

GOA INFORMATION COMMISSION

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

Appeal No. 142/2007/Mam.

Shri. Antonio I. F. Barreto,
C/o Hotel 4 Pillars,
Rua de Ourem, Panaji - Goa.

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Appellant.

V/s.

1. Public Information Officer,
The Mamlatdar of Quepem,
Office of the Mamlatdar of Quepem,
Quepem – Goa..
2. First Appellate Authority,
The Deputy Collector & SDO,
Sub Division, Quepem – Goa.

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Respondents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 05/06/2008.

Appellant in person.

Both the Respondents also in person.

ORDER

The grievance of the Appellant in this case is that the Public Information Officer, Respondent No. 1, did not furnish information to his request dated 28/09/2007. His first appeal dated 30th November, 2007 to the Respondent No. 2 was dismissed. However, in the Appellate order, a direction was given by the first Appellate Authority to the Public Information Officer to give the information within 30 days from the date of the order. In spite of this order, the Appellant did not receive any information. Hence, the second appeal was filed on 17th March, 2008 praying, inter alia, for a direction to the Public Information Officer to provide complete information as well as to impose a penalty on the Public Information Officer and for compensation of Rs.5000/- to the Appellant and finally a direction for the refund of Rs.242/- by Respondent No. 1.

2. Notices were issued and all the parties have represented themselves and argued themselves. Written statements were filed by both the Respondents and written submissions were also filed by the Appellant.

3. The request of the Appellant is to furnish the information under the Right to Information Act, 2005 (RTI Act for short) regarding the certified copies of two decisions

...2/-

passed on Form No. X in two separate mutation cases No. 15266 and No. 14893 in respect of the mutation applications submitted for survey No.45/1 of Avadem village of Quepem Taluka. It is his case that two representations were made on 10th July, 2007 and 31st July, 2007 respectively in the two mutation cases. The case of the Respondent No. 1 is that he did not receive the request for information dated 28th September, 2007 at all. After verifying the inward register and also the RTI register of the Mamlatdar's office of Quepem, the first Appellate Authority upheld the contention of the Public Information Officer and dismissed the appeal. However, he has also issued a contradictory order directing the Public Information Officer to give the information treating the request afresh within 30 days from pronouncement of the Appellate order. The Mamlatdar, thereafter, has informed the Appellant the correct position in the matter as per para 12 of his written statement before us. The copy of the information letter said to have been enclosed as Annexure E is not annexed to the written statement. However, the Appellant by his letter dated 25/01/2008 requested for certified copies of the inward register as well as an extract of register maintained under the RTI Act for a period from 29/9/2007 to 31/10/2007. The Mamlatdar gave an extract after collecting the fees. The Appellant has now an additional grievance that Rs.242/- is collected from him for giving unnecessary documents, which is not required by him. However, on a perusal of his request dated 24/01/2008, we find that he requested for both the registers, inward register of the Quepem Mamlatdar's office as well as an extract of the register maintained under the RTI Act. We have also perused both these registers in original produced by the Public Information Officer. We find that Appellant has indeed requested for the extract of both the registers which were given after collecting fees. We, therefore, reject the prayer of the Appellant for refund of Rs.242/- collected for these documents.

4. On a perusal of both the registers, we find that there is no entry recorded in respect of the request of the Appellant dated 28/9/2007 in either of the registers. It is the case of the Appellant that the original request was sent by him by Registered post/acknowledgement due which was duly acknowledged by the Mamlatdar's office. A letter from the Postal Department alongwith the copy of the acknowledgement from the Mamlatdar's office was produced before us. The Public Information Officer after perusing the documentary evidence has submitted that there is no signature from any official from the Mamlatdar's office on the acknowledgement produced by the Appellant. At the column meant for the signature of the addressee, an endorsement "Sd/-" is found without any initial of anybody or the office stamp of Mamlatdar's office. In spite of the letter from the postal authorities, therefore, we give a benefit of doubt to the Public Information Officer. Accordingly, we hold that the grievance of the Appellant that he was not given the information initially by the Public Information Officer within statutory period is not found substantiated on facts.

5. This brings us to the order of the Appellate Authority directing the Public Information Officer to give the document to the Appellant if any within 30 days from the date of his order. The case of the Public Information Officer is that there is no document to be given to the Appellant because the representation made by the Appellant regarding the change of names of the occupants of the property in respect of which the mutations are applied for is a separate subject and cannot be treated as objections to the process of mutation itself as per the notice to the occupants in Form X. We are satisfied with the reply of the Public Information Officer. The Talathi for mutation of a taluka has no business to correct the names of the occupants as appearing in the record of rights. Even if the names are wrongly spelt and wrongly recorded, in the computes of the revenue office, Appellant has to seek a remedy under the appropriate law separately. He cannot expect an order to be passed on his representations. Consequently, the matter stands disposed off by the Mamlatdar having stated before us that no orders are required to be passed and were not passed on the representations of the Appellant dated 10/7/2007 and 31/7/2007 on two separate mutation cases.

6. As the grievance of the Appellant itself is unfounded, the further questions of imposing penalty on the Public Information Officer or compensating the Appellant do not arise. The appeal, therefore, is devoid of merit and is hereby dismissed.

Pronounced in the open court on this 5th day of June, 2008.

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

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