

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

Appeal No. 57/SIC/2009

Shri Eustaquio L. A. Mesquita,  
P. O. Tivim Industrial Estate,  
H. No. 161-A,  
D'Mello Vaddo,  
Acoi Mapusa,  
Bardez-Goa

... Appellant.

V/s.

1) The Dy. Collector & SDO,  
Public Information Officer,  
Mapusa,  
Bardez – Goa

... Respondent No. 1.

2) The Mamlatdar,  
Assistant Public Information Officer,  
Mapusa,  
Bardez – Goa

... Respondent No. 2.

Appellant in person.

Respondent No. 2 in person.

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

(Per Afonso Araujo)

The Appellant by request dated 16.02.2009 sought information under the Right to Information Act, 2005 (for short, 'The RTI Act') and require copies of all the notings, orders, title documents, etc., contained in the mutation file pertaining to the property named "BHATYER", surveyed under the Survey No. 26, sub-Div. 7 (Khata No. 21, Mutation No. 282) of Nerul, Bardez-Goa.

2. The Respondent No. 2 by communication dated 03.03.2009 stated that there are no records available in the office of the Talathi of Nerul and only form IX is available. Not content with this reply the Appellant preferred the First Appeal and by order dated 27.04.2009, the First Appellate Authority dismissed the appeal. Hence, this Second Appeal.

...2/-

3. In the form No. I and XIV of survey No. 26/7 of Nerul Village the name of L. I. Misquita is shown in the occupant's column and the number 282 is encircled by the side of the name of the occupant. The Appellant requires all the documents, notings or orders pertaining to the mutation Case No. 282. In the form No. IX at Sr. No. 282 it is mentioned Date: 18.09.1972 and the name L. I. Misquita, and further it is stated "occupant since before survey". However, the Appellant produced a copy of the form No. III – Index of Lands in respect of the property survey No. 26 Bhatyer having area 0.1675 Ha. Ars and Coconut garden. In this Form No. III the name of L. I. Misquita is shown as occupant and by its side the number 282 is encircled and down below the name of Domnie Misquita is bracketed. Though in the form No. IX the name of Domnie Misquita is not mentioned, in the Form No. III besides mentioning the name of L. I. Misquita and the mutation Case No. 282, the name of Domnie Misquita is bracketed. In such circumstances, the Appellant is entitled to know on what basis the name of Domnie Misquita was bracketed and the Respondent No. 2 is required to provide the documents mentioned in the request dated 16.02.2009. Hence, the following order:

### **ORDER**

The Appeal is allowed. The Appellant to produce form No. III – Index of Lands in respect of survey No. 26 of property Bhatyer to the Respondent No. 2.

The Respondent No. 2 in the light of Form No. III – Index of Lands produced by the Appellant, to provide the information sought in the request dated 16.02.2009 to the Appellant and report compliance on 26.03.2010.

Pronounced on this 23<sup>rd</sup> day of February, 2010.

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