

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 16/SIC/2009

Miss. Helena D. Lourenco,
H. No. 610, Cujira,
Oilem Bhat, Santa Cruz
Tiswadi – Goa

... Appellant.

V/s.

1) The Public Information Officer,
Block Development Officer, Tiswadi,
Office of the Block Development Officer,
Panaji – Goa

... Respondent No. 1.

2) The First Appellate Authority,
Deputy Director of Panchayats, North,
Directorate of Panchayats, Junta House,
3rd Floor, 3rd Lift,
Panaji – Goa

... Respondent No. 2.

Appellant in person.

Respondent No. 1 in person.

J U D G M E N T

(Per Afonso Araujo)

Not content with the decision of the Public Information Officer – Respondent No. 1 as well as with the Order of the First Appellate Authority-Respondent No. 2, the Appellant preferred this Second Appeal.

2. On a complaint by Appellant and other villagers of Santa Cruz, a Memorandum was issued dated 15.11.2007 by the Respondent No. 1 to the Secretary of the Village Panchayat (hereafter referred to as ‘Secretary’) to place the said complaint at the meeting of the Village Panchayat in order to verify the facts alleged in the complaint and necessary action to be taken against the illegality, if any, and submit action report to the Respondent No. 1 on or before 28.11.2007 so as to further submit it to the Respondent No. 2.

...2/-

3. The Appellant on 1st March, 2009 sought the information under the Right to Information Act, 2005 (for short 'the RTI Act') and required the Respondent No. 1 to furnish action report submitted by the Secretary in pursuance of the Memorandum dated 15.11.2007 issued by the Respondent No. 1. There is nothing on record to indicate in what manner the Respondent No. 1 answered the information sought by the Appellant in her request dated 07.03.2009. It is only in the Judgment and Order of the Respondent No. 2 that the Respondent No. 1 provided the information by way of producing copy of letters dated 10.10.2008 and 11.01.2008 of the Secretary and sent to the Respondent No. 1 in pursuance to the Memorandum dated 15.11.2007.

4. The grievance of the Appellant is that the Respondent No. 1 furnished some copies of documents submitted by the parties which were not called for by the Appellant and that the Appellant does not require that some action should be taken against those parties but only requested that the copy of the action taken report be furnished to the Appellant. In fact the Appellant did not ask for any action to be taken by the Respondent No. 1 but merely sought only action taken report. The request of the Appellant in the letter dated 05.03.2008 was specific and the Respondent No. 1 should have specifically provided the required report if it was prepared in compliance to the Memorandum issued by the Respondent No. 1.

5. Now, the question for determination is whether those two letters dated 10.10.2008 and 11.01.2008 can be construed as the action report in compliance to the Memorandum dated 15.11.2007 issued by the Respondent No. 1. It appears that the complaint was filed by the Appellant and other villagers of Santa Cruz in view of some illegalities noticed in the constructions of U. B. Kenkre, Kenkre Hospital, Shantadurga Sadan, Café Coffee Day, etc., for which a Memorandum was issued by Respondent No. 1 on 15.11.2007

directing the Secretary to place the said complaint before the Panchayat meeting and submit the action taken report on or before 28.11.2007. In fact those two letters dated 10.01.2008 and 11.01.2008 are in reference with the complaint of the Appellant and other villagers and the Memorandum of the Respondent No. 1. The letter dated 10.01.2008 refers to the copy of the notice issued by the Village Panchayat against M/s. Shantadurga Sadan and notice to start a business centre by Dr. Sunil Kenkre. The letter dated 11.01.2008 refers to approved plans and permissions to M/s. Shantadurga Sadan and also the permission for construction of residential-cum-commercial complex of U. B. Kenkre. On perusing those two letters dated 10.01.2008 and 11.01.2008 it indicates that the Secretary dealt with the complaint of the Appellant and other villages and the Secretary followed the instructions in the Memorandum by placing the reply before the Panchayat body meeting thereby, though not specifically but indirectly, complied with the Memorandum of the Respondent No. 1.

6. Since there were no illegalities in the constructions which were subject matter of the complaint of the Appellant and other villagers, the Secretary by submitting to the Respondent No. 1 two letters dated 10.10.2008 and 11.01.2008 indicated that the constructions were in order and there was no need to take any action against those constructions mentioned in the complaint of the Appellant and other villagers, thereby complied with the directions in the Memorandum of Respondent No. 1 dated 15.11.2007. With these observations, the Appeal is disposed off.

Pronounced on this 26th day of February, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner