

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner
Appeal No. 255/SIC/2008

Shri Francis Rodrigues,
Chamber No. 60, Rua Abade Faria,
Old Market,
Margao - Goa ... Appellant.

V/s.

- 1) The First Appellate Authority,
The Additional Collector,-I,
South Goa District,
Margao – Goa ... Respondent No. 1.
- 2) The Public Information Officer,
Administrator of Comunidades,
South Zone,
Margao – Goa ... Respondent No. 2

Appellant in person.
Smt. Remedía Rebello, representative for Respondent No.1.

JUDGMENT

(Per Afonso Araujo)

The Appellant by request dated 22.07.2008 sought information under the Right to Information Act, 2005 (for short, The RTI Act) and required that the Respondent No. 2 provide the Appellant the following:

- “1) Title Deeds/Documents of ownership/Deeds of lease pertaining to the property title “Zambulwadda” surveyed 8/1 and 8/2 situated at Zanodem Village of Quepem Tal. available on the records of the office of the Administrator of Comunidades South Goa on Comunidade of Mulem/Malkornem/Zanodem.
- 2) Any other documents on records of the Comunidade of the properties as mentioned at Sl. No. 1.
- 3) Any amounts/foro/etc. collected by the Comunidade from whom during the last 40 years in respect of the above mentioned properties mentioned at SL No. 1 above or any action taken in the matter for collecting the same as per the records”.

...2/-

2. The Respondent No. 1 by communication dated 01.09.2008 stated that the information sought was forwarded to the Comunidade of Malkornem and the Attorney of the Comunidade of Malkornem has requested time of twenty days to provide the information. In the letter dated 26.09.2008 the Respondent No. 1 stated that the Attorney of Comunidade of Malkornem in his letter dated 22.09.2008 has stated that the records asked by the Appellant are not available in the Comunidade's office and provided the copies of Comunidade of Zanodem, Matriz No. 2 and 4 and 48. Not satisfied with the information provided the Appellant preferred First Appeal on 06.10.2008 and by order dated 07.11.2008 the First Appellate Authority allowed the appeal and directed the Respondent No. 2 to furnish the information within seven days from the date of the order. As the Respondent No. 2 did not comply the order of the First Appellate Authority the Appellant preferred this Second Appeal.

3. The information sought in the request dated 22.07.2008 is in respect of property "Zambulwada" surveyed under No. 8/1 and 8/2 and situated in Zanodem Village, Quepem and the Appellant requires the Title Deeds/Documents of ownership/Deeds of lease, any other documents and any amounts or foro collected by the Comunidade. As the Respondent No. 2 forwarded this request of the Appellant to the Attorney of Comunidade of Malkornem, in the letter dated 22.09.2008 the Attorney of Comunidade of Malkornem replied that the documents required by the Appellant are not available in the records of the Comunidade and provided of Comunidade of Zanodem, Matriz No. 2, 4 and 48. It is not understood in what manner the Appellant came to the conclusion that this property Zambulwada which is situated in the village of Quepem belongs to the Comunidade of Malkornem or the Comunidade is its lessor.

4. It appears that without any basis the Appellant sought the information from the Respondent No. 2 regarding title documents of the property of Zambulwada. There is no material on record to show that the Comunidade of Malkornem is either the owner or lessor of the property in question. Perhaps as the name of the Comunidade of Malkornem figures in the survey records (mere statement of the Appellant and no survey records produced) the Appellant requires the title documents under the RTI Act. The Attorney of Comunidade of Malkornem provided the documents of Matriz Certificate No. 2, 4 and 48. This information provided has no connection with the information sought as the Matriz is not in respect of the property Zambulwada but the property Zanodem and it is not understood what made Respondent No. 2 to provide the Matriz Certificate of a different property than the one in question.

5. Since there are no records indicating that the property Zambulwada belongs to the Comunidade of Malkornem either by ownership or as lessor, the Respondent No. 2 is unable to meet the requirement to the information sought by the Appellant in his request dated 22.07.2008 and as such there is no need to proceed any further and the Appeal is disposed off.

Pronounced on this 24th day of December, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

