10.2008 the information sought at (c) and (d) has been given as information not available with the Panchayat. The information at (c) the Appellant sought specifically the total area of the land occupied by the gada and the Respondent by producing the NOC from the owner of the land has not answered the question specifically. The specifications of gada has to be available in the records of the Panchayat and from there it can be gathered what is the area occupied by the gada. To the question whether the gada is movable or static the fact that the gada is an establishment mounted on wheels, the information can be answered whether this gada is movable or static by the very definition of gada. Whether the gada is movable or static, the Respondent can provide this information to the Appellant. Hence, the following order:

ORDER

The appeal is partly allowed. The Respondent to provide information at item (c) and (d) of the letter dated 05.09.2008 within twenty days from the receipt of the order and report compliance on 30.10.2009.

Pronounced in the open court on this 5th day of October, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

