

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Complaint No. 10/SCIC/2009

Shri R. G. Joshi,  
5, Suvihar Co-op. Housing Society,  
Near Power House, Pontemol,  
Curchorem-Goa

...Complainant.

V/s.

The Chief Officer,  
Curchorem Cacora Municipal Council,  
Curchorem – Goa

...Opponent.

Dated: 15.12.2009

ORDER

(Per Afonso Araujo)

The Complainant by request dated 14.01.2009 sought information under the Right to Information Act, 2005 (for short, the 'RTI Act') and it is as follows:

1. Is it true that without approval from the Town & country Planning Dept, the Curchorem Cacora Municipal Council has allowed Shri. Milagres Fernandes to construct a G+1 residential house in plot A of survey no. 161/1 at Bepqueggal, Curchorem-Goa. If not allowed by the Council then please provide proof in support
2. Is the construction of the above G+1 residential house in plot A of survey no. 161/1 at Bepqueggal, Curchorem-Goa legal?
3. With reference to the letter 14/110/07-DMA/CUR/Part file/1663 dt. 6<sup>th</sup> Oct. 08, from Director of Municipal Admn. Why no action is taken by the Chief Officer on the residential house in plot A of survey no. 161/1 at Bepqueggal, Curchorem-Goa? After the receipt of the letter is site inspection carried out? Kindly provide certified copy (or copies) of the noting sheet/s of the site inspection carried out after the receipt of aforesaid letter.

...2/-

4. Please reproduce Building Bye Law 13 for reference. Before issuing Occupancy Certificate was this Building Bye Law 13 applied to the construction of the Residential House in plot A of survey no. 161/1 at Bepqueggal, Curchorem-Goa? If not applied then please kindly explain why not applied?

5. Is it true that without approval from the Town & Country planning Dept. the Curchorem Cacora Municipal Council has allowed Shri. Raghunath Ghadi to construct a G+2 residential house in plot 3 of survey no. 139/1 at ward II Pontemol, Curchorem-Goa? If not allowed by the Council then please give proof that the existing building is not G+2.

6. Is it true that without approval from the Town & Country Planning Dept. the Curchorem Cacora Municipal Council has allowed Shri Raghunath Ghadi to construct compound wall so also to acquire more land in excess of the approved plot? If not allowed by the Council then please give proof that the compound wall is correct in these regards.

As the information sought was not provided, the Complainant approached this Commission with the present Complaint.

2. The information sought at Sr. No. 1, 2, 3 and 4 pertains to construction carried by one Milagres Fernandes and information at Sr. No. 5 and 6 is in respect of construction carried by one Raghunath Gadi. In order that the information sought, should be called information within the meaning of "information" under the RTI Act should be in the form of records or documents with the Public authority. In the information sought at sr. No. 1 the Complainant takes for granted that the construction carried by one Mr. Milagres Fernandes was done without any approval by the Town & Country Planning Department, the Municipal Council allowed this construction and the information required is the proof "if the construction was not allowed". The manner the Complainant sought this information is not the information from the records but opinion

of the Public Information Officer which cannot be considered as information within the meaning of RTI Act. So also the information sought at Sr. No. 2 is an opinion of the Public Information Officer as the Complainant requires to know whether the said construction is illegal.

3. The information sought at Sr. No. 3, the Complainant firstly, requires to know why no action was taken by the Chief Officer regarding the said construction and secondly, whether the site inspection was carried and requires certified copies of the noting sheets of the site inspection. The first part of the information as to the reasons for not taking any action is not information within the meaning of information under the RTI Act since the Complainant is seeking opinion of the Public Information Officer. But the Complainant is entitled for noting sheets of site inspection if the same has been carried as this information is from the records. Whether bye-law 13 was applied or not at the time of issuing Occupancy Certificate, is not for the Public Information Officer to decide and as such is not information within the meaning of RTI Act and the information sought at Sr. No. 4 is again an opinion of the Public Information Officer. The information at Sr. No. 5 and 6 pertains to construction of one Raghunath Ghadi and it was sought in the same manner as at Sr. No. 1 and 2 which is in the form of opinion which is not information within the meaning of information under the RTI Act.

4. Since the information sought at Sr. No. 1, 2, 3 (1<sup>st</sup> part), 4, 5 and 6 is not information within the meaning of the RTI Act, the Complainant is not entitled to the same but only for information at 2<sup>nd</sup> part of Sr. No. 3. The Opponent is directed to provide this information at 2<sup>nd</sup> part of Sr. No. 3 and which is noting sheets of the site inspection, if any carried, within the period of twenty days from the receipt of this order and report compliance on 15.01.2010.

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



