

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner  
Complaint No. 11/SCIC/2009

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

V/s.

The Chief Officer,  
Curcholem Cacora Municipal Council,  
Curcholem – Goa ...Opponent.

Dated: 15.12.2009

O R D E R

(Per Afonso Araujo)

The Complainant by request dated 23.02.2009 sought information under the Right to Information Act, 2005 (for short, the 'RTI Act') and it is as follows:

"1] One Mr. Raghu Ghadi has constructed illegal 2<sup>nd</sup> floor and illegal compound wall in plot 3 of S. No. 139/1 at Pontemol Curcholem Goa;

Unless CCMC approves this illegal construction, kindly comment as Competent Authority, on the reason/s for not taking action on the illegal construction since 22<sup>nd</sup> June 2007 till date?

2] CCMC has issued show cause notices and final notices to the illegal construction done by Mr. Raghu Ghadi in plot 3 S. No. 139/1 at Pontemol Curcholem;

Unless it is meant to imply that the CCMC has already revoked the occupancy certificate issued to the house, kindly give your comments on what valid grounds the occupancy certificate was issued to the newly constructed house in plot no. 3, S. No. 139/1 which has illegality?

...2/-

3] As per available documents, CCM Council has special authority to directly approve and sanction construction and Suvihar Co-op. Hsg. Society Ltd. Already has occupancy certificate.

Unless you confirm that CCMC has to get approval from Town & Country Planning Dept., as Competent Authority kindly explain in clear words, the procedure to be followed to avail the privilege like the one given to Mr. Raghu Ghadi and construct a 2<sup>nd</sup> floor on the existing building without plan or formalities?

4] As Competent Authority can you confirm for sure, that CCM Council is dispersing perfect & honest application for construction, in compliance with the 'Citizen's charter' and the manifesto displayed outside it's office?

5] Suvihar Co-op. Hsg. Society Ltd. has applied on 24.7.2006 for construction of compound wall & gate in S. No. 139/1;

Unless you mean to agree, that CCM Council has delayed sanction of this application knowingly and without intimation to the Society, kindly give day to day progress of the application file from table to table of CCMC office along with your comments on the time taken, during the following periods.

a) From 24.07.2006 to 27.11.2006, what was done in case of the above application?

b) From 19.06.2008 to 14.10.2008, what was done in case of the above application?

c) From 15.10.2008 to till date, what was done in case of the above application?

6] The encroachment by Mr. Raghu Ghadi in plot S. No. 139/1 of Suvihar Co-op. Hsg. Society Ltd. has been identified by CCMC;

Unless the Chief Officer disagrees with the contents of letter CCMC/Tech-Sec/2008-09/351 dated 2.2.2009, kindly give your comments how to start construction of the concerned compound wall & gate without removal of the encroachment?

7] According to available documents, the encroachment on public street by Mr. Raghu Ghadi in S. No. 139/1 is identified by CCMC.

Unless you agree that permanent encroachment on public street cannot be object for being construction in the street, please comment whether Councillor Ward 2 – Mr. Pradeep K. Naik has acted under provision of section 51(2)(f) to expedite removal of obstruction from public street?

8] According to available documents, the encroachment on public street by Mr. Raghu Ghadi in S. No. 139/1 is identified by CCMC.

Unless you approve that permanent encroachment on public street is not at all a loss to Municipal property, kindly comment, has the Councillor Ward 2 – Mr. Pradeep K. Naik acted under provision of section 92(2)(5), to expedite removal of the obstruction from public street and save the loss to CCMC?"

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, 6, 7 and 8 in the request dated 23.02.2009 is in respect of construction carried by one Raghu Ghadi and information at Sr. No. 3, 4 and 5 pertains to construction of Suvihar Cooperative Housing Society Ltd., (for short, the Society). On perusing the information at Sr. No. 1 the Complainant requires the reasons for not taking action which is not

information within the meaning of RTI Act. The information at Sr. No. 2 the Complainant takes for granted that Occupancy Certificate was revoked and wants comments on what grounds the Occupancy Certificate was issued which is also not information within the meaning of the Act. The Complainant in the information sought at Sr. No. 7 requires to know how Raghu Ghadi constructed second floor on the existing building without any plans or formalities. This information also does not come within the ambit of information under the RTI Act as the Complainant admits the construction of 2<sup>nd</sup> floor but requires to know what was the special consideration or privilege to the said Raghu Ghadi. So also the information at Sr. No. 4 the Complainant requires the opinion of the Opponent which is not also information under the RTI Act.

3. At Sr. No. 5 the Complainant states that the Society by application dated 24.07.2006 has applied for construction of compound wall and gate and requires to know the progress of the application made from particular period of time and the dates mentioned in the request at Sr. No. 5. The Complainant is entitled to know progress of the application dated 24.07.2006 submitted by the Society and without referring to the period and the dates mentioned at a, b and c at Sr. No. 5. The Respondent to provide the information as to what was the result of the application dated 24.07.2006 to construct the compound wall and gate by the Society. Regarding the information at Sr. No. 6, 7 and 8 the Complainant requires the comments on how the construction of compound wall and gate can be done without removal of the encroachment and what was the part played by Mr. Pradeep K. Naik to expedite removal of obstruction from public street. These queries cannot be said to be information under the RTI Act and being opinion of the Public Information Officer the Complainant is not entitled for such information.

4. The information sought at Sr. No. 1, 2, 3, 4, 6, 7 and 8 is not information within the meaning of RTI Act and the Opponent need

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not provide the information and the Complainant is entitled only for information at Sr. No. 5. The Opponent is directed to provide this information to the Complainant which is, what action has been taken on the application of the Society dated 24.07.2006 for construction of compound wall and gate (without referring to the period and dates mentioned at a, b and c), within a period of twenty days from the receipt of this order and report compliance on 15.01.2010.

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



