

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 78/SIC/2008

Mrs. Maria Lilia Pinto,
W/o. Mr. Adrian Pinto,
R/o. 1st Floor, 3-Parijat Building,
St. Inez, Panaji – Goa

... Complainant.

V/s.

The Secretary,
Public Information Officer,
Village Panchayat of Candolim,
Candolim,
Bardez – Goa

... Opponent.

Adv. Richard Almeida for the Complainant.

Adv. Chodankar for the Opponent.

Dated: 25.11.2009

ORDER

(Per Afonso Araujo)

With reference to the reply of the Complainant dated 4th February 2008 (received by the Opponent on 08.02.2008) to the letters of the Opponent and which is in respect of illegalities committed by Smt. Alexandrina Olga Soares @ Alexandrina Olga D'souza while carrying out some constructions, the Complainant sought information under the Right to Information Act, 2005 (for short, 'The Act') on 07.04.2008 and requires the details of action taken by the Opponent.

2. As the Opponent did not provide the information within the prescribed period of thirty days and as it amount to deemed refusal, the Appellant preferred the First Appeal and by order dated 05.12.2008 the First Appellate Authority directed the Opponent to provide the information within seven days. On 12.12.2008 the Opponent provided the copy of the resolution passed by the Village Panchayat in the monthly meeting held on 29.02.2008. Not satisfied with the information provided, the Complainant approached this Commission by way of Complaint.

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3. Shri Almeida submitted that there was no reply on the information sought on 07.04.2008 and by order of the First Appellate Authority only a resolution was provided. Shri Chodankar submitted that the application of the Complainant is vague and copy of the resolution of the Panchayat was furnished and that the reply was earlier given to the Complainant on the same subject.

4. I have gone through the records of the case and taken into consideration the submissions of both the parties. The information which the Complainant sought in the request dated 07.04.2008 consists of details of action taken by the Opponent on the illegalities committed by one Alexandrina Olga Soares in respect of a construction. The Opponent did not provide the information within the stipulated period of thirty days and it has to be considered as deemed refusal. It is only after the order of the First Appellate Authority that the Opponent provided the information by communication dated 12.12.2008 by furnishing true copy of the resolution passed by the Panchayat in the monthly meeting held on 29.12.2008. On perusing this resolution No. 4(17/1) it pertains to the letter dated 08.02.2008 of the Complainant and is in respect of the construction of gate and fencing by Alexandrinha Olga Soares and in the resolution it is stated that this gate and fencing is existing and it is an old construction and the Complainant has to do the survey of the property and demarcate the property Survey No. 198 and identify the illegal construction and submit to Panchayat.

5. The Opponent produced letter dated 12.03.2007 of the Opponent addressed to the Complainant and it is also in respect of information under the RTI Act wherein the Opponent has stated that Alexandrina Olga Soares has not been granted the permission for fencing and gate as per record maintained by this Panchayat. It appears that the Complainant is seeking the information under the RTI Act right from 29.12.2006 as can be seen in the above referred letter dated 12.03.2007 and the Opponent throughout has been providing the information to the Complainant, first in the letter dated 12.03.2007 and thereafter in the communication dated 12.12.2008. Since the Complainant requires the details of action taken on the illegalities committed by Alexandrina Olga Soares, and the Opponent in the communication dated 12.12.2008 by providing a copy of the

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resolution passed by the Panchayat on 29.12.2008, has met the requirements to the information sought by the Complainant. With these observations this Complaint is disposed off.

Pronounced on this 25th day of November 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner