

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

Complaint No.64/SIC/2008  
In Appeal No. 56/SIC/2008

Shri Alexinho Monserrate,  
Santarbhat, Piedade,  
Divar, Ilhas – Goa

... Complainant.

V/s.

1) The Public Information Officer,  
Administrator, Central Zone,  
Office of the Comunidades,  
Panaji – Goa

... Opponent No. 1.

2) The First Appellate Authority,  
Additional Collector,  
Office of the Collector,  
North Goa Collectorate,  
Panaji – Goa

... Opponent No. 2.

Complainant in person.

Opponent No. 1 alongwith Adv. Smt. V. Sawaikar.

**Dated: 06.04.2010**

**ORDER**

By Order dated 31.08.2009 passed in the above Complaint the Opponent No. 1 was ordered to give directions to the Clerk/State Registrar of Comunidade of Navelim to submit detailed report on the circumstances and the basis on which the property bearing survey No. 189/7 of Village Navelim and which is plot No. 67/A under old plan No. 16158 of the Comunidade of Navelim, was recorded in the name of Lucinda Maria G. De Noronha de Menezes. Accordingly, the Opponent No. 1 by Memorandum dated 11.11.2009 directed the Escrivao/Registrar of the Comunidade of Navelim to comply with the directions of the Order of the Commission dated 31.08.2009.

...2/-

2. On 11.12.2009 the Clerk/Registrar of Comunidade of Navelim in compliance of the Order of the Commission submitted report stating the earlier Clerk/Registrar Shri Deepak Shirgaonkar was suspended in the year February 2005 and he had given incomplete charge to him and no old records have been handed over to the present Registrar and that he has made many complaints against said Shirgaonkar before the Opponent No. 1 and that important books Tombo 1<sup>o</sup> , Tombo 2<sup>o</sup> B. Agremensor, Cadestral Planta were not handed over to him and he had tried to collect the records from the Village Panchayat and Directorate of Settlement and Land Records and that information was not available and that without the said records it was not possible for him to ascertain the facts about the aspects that involved in the allotment of Comunidade land to a private person i.e. Lucinda Maria G. De Noronha de Menezes. From the reports submitted by the Escrivao/Registrar, it indicates that at the time of handing over the charge of the records specially the old ones of Comunidade were not given by earlier Registrar, Deepak Shirgaonkar. Besides, the Escrivao/Registrar has written to the other authorities of Village Panchayat and Directorate of Settlement and Land Records but nothing could be gathered from those replies given by the respective departments on this aspect of land of Comunidade being allotted to a private person. It is strange that when there is a specific procedure to be followed by the Comunidade under the Code of Comunidades in allotment of land, there are no records indicating that the particular land of the Comunidade of Navelim was allotted to a private person by name Lucinda Maria G. De Noronha de Menezes. It is strange also that the Opponent No. 1 who is controlling authority of all the

Comunidades, is not aware of such transactions where all the files have to pass through the Respondent No. 1 for approval of the Government.

3. The primary concern of any Public Authority is to provide information to the information seeker. The Opponent No. 1 even through the Escrivao/Registrar of the Comunidade of Navelim could not provide the information to the Complainant regarding allotment of Comunidade land to a private person. In spite of the fact that the Appeal No. 56/SIC/2008 has been disposed off and these proceedings are to be concluded, by keeping in view the true spirit of the RTI Act, it will be always open to the Complainant to require the information sought and to the Escrivao/Registrar to provide the information to the Complainant. The Comunidade of Navelim has not kept its records in proper order specially the old ones and it was difficult for the Escrivao/Registrar to provide the information to the Complainant and no negligence can be attributed to the Escrivao/Registrar. However, the Complainant was put to much inconvenience in obtaining this information required for which he requires to be compensated.

With these observations the following order:

- 1) The Escrivao/Registrar to provide the information sought by the Complainant.
- 2) The Public Authority of Comunidade of Navelim to comply with the mandate of section 4(1) (a) of the RTI Act and maintain all the records duly catalogued and indexed.
- 3) The Public Authority of Comunidade of Navelim to pay the amount of Rs. 2,000/- to the Complainant.

The Public Authority, Administrator, Central Zone, Panaji, as a controlling authority to ensure that the Public Authorities of the Comunidade of Navelim comply with the order.

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A copy of the order to be sent to the President, Comunidade of Navelim, Divar, Tiswadi - Goa.

Pronounced on this 6<sup>th</sup> day of April, 2010.

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