

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 05/2009

1) Shaikh Mahmood,
2) Shaikh Zakaria,
Residents of H. No. 12, Ward No. 5,
Muslim Mohalla,
Sanguem-Goa ...Complainant.

V/s.

1) The State Public Information Officer,
Chief Officer,
Sanguem Municipal Council,
Sanguem - Goa ...Opponent.

Complainant in person.

Opponent in person.

Dated: 30.11.2009

ORDER

(Per Afonso Araujo)

The Complainants sought information under the Right to Information Act, 2005 on 13.11.2008 and required inspection of file containing all the records of H. No. 13, situated at Plot No. 5, Muslim Mohalla, Sanguem-Goa belonging to Sheikh Kassam/Mrs. Mariam Bi and also the House Tax Register so as to enable them to apply for certified copy of the documents required.

2. The Opponent in the communication dated 13.11.2008 stated that the records of the file of H. No. 13, is not traceable and the inspection of House Tax Register to be done on any working day. Not satisfied with the decision of the Opponent the Complainants preferred First Appeal and by order dated

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05.02.2008 the First Appellate Authority directed the Opponent to make all possible efforts to trace the file and make it available to the Complainants based on parallel records available in the office within a period of one month from the date of the order. As the information was not provided by the Public Information Officer to their request dated 13.11.2008 as well as the order of the First Appellate Authority was not complied with by the Opponent this Complaint was preferred with a prayer to make available the file for inspection to the Complainants; initiate inquiry if necessary; impose penalty and compensate the Complainants.

3. Written submissions were filed by the Complainants as well as the Respondent. I have gone through the records of the case and taken into consideration the submissions of the parties. The information sought by the Complainants under the RTI Act is only for the inspection of the file containing all the records of H. No. 13 and House Tax Register which is with the office of the Opponent. The massive records produced by the Opponent indicate that Shri Sheikh Kassam/Mrs. Miriam Bi carried some extensions of their house; the relevant file is missing; memoranda were issued to various sections in order to seek assistance to locate the file, and reconstitute the file so as to comply with the directions of the First Appellate Authority. As neither the file could be located nor the file reconstituted, the inspection of the file required could not be carried by the Complainants and the Opponent could give inspection only in respect to House Tax Register from the years 1991-1992 to 2004-2005. However, the Opponent did not provide the inspection of House Tax Register prior to the years 1991-1992 which the Complainants also require.

4. The Opponent produced a list running from page 1 to 44 of all the documents and files at serial No. 1 to 728 and it is strange that the relevant file pertaining to House No. 13 does not appear in the list. In such circumstances an inquiry is required on this missing file so as to know the whereabouts of the file and also for the purpose of fixing the responsibility. Besides, the Opponent filed a complaint before the police authorities on the question of the file not been traced. On perusing this complaint the Opponent merely states that the file is not available in the in the Council office. The Opponent in the complaint before the police authorities should specifically state that the file is missing so that a criminal liability is involved and enable the police to act in the right direction.

5. Since the Complainants did not obtain the information by way of inspection of the files, an inquiry is required to be conducted on the missing file, a proper FIR has to be filed before police authorities and the Opponent to give inspection of the Register of House Tax prior to the year 1991-1992. Hence, the following order:

ORDER

The appeal is partly allowed. (1) Additional Director of Municipal Administration to hold an inquiry on the missing file of H. No. 13 belonging to Sheikh Kassam/Mariam Bi pertaining to Sanguem Municipal Council within two months from the date of receipt of the order and submit report. (2) The Opponent to file proper F.I.R. before the Police Inspector, Sanguem Police

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Station. (3) The Opponent to provide the inspection of the House Tax Register of years prior to the year 1991-1992.

The Opponent to report compliance on 04.01.2010. Copy of the judgment to be served on Additional Director of Municipal Administration, Panaji-Goa.

**Sd/-
(Afonso Araujo)
State Information Commissioner**

