

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 51/2009

Mr. Anil B. Kambli,
H. No. 63, Ward No. 7,
Chimbel – Goa

... Appellant.

V/s.

1) Public Information Officer,
State Registrar-cum-Head of Notary Services,
Shrama Shakti Bhavan, 7th Floor,
Patto, Panaji – Goa

... Respondent No. 1.

2) First Appellate Authority,
The Secretary (Law),
Law Department, Secretariat,
Porvorim – Goa

... Respondent No. 2.

Appellant alongwith his Advocate Shri J. V. Naik.
Shri K. L. Bhagat, Advocate for the Respondents.

J U D G M E N T

(Per Afonso Araujo)

By request dated 03.12.2008 the Appellant sought information under the Right to Information Act, 2005 (for short ‘The RTI Act’) from the Respondent No. 1 and required copy of the approved sub-division Plan under Survey No. 21, sub-division 7 of plot No. 5 of Village Panchayat Chimbel of the Deed of Sale executed on 03.10.1985 (Sr. No. 813/85) alongwith a certificate copy of NOC under section. 49 (6) of Town & Country Planning Act, 1974 issued by the competent authority with No. PDA/T/6344/1229 dated 16.09.1985.

2. The Respondent No. 1 sought the assistance of the Civil Registrar-cum-Sub Registrar, Ilhas, Panaji and by letter dated 12.01.2009 the document namely, approved sub-division Plan was provided to the Appellant and in respect to NOC stated that NOC from PDA was not traceable. Not content with this reply the Appellant preferred the First Appeal and the First Appellate Authority

...2/-

by order dated 30.03.2009 directed the Respondent No. 1 to make all efforts to trace the concerned NOC. As the document NOC was not provided the Appellant preferred this Second Appeal.

3. The information sought by the Appellant consists of document of NOC which under the law is required to be produced at the time of executing the Sale Deed. It is an import document and unless the concerned party produced the NOC of the PDA no Sale Deed can be registered. In the Sale Deed executed on 03.10.1985 there is an endorsement of the Sub Registrar stating that N.O.C. u/s. 49(6) of Town & Country Planning Act, 1974 issued by the competent authority under No. PDA/T/6344/129 on 16.09.1985 was produced by the concerned party to the Sale Deed. It appears that the Respondent No. 1 is unable to provide the information sought, as the document is not found in the records. In such circumstances the proper course is that the concerned Public Authority in custody of all the sale deeds registered, file a police complaint about the missing of the NOC produced at the time of executing the Sale Deed on 03.10.1985. An enquiry is also required to be held on this missing document which has to be produced at the time of registration of the Sale Deed. Hence, the following order:

ORDER

The Appeal is allowed. The Sub-Registrar, Panaji, to file a police complaint on the missing of the document NOC No. PDA/T/6344/1229 dated 16.09.1985 produced at the time of registration of the Sale Deed dated 03.10.1985 at Sr. No. 183/85 of Sub-Registrar, Ilhas, Panaji.

2. The District Registrar (South), Panaji to hold an enquiry on this missing NOC No. PDA/T/6344/129 dated 16.09.1985 produced at the time of registration of the Sale Deed dated 03.10.1985 at Sr. No. 813/85 of Sub-Registrar, Ilhas, Panaji and submit the report within one month from the date of the receipt of this order.

:: 3 ::

A copy of this order to be sent to the Sub-Registrar, Panaji and District Registrar (South), Panaji-Goa.

Fixed for compliance on 07.04.2010.

Pronounced on this 19th day of February, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner