

GOA STATE INFORMATION COMMISSION

AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 294/SIC/2008

Shri Raghu C. Gomes,
H. No. 95, Curca,
Tiswadi- Goa

... Appellant.

V/s.

1) Public Information Officer,
The Mamlatdar Tiswadi,
Panaji – Goa

...Respondent No. 1

2) The First Appellate Authority,
The Deputy Collector & SDO,
Panaji – Goa

...Respondent No. 2

Adv. Pravin Naik for the Appellant.
Respondent No. 1 in person.

J U D G M E N T

(Per Afonso Araujo)

In the request for information sought under the Right to Information Act, 2005 (for short, 'The RTI Act') on 10.07.2008, the Appellant requires certified copies of the Tenancy Case File No. TNC/Jt. Mam/Addl/1/77 and as the Respondent did not provide the information sought, the Appellant approached the First Appellate Authority and by order dated 06.11.2008 the Respondent No. 1 was directed to provide the required information within one month from the date of the order.

2. Since the order was not complied and the information was not provided the Appellant preferred the Second Appeal with prayer to direct the Respondent to furnish certified copies in the Tenancy Case bearing No. TNC/Jt. Mam/Addl/1/77 and imposition of penalties under section 20 of the RTI Act.

...2/-

3. Shri Pravin Naik produced a copy of the order passed in Tenancy Case No. TNC/Jt. Mam/Addl/1/77 dated 3rd April 1978 and stated that this is only the operative order and the Appellant required copy of the judgment and other documents which were not provided to the Appellant. Shri Araundekar stated that after the receipt of the application for information and even after the order of the First Appellate Authority, notice were issued to all the Joint Mamlatdars to locate the file and after thorough search the file was not traceable and all records of cases disposed by the Mamlatdars are maintained and stored by respective Mamlatdars.

4. I have gone through the records of the case and taken into consideration the submissions of the parties. The information sought by the Appellant consists of certified copies of the Tenancy Case No. TNC/Jt. Mam/Addl/1/77 which was disposed by order dated 3rd April 1978 by the Joint Mamlatdar, Tiswadi taluka, Panaji. It is not known whether the order of the Joint Mamlatdar produced by the Appellant is an operative part or the judgment itself. On going through the order as the same is brief it appears that it is operative part rather than the judgment with reasoning. Accordingly, as the rights of the Appellant were affected he requires copies of the judgment as well as other records of the said Tenancy Case.

5. The Respondent No. 1 acted on the receipt of the application dated 10.07.2008 by issuing a note dated 17.09.2008 to all the Joint Mamlatdars with request to locate/search the file in question. Subsequently, the Respondent No. 1 acting on the direction of the order of the First Appellate Authority again issued a note dated 24.11.2008 to all Joint Mamlatdars to locate the file in question and publish the inventory of all the files on the website of Revenue Department in order to comply with the requirement as provided in section 4 of the RTI Act. The reply to the notes of Joint Mamlatdars

is that the file in question is not traceable and also indicates that inspite of the efforts made, the Respondent No. 1 was unsuccessful in tracing the file and consequently the Appellant was not provided with the information sought. Moreover, inspite of the fact that the Respondent No. 1 complied with the requirements of section 4 of the RTI Act by maintaining the records in order, the file in question continued to be untraced in the office of the Respondent No. 1.

6. Since the Tenancy Case file No. TNC/Jt. Mam/Addl/1/77 could not be traced the Respondent No. 1 could not provide the copies of the records of the said case disposed in the year 1978 and since all endeavor has been made by the Respondent No. 1 to locate the file and keep all records in order there is no question of any delay or negligence on the part of Respondent No. 1 to provide the information to the Appellant. With this observation the appeal is disposed off.

Pronounced on this 17th day of November 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

