

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 80/SIC/2010

Shri Lirio Lopes Lobo,
H. No. 732, Sataporio Ward,
V. P. Moira, Bardez,
Goa – 403 514

... Complainant.

V/s.

The Public Information Officer,
Secretary,
Village Panchayat of Moira,
Moira, Bardez,
Goa – 403 514

... Opponent.

Complainant in person
Opponent in person.

Dated: 22.04.2010

ORDER

On 05.01.2010 in reference to the letter No. VP/MOI/F/Site Inspection Notice 08-09/1559 dated 06.02.2009 issued by the Secretary, Village Panchayat Moira, based on the Power of Attorney executed by Mrs. Edith Lobo Castelino in favour of Lenorado Lopes Lobo, the Complainant required the following document under the RTI Act:

1) Power of Attorney of Mrs. Edith Lobo Castelino, Sataporio, Moira, in favour of Leonardo Lobo. The Opponent by communication dated 29.01.2010 stated that the said Power of Attorney was not available. Aggrieved by this decision the Complainant initiated the present Complaint with the prayer to direct the Opponent to provide the information sought.

2. Shri Lopes submitted that the Opponent has acted upon the document of Power of Attorney and issued a notice of demolition and he requires this document of Power of Attorney to produce before the higher authorities. Smt. Parab stated that the notice of

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demolition was issued based on the statement of Power of Attorney holder and this document of Power of Attorney was not produced.

3. It appears that on the strength of the statement made by Leonardo Lopes Lobo that he is the Power of Attorney holder of Mrs. Edith Lobo Castelino, a notice was issued by the Village Panchayat against the Complainant and now the Complainant requires this document of Power of Attorney to be produced before the authority where the demolition notice is challenged. The Opponent in all fairness should not have acted on the mere statement of said Leonardo Lopes Lobo but require him to produce the documents of Power of Attorney and then issue the notice of demolition. Whether the Secretary of the Village Panchayat has acted in proper manner or not, it is not in the domain of the RTI Act and the Complainant to agitate this issue in the proper forum. Since the information under RTI Act is from the records and the Opponent cannot create this document and cannot also call this document from the concerned person, the Opponent has rightly answered that the document of Power of Attorney is not available in the office of the Panchayat. In such circumstances there are no reasons to proceed further and this Complaint is disposed off accordingly.

Sd/-
(Afonso Araujo)
State Information Commissioner

