

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 23/SIC/2009

Mr. Savio Britto,
H. No. P/10, Portais, Verem,
Reis Magos,
Bardez - Goa

... Appellant.

V/s.

1) The Public Information Officer,
Village Panchayat Secretary,
Reis Magos,
Bardez – Goa

... Respondent.

Appellant in person.
Respondent in person.

J U D G M E N T

(Per Afonso Araujo)

The Appellant on 16.03.2009 sought the following information under the Right to Information Act, 2005 (for short, 'The RTI Act'):

1) Approved Plan from Town & Country Planning, Mapusa office for proposed construction work in progress in property bearing Survey No. 29/8 and 29/9 of Reis Magos village. 2) N.O. Certificate issued to the concerned applicant from your Office for construction in Survey No. 29/9. 3) Construction Licence copy issued by the panchayat to the applicant of Survey No. 29/8 to construct compound wall and building, compound wall in Survey No. 29/9. 4). NOC for open water tank and to place broken glass pieces on compound wall in survey No. 29/9. 5) NOC for construction or renovation in survey No. 29/8, 29/9 and agenda of the meeting, proceedings of the meetings with regard to issue construction licence in survey No. 29/8 and 29/9. 6) NOC copy issued by Town & Country Planning and Public Works Department for 29/8 and 29/9.

2. By communication dated 16.04.2009 the Respondent provided the information as required in the request dated 16.03.2009. The Appellant without approaching the First Appellate Authority preferred this Second Appeal on the ground that the Respondent knowingly has provided incorrect, incomplete, misleading information and provided information

...2/-

which was not subject matter sought for. Considering the prayers of the Appellant this Appeal can be treated as Complaint.

3. The contention of the Appellant is that the information at sr. No. 1 and 6 instead of producing the plan and NOC respectively of Town and Country Planning, Mapusa (hereafter referred as 'Town Planning') produced plan and NOC of North Coastal Planning and Development Authority, Panaji (hereafter referred as 'Coastal Planning') and that the information at Sr. No. 2 instead of giving NOC for construction has given licence copy and that did not furnish information at Sr. No. 3 and 5. The submission of the Respondent is that whatever available in the records of the Panchayat was given to the Appellant.

4. On perusing the request of the Appellant dated 16.03.2009, the information sought at Sr. No. 1 to 6 is specific and the Respondent ought to have provided specific replies to the information sought. In fact information sought at Sr. No. 1 is in respect of approved plan from Town Planning of the construction work in the property bearing Survey No. 29/8 and 29/9 of Reis Magos Village. The information provided in respect of Survey No. 29/9 is of Coastal Planning and the Respondent did not provide the information in respect of Survey No. 29/8. In respect of information at Sr. No. 2 the Appellant requires NOC Certificate issued to the concerned applicant for construction in Survey No. 29/9 and the Respondent by producing the construction licence in respect of Survey No. 29/9 has met the requirements of the Appellant since there is no NOC Certificate for the concerned applicant for construction in Survey No. 29/9 but a licence for such construction which the Respondent has provided to the Appellant. The Appellant, at Sr. No. 3 of his request requires construction licence in respect of Survey No. 29/8 to construct compound wall and building and construction licence to construct compound wall in Survey No. 29/9. As the Respondent provided the information at Sr. No. 2 by producing the construction licence in respect of Survey No. 29/9, the Respondent could have provided also the construction licence in respect of building in Survey No. 29/8 as well as licence for the compound wall, if there is any. So also the construction licence of the compound wall in respect of Survey No. 29/9.

5. The information at Sr. No. 5 consists of two parts and the first part the Appellant requires NOC for construction or renovation in Survey No. 29/8, 29/9 and in the second part requires the agenda, proceedings of the meetings with regard to issue of construction licence in Survey No. 29/8 and 29/9. The NOC for construction is already covered in the request at Sr. No. 2 and 3 in respect of Survey No. 29/8 and 29/9 respectively and in case there are any licence for renovation in Survey No. 29/8 and 29/9 the Respondent is required to provide the same to the Appellant. In respect of second part of the request at Sr. No. 5, the proceedings of the meetings provided by the Respondent is not in respect of Survey No. 29/9 and nothing has been given in respect of Survey No. 29/8. The Respondent by providing information at Sr. No. 6 has given to the Appellant NOC from Coastal Planning when the Appellant requires NOC by Town Planning and Public Works Department for Survey No. 29/8 and 29/9.

6. The information provided by the Respondent indicates that it does not answer the requirements of the Appellant and before dealing with the question of penalty to be imposed it would be proper that the Respondent specifically provide the information to the Appellant. Hence, the following order:

ORDER

The Respondent to provide information sought at Sr. No. 1, 3, 5 and 6 in the request dated 16.03.2009, to the Appellant within the period of twenty days from the date of receipt of the Order and report compliance.

Pronounced on this 09th day of March, 2010.

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