

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 107/SIC/2009

Shri Harihar V. Chodankar,  
D-5, 2<sup>nd</sup> Floor, Asilo Hospital Doctors Quarters,  
Feira Alta, Mapusa, Bardez – Goa.

..... Appellant.

V/s.

1. Public Information Officer,  
Administrator,  
Office of the Administrator of Comunidades,  
Of North Zone, Near Court, Mapusa,  
Bardez – Goa.
2. First Appellate Authority,  
The Additional Collector – I(North),  
Collectorate North Goa,  
Panaji - Goa.

..... Respondents.

Appellant in person.

Adv. B. D. Nazareth for Respondent No. 1.

## **J U D G E M E N T**

(Per Afonso Araujo)

The Appellant by request dated 20/05/2009 sought information under the Right to Information Act, 2005 and requires the certified copies of the documents namely the certificates of temporary possession of the plots issued from 01/04/1997 till date of the Comunidade of Serula; total number of Sub-Division of plots made under Survey No. 176/0 of Penha de France Village and total cost incurred on development of all these sub-divided plots surveyed under No. 176/0 of Penha de France Village.

2. The Respondent No.1, sought the assistance of the Public Authority of Comunidade of Serula and by communication dated 22/06/2009, the Attorney of Comunidade of Serula stated that Temporary Possession towards the Plot No. 31 of Survey No. 176/0 situated at Penha de France

...2/-

Village has been already given to the Appellant on 16/03/2008 and the Sub-division Plan showing the Plots is readily available in the Plot file. Not content with this information provided, the Appellant preferred the First Appeal and by Order dated 20/10/2009 the First Appellate Authority allowed the Appeal and directed the Respondent No. 1 to provide information within fifteen days. Since the Respondent No. 1 did not comply with the Order of the Respondent No. 2, the Appellant preferred this Second Appeal.

3. The request dated 20/05/2009 of the Appellant is for copies of the certificates of the temporary possession of plots issued from 1/4/97 to date of Comunidade of Serula and also the total number of sub-divisions and total cost incurred on development of sub-divided plots in survey No. 176/0 of Penha de France village. The reply to the question at Sr. No. 2 that the plans are available in the plot file is not proper. The information sought was specific and Respondent No. 1 should have answered specifically and not merely state that the information is available in the plot file. However, the manner the Appellant sought information at Sr. No. 1, requiring copies of all the certificates of temporary possession issued by the Comunidade of Serula from 1/4/97 to this date is not feasible and practical. It would have been proper if the information sought at Sr. No. 1 confines to certificates of temporary possession in respect of only survey No. 176/0 of Serula village, as the Appellant did in respect to information sought at Sr. No. 2(a) and (b).

4. The Respondent No. 1 by taking assistance under section 5(3) of the RTI Act from the Attorney of Comunidade of Serula provided the

information sought. Consequently, under section 5(4) of the RTI Act, the Attorney of Comunidade of Serula is Deemed Public Information Officer and he is required to provide the information directly to the Appellant. Hence, the following Order: -

**ORDER**

The Appeal is partly allowed. The Deemed Public Information Officer, Attorney of Comunidade of Serula to provide information to the Appellant to the request dated 20/05/2009 at Sr. No. 1 namely copies of certificates of temporary possession in respect of plots under survey No. 176/0 only and at Sr. No. 2 (a) and (b), within the period of 20 days and report compliance on 01/03/2010.

Pronounced on this 3<sup>rd</sup> day of February, 2010.

Sd/-  
(Afonso Araujo)  
State Information Commissioner



