

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 243/SIC/2008

Shri I. Samuel Raju
H. No. 706/A, Acsona
Pendolpem, Benaulim
Salcete – Goa – 403 716

... Appellant

V/s.

The Public Information Officer
Secretary
Village Panchayat Cana Benaulim
Salcete – Goa

... Respondent.

Appellant absent.
Respondent present.

J U D G M E N T

(Per Afonso Araujo)

The order of the First Appellate Authority dated 02.12.2008 dismissing the appeal and concurring with the reply of the Public Information Officer to the information sought, is challenged in this Second Appeal.

2. The Appellant on 30.09.2008 with reference to his letter dated 21.08.2008 sought information under the Right to Information Act, 2005 (for short 'The RTI Act') and requires to know the action taken on his application dated 21.08.2008; daily progress report on the said application and also the action taken on the memorandum dated 25.09.2008. The Respondent by communication dated 29.10.2008 provided the information to the request dated 30.09.2008. Not satisfied with this information provided the Appellant preferred First Appeal

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and by order dated 02.12.2008 the First Appellate Authority did not find any fault, with the reply of the Respondent and dismissed the Appeal. This is the Impugned Order.

3. At the hearings of this Appeal the Appellant chose to remain absent. Shri Rajendra Naik submitted that the information sought is in respect of blockade caused by a huge trunk of a banyan tree and that all the information required on his letter dated 30.09.2008 was provided to the Appellant by letter dated 29.10.2008.

4. I have gone through the records of the case and the submissions of the Respondent. The information sought in the request dated 30.09.2008 is in respect of the letter of the Appellant dated 29.08.2008 wherein the 3mts access in the approved plan is completely blocked by a huge trunk of a banyan tree and also with a request to the Panchayat authorities to visit the site and inform the owner to clear the blockade. In the same request the Appellant requires to know the daily progress report made on the memorandum dated 25.09.2008 issued by the Dy. Director of Panchayat, Margao to the Secretary, Village Panchayat Seraulim.

5. The grievance of the Appellant, as it is made out in the memo of appeal, is that he has not received any reply in regard to point (a), (b) and (c) from the Respondent in the reply dated 29.10.2008 as well as in the reply dated 14.11.2008 addressed to the Block Development Officer. It may be pointed out here that though in the appeal memo the Appellant stated that the copy of the reply of the Secretary dated 14.11.2008 was

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enclosed to the appeal memo, no such reply is found in the records. Besides, the Appellant in his letter dated 23.04.2009 addressed to the Under Secretary of this Commission has stated that he has opted not to be present for the hearings and as such it is not possible to know the contents of the letter dated 14.11.2008. The Respondent in the letter dated 29.10.2008 provided the information sought at para 2(a), (b) and (c) of the request dated 30.09.2008 which is in respect of the progress report of the memorandum and stated that the Panchayat has written to the concerned party Shri Caetano Jose P. Mascarenhas e Araujo and received his reply and the correspondence was placed before the Panchayat meeting dated 22.10.2008 and it was decided to call the parties for discussion in the matter.

6. On perusing the request for information dated 30.09.2008 at para 2 (a), (b) and (c) the Appellant requires to know from the Respondent the daily progress report on the memorandum, action taken on the memorandum and whether the matter was placed before the Panchayat body meeting. The reply of the Respondent dated 29.10.2008 at para 2(a), (b) is the same reply to para 1(a), (b) and (c) to the request of the Appellant dated 30.09.2008. The Appellant sought from the owner of the land where there is a blockade of a banyan tree on the access, the approved plan wherein this 3 mts access is shown. The said owner of the land replied on 15.10.2009 stating that he has submitted the sub-division plan for approval and has been given provisional approval by the Panchayat and there is no question of submitting revised plan of the sub-division. The letter No. VP/CV/2888/2008-2009 dated 30.09.2008 written to the owner of the land as well as the reply of the owner of the

land dated 15.10.2008 and the fact that the correspondence was placed before the Panchayat meeting dated 22.10.2008, answers the request of the Appellant dated 30.09.2008 in respect of the progress report made on the memorandum.

7. Since the reply dated 29.10.2008 of the Respondent at para 2 (a) and (b) meets the requirements of the information sought in the request dated 30.09.2008 at para 2(a), (b) and (c), the First Appellate Authority rightly dismissed the appeal and there are no reasons for interference. Hence, the following order:

ORDER

The appeal is dismissed.

Pronounced in the open court on this 20th day of October, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner