

GOA STATE INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 38/2006/PAN

Cosme Romaldo Silveira
B-1, Jae Juee Appts.,
Opp. Tilak Maidan,
Vasco-da-Gama.

..... Appellant.

V/s.

1. Public Information Officer
Dy. Director of Panchayats,
Comunidade Building,
Margao - Goa.
2. First Appellate Authority
Director of Panchayats,
Junta House, Panaji - Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner

(Per A. Venkataratnam)

Under Section 19 (3) of the RTI Act, 2005 (Central Act 22 of 2005)

Dated: 07/12/2006.

Appellant alongwith authorized representative in person.

Respondent No. 1 in person.

Respondent No. 2 absent.

ORDER

This disposes off the second appeal dated 16/10/2006 filed by the Appellant saying that no order was passed on his first appeal dated 4/9/2006. The original request was filed by the Appellant on 27/7/2006 before the Dy. Director of Panchayats, Margao, the Respondent No. 1 herein. He requested the action taken by the Respondent No. 1 on 2 Memoranda issued by her earlier, one to the Village Panchayat Secretary of Chicalim dated 8/2/2006 and another dated 13/4/2006 issued to the B.D.O. of Mormugao block. The Appellant wanted the replies of both the officials received by the Respondent No. 1. The Respondent No. 1 has given a reply to the Appellant on 30/8/2006 saying that in

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the case of memo to the Panchayat Secretary she did not receive any compliance report and therefore cannot furnish the document requested. In the second case, information was given to the Appellant of the action taken by the B.D.O. Mormugao in compliance with her Memorandum dated 13/4/2006 issued to the B.D.O. Not satisfied with the reply, the Appellant moved first appeal on 4/9/2006 to the Director of Panchayats. The Director of Panchayats closed the matter on 15/11/2006 as the Panchayat Secretary, Chicalim submitted that the information was already given to the Appellant on 18/10/2006. The Respondent No. 2 was not present but filed the written submission and enclosed copy of the Roznama of appeal case.

2. Both the Respondents filed their written statements on 28/11/2006. They have stated the action taken by them on the request of the Appellant and the first appeal filed by the Appellant respectively. The Appellant moved the second appeal before the Commission on 16/10/2006 praying for (i) the detailed explanation of V.P. Secretary of Chicalim for issuing of notice to the party when the construction was within the permission of the Panchayat (ii) Compliance report to the B.D.O. Mormugao in connection with Memorandum dated 13/4/2006 issued to him by the Respondent No. 1.

3. We have gone through the records and found that the grievance of the Appellant is that a stop notice was issued on 22/11/2005 by the B.D.O. of Mormugao in respect of a construction being undertaken by the Appellant with the permission of the Village Panchayat of Chicalim on the certain conditions. It appears that a complaint was received by the B.D.O. regarding the construction of the Appellant not in accordance with the licence granted to him by the Panchayat. Accordingly, in exercise of powers vested on him under Section 66 (6) of the Goa Panchayati Raj Act, the BDO of Vasco issued the said stop notice with directions to the Panchayat Secretary, Chicalim to inspect the site, draw a check list, panchanama and the sketch of the illegal construction by inspecting the site. The V. P. Secretary drew a sketch and inspection report with the help of the extension officer (RE) of the block on 18/01/2006 and submitted the report on 10/2/2006 to the BDO. On 24/7/2006, the Appellant has filed the request under Section 6 of the Right to Information Act before the Dy. Director of Panchayat, Margao to get some more details from the Respondent No.1. The Respondent No. 1 did not get any reply from the V.P. Secretary of Chicalim and

accordingly informed the Appellant. The information was submitted on 18/10/2006 to the Appellant, two days after filing of the second appeal by the V.P. Secretary to the Appellant. The contention of the Appellant is that the information given to him by the V.P. Secretary is misleading. We have perused the reply dated 18/10/2006 of the V.P. Secretary and find that he mentioned about the inspection report dated 10/2/2006. The Appellant says that this is a wrong date and wrong information as the inspection was conducted on 18/01/2006 and not 10/2/2006. We do not find any discrepancy in the information supplied to the Appellant. Though the inspection was conducted on 18/01/2006, the report was submitted by the Panchayat Secretary on 10/2/2006. This matter was agitated even before the Collector of South Goa and BDO has already clarified this to the Dy. Collector (Revenue), Office of the Collector of South Goa by his letter dated 3/4/2006. There is, therefore, no force in the argument of the Appellant.

4. We also find that the relief's claimed by the Appellant before us are not relevant and cannot be granted under the RTI Act. The first is regarding the issuing of notices to the parties when the construction is within the permission of Panchayat. This is already been explained by the Secretary of the Village Panchayat that the construction is not in accordance with the permission granted and hence, construction is illegal. He has already explained that the Appellant is required to keep a 40 mts. set back on the northern side of the construction as approved by the Panchayat, whereas the Appellant has kept only 30.5 mts. Hence, the stop notice was served on him. No further explanation needed. The second request is about the compliance report by the B.D.O., Mormugao in connection with replying to his superior namely, Dy. Director of Panchayat, Margao. The Appellant is not concerned with this internal correspondence, as he has been given the information requested. However, he can inspect the file of the Dy. Director of Panchayat after making a request to that effect and paying a necessary fees, if so desires. With this above discussion, nothing further survives to be decided in the appeal. Accordingly, the appeal is dismissed.

(A. Venkataratnam)
State Chief Information Commissioner, GOA.

(G.G. Kambli)
State Information Commissioner, GOA.