

GOA STATE INFORMATION COMMISSION

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

Appeal No. 23/2007-08/TCP

Shri Santosh M. Raiker
S-1, Unity Society, Dongrim,
Navelim, Salcete - Goa.

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Appellant.

V/s.

1. Public Information Officer,
The Member Secretary,
South Goa Planning & Development Authority (SGPDA),
Osia Complex, 4th Floor,
Margao - Goa.
2. First Appellate Authority,
The Chief Town Planner,
Town & Country Planning Department,
Dempo Towers, Patto,
Panaji - Goa.
3. Senior Town Planner,
Town & Country Planning Department,
Osia Complex, 4th Floor,
Margao - 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: 17/08/2007.

Appellant in person.

All the Respondents in person.

ORDER

The brief facts of this case are that on 20th March, 2007, the Appellant has filed a request for information on 7 points to the Senior Town Planner of Margao. On 10/4/2007, the request was transferred to the SGPDA stating that the file in which the information is available was already transferred to the SGPDA. The Member Secretary of the SGPDA, who is the Respondent No. 1 herein, did not furnish the information in time and further sent the Appellant back to the Senior Town Planner at Margao stating that the decisions were taken by the later when the work of SGPDA was looked after by the Town & Country Planning

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Department directly for some time. However, the file was in the possession of the SGPDA. When the matter was raised in the first appeal, the Respondent No. 2, in his capacity as first Appellate Authority, has directed the Respondent No. 3 to furnish the information within 15 days, date of his order namely, 22/5/2007. As the information was not given to the Appellant inspite of the order of the first Appellate Authority, the Appellant has come to this Commission by second appeal dated 18/6/2007.

2. Notices were issued to all the parties and the replies were filed by all the Respondents. The case of the Respondent No. 2 is that he has already given his directions to give the information. The Respondent No. 1 and 3 were still quarreling as to who should give the information. As a result, the Appellant did not get information even at the time of hearing of the second appeal. Before we go into the merits of the case, it is important to note that the second appeal is really not an appeal against the order of the first Appellate Authority. As the Appellant succeeded in the first appeal, there is really no case for him to come in second appeal. He should have actually gone to the first Appellate Authority for execution of his own order. It must be remembered that he is the head of the department and he is directly superior to the Senior Town Planner, Margao. He had administrative authority if not authority under the Right to Information Act, 2005 (for short the RTI Act) to enforce his order. Any way, we still assumed jurisdiction in the interest of the citizen and directed the Respondent No. 2 to convene a meeting of both the Respondents No. 1 and 3 to sort out the matter and furnish the information. They were also directed to file a compliance report.

3. The Respondent No. 2, thereafter, took the initiative and saw to it that the reply was furnished by the Respondent No. 3, that is Senior Town Planner of Margao, who issued the reply to the Appellant on 19/7/2007. However, on 24th July, 2007 when the matter came up before this Commission, the Appellant filed another statement mentioning that the information given by the Senior Town Planner, Margao is false and requested the Commission to take further action.

4. The request for information and the information provided are about the construction allegedly being made in two survey numbers in Margao town, namely Chalta No. 177/P.T.S. 231 and Chalta No. 217/P.T.S. 231. It is the case of the Appellant that an NOC was given by the Senior Town Planner, Margao for

construction in only Chalta No. 177 and not Chalta No. 217. This is agreed to by the Senior Town Planner in his reply given to the Appellant. Now, the Appellant found that the construction is going on in both the survey numbers contrary to the NOC given to the builder. This, according to him, is a false statement and incorrect information given by the Senior Town Planner, Margao, the Public Information Officer. We are afraid that we do not see his point. The Senior Town Planner did not say that NOC is for both the Chalta numbers. If the NOC is given for one Chalta Number and the construction is going on beyond the area approved, it is for the Appellant to take further action at the appropriate forum and not file a complaint against Public Information Officer for giving false information. The Appellant has also enclosed one inspection report by an expert to state that the construction is going on in Chalta No. 217 is illegal. We are afraid that we do not have jurisdiction to go into the matter on merits of this. This is altogether outside the purview of the RTI Act.

5. We have to dispose off the other prayers to take action against Public Information Officer for not giving information in time and making him to go from one office to another. We appreciate the difficulties faced by the Appellant in getting the information in the first instance. However, we also appreciate the difficulties of the Public Information Officer namely Senior Town Planner, Margao for not giving information in time as the records were with another authority. At our initiative, the records are called for and the information was given to the Appellant. Under these circumstances, we are not inclined to take any further action against the Public Information Officer. Nothing further survives and the appeal, therefore, is dismissed.

Announced in the open court on this 17th day of August, 2007.

Sd/-

(A. Venkataratnam)

State Chief Information Commissioner, GOA.

Sd/-

(G. G. Kambli)

State Information Commissioner, GOA.

/sf.

sf./km.