

GOA INFORMATION COMMISSION

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

Appeal No. 08/2008/

Mr. M. N. Navelkar,
Syne Court, 2nd Floor,
Near Gomantak Printing Press,
St. Inez, Panaji – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Senior Town Planner, NGDO,
Town & Country Planning Department,
Mapusa, Bardez – Goa.
2. First Appellate Authority,
The Chief Town Planner,
Town & Country Planning Department,
Panaji – Goa.

..... Respondents.

CORAM:

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

(Per G. G. Kambli)

Dated: 09/07/2008.

Shri. C. S. Barreto represented the Appellant.

Respondent No. 1 present in person. Respondent No. 2 was represented by his representative.

JUDGMENT

The present appeal is directed against the order dated 24/03/2008 passed by the Respondent No. 2 in first appeal No. 10/2008 whereby the appeal filed by the Appellant was dismissed.

2. The Appellant vide his application dated 28/01/2008 requested the Respondent No. 1 under section 6(3) of the Right to Information Act, 2005 (for short the Act) to furnish the information on 6 points. The Respondent No. 1 vide letter dated 26/02/2008 informed the Appellant that the information sought by the Appellant are beyond the domain of the Respondent No. 1. The Respondent No. 1 also informed the Appellant that the appeal lies to the Chief Town Planner within 30 days. Subsequently, the Respondent No. 1 by his letter dated

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18/03/2008 informed the Appellant that efforts in the form of thorough search of the file was made to trace out the letter of the Adv. Domina D'Souza and the missing plan. He has also informed the Appellant that no Police complaints have been lodged. The Appellant preferred the first appeal before the Respondent No. 2 who dismissed the same on the ground that the information sought by the Appellant was already given by the Respondent No. 1. Hence, the present second appeal. Upon issuing notices, the Respondent No. 1 filed the reply. The Appellant filed the written submissions.

3. At point No. 1, the Appellant wanted to know "the efforts taken to trace the letter of Adv. Domina D'Souza and if not done so far, the reasons for doing so". The Respondent No. 1 by his subsequent letter dated 18/03/2008 had informed the Appellant that the efforts were made in the form of thorough search. Thus the information sought at point No. 1 has been provided by the Respondent No. 1 to the Appellant. At point No. 2, the Appellant inquired from the Respondent No. 1 as to "whether the Police complaint has been lodged in respect of the said letter and if not done so far, the reasons for doing so". The Respondent No. 1 has informed that no complaint has been lodged. Thus, information on point No. 2 has also been provided to the Appellant. At point No. 3, the Appellant wanted to know the efforts taken to trace the missing plan which is not available in the file as stated at item No. 8 of the letter dated 21/05/2007 of the Respondent No. 1. The Respondent No. 1 already informed the Appellant vide letter dated 18/03/2008 that a thorough search was made to trace the missing plan. Hence, the Respondent No. 1 has also provided the information on point No. 3. At point No. 4, the Appellant wanted to know whether Police complaint was lodged in respect of said missing plan and Respondent No. 1 had informed that no Police complaint has been lodged.

4. At point Nos. 5 and 6, the Appellant sought views/comments of the Public Information Officer as to how the plans were approved in the year 1985 and 87 which was not in conformity with the partition deed and when the matter was sub-judice. The Public Information Officer is not expected to offer any views or comments on the decision taken by the public authorities or its officers. The duty of the Public Information Officer is to provide the copies of the documents which are available in the records. The information sought by the Appellant at points No. 5 and 6 does not fall within the term "information" as defined in section 2(f) of the Act.

5. We are, therefore, satisfied that the Respondent No. 1 has provided the information available in the office records. It is also pertinent to note here that the Appellant sought the reasons in respect of certain matters. The Public Information Officer is not supposed to give reasons for the decisions which are taken by the public authorities or officers of the public authorities. Hence, we do not find any merits in the present appeal. Thus, the following order is passed: -

ORDER

The appeal is dismissed.

Pronounced in the open court, on this 9th day of July, 2008.

Sd/-
(G. G. Kambli)
State Information Commissioner

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner