

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 62/SIC/2009

Jacinto M. Sequeira,
"Bonglo De Jacinto"
Tivim-Auchit Vaddo,
Bardez – Goa

... Appellant.

V/s.

1) The First Appellate Authority,
Block Development Officer II, (North),
Bardez – Goa

... Respondent No. 1.

2) The Public Information Officer,
Village Panchayat Secretary,
Village Panchayat Tivim,
Bardez – Goa

... Respondent No. 2.

Appellant in person.
Shri Palkar for Respondent No. 2.

J U D G M E N T

(Per Afonso Araujo)

The Appellant on 30.03.2009 sought information under the Right to Information Act, 2005 (for short, 'The RTI Act') and in reference to the letter of the Appellant dated 06.02.2009 requires from the Respondent No. 2 to furnish certified copy of the report of action taken on 15.12.2008 after the inspection was carried out by the Village Panchayat authorities of Survey No. 347/2. In the reply dated 24.12.2009 the Respondent No. 2 stated that the copy of the report dated 15.12.2008 is not available in the Village Panchayat Thivim and the Respondent No. 1 has not done any inspection on 15.12.2008 being a Sunday.

2. Not satisfied with the reply the Appellant preferred the First Appeal and by Order dated 10.07.2009 the First Appellate Authority and referring to earlier letter of the Appellant dated 06.02.2009 addressed to the Sarpanch, directed the Respondent No. 2 to furnish the copy of the report if available with the Panchayat within seven days. Since there was no compliance of this order, the Appellant preferred this Second Appeal.

3. On perusing the letter dated 06.02.2009 the Appellant requires the report on action taken in respect of houses and which were inspected by

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the Sarpanch, Panch, Comunidade representatives and many locals of Thivim after the Gram Sabha and the police were called for site investigation. As the Respondent No. 2 did not reply to the letter dated 06.02.2009, information was sought on 30.03.2009 under the RTI Act and at Sr. No. 1 the Appellant required certified copy of the report of action taken after the site inspection and at Sr. No. 2 certified copy of site inspection report. The Respondent No. 2 in his reply dated 25.04.2009 to the information sought at Sr. No. 1 has stated that letter dated 06.02.2009 is not addressed to the Secretary, therefore, copy of the report cannot be furnished. It may be pointed out here that the letter dated 06.02.2009 was addressed to the Sarpanch was not under the RTI Act. It was the letter dated 30.03.2009 that the information was sought under the RTI Act and addressed to the Public Information Officer who happens to be the Secretary of the Panchayat. For all purposes once the information was sought on 30.03.2009 and referring to the Appellant's earlier letter dated 06.02.2009 the Respondent No. 2 must provide to the Appellant copy of any report prepared and cannot say that the letter dated 06.02.2009 was not addressed to the Secretary and the report cannot be furnished. In case the Panchayat authorities, whether it is the Sarpanch or the Secretary, have prepared the report on the action taken regarding the houses which have come up on 30th and 31st January 2009 on Panchayat road, then the Respondent must provide the information at Sr. No. 1 to the request dated 30.03.2009 to the Appellant.

4. As regards information at Sr. No. 2, the site inspection report which the Appellant requires, it appears that no such site inspection report was prepared though many authorities were present for such inspection. The Respondent has to provide information from the records and not create information and once there is no site inspection carried there is no question of providing any inspection report sought by the Appellant at Sr. No. 2 to the request dated 30.03.2009.

With these observations, the Appeal is disposed off.

Pronounced on this 26th day of March, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner